

Rahway Redevelopment Agency

MINUTES Regular Meeting October 5, 2007

CALL TO ORDER

The meeting was called to order at 6:35 P.M. in the Council Chambers

OPEN PUBLIC MEETINGS ACT

Chairman Rack noted that 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 saluted to the flag

ROLL CALL

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

Anthony Deige, Commissioner
Carlos Garay, Commissioner
James Ferrell, Commissioner
William Rack, Chairman
Timothy Nash, Commissioner
Courtney Clarke, Vice Chairman

The following official was absent:

Nancy Saliga, Commissioner

APPROVAL OF MINUTES

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

September 5, 2007 Regular Meeting

Yes: Commissioners Clarke, Deige, Saliga, Rack, Garay
Abstain: Commissioners Nash
Absent: Commissioner Saliga

CORRESPONDENCE

1. *Letter dated September 12, 2007 from Robert S. Goldsmith, Esq. to Francis X. Regan, Esq. General Counsel RRA, regarding Park Square at Rahway.*
 2. *Letter dated September 19, 2007 from Ronald Meloskie, Whitestone Associates, to Ellen Hutchinson, NJDEP, regarding Kagan Timko property.*
 3. *Letter dated September 25, 2007 from Francis X. Regan, General Counsel RRA, to Gerald W. Hull, Esq. regarding the Wheatena Property.*
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STATUS REPORTS

COMMENTS FROM THE PUBLIC

Larry Bodine, 1987 Lufberry Street commented on the Rahway Redevelopment Executive Director and an article that was published in the Star Ledger.

Bryan Derosher, 209 Albermarle Street stated that he was requesting a federal investigation on the RRA and he had contacted the Attorney General's Office.

Pat Casio, 1971 Barnett Street, also requested a federal investigation.

TREASURER'S REPORT

A summary of the Treasurer's activity was distributed at the meeting.

A motion was made by Commissioner Nash and seconded by Commissioner Clarke to accept and approve the Treasurer's report.

Yes: Commissioners Clarke, Garay, Nash, Ferrell, Deige, Rack

Absent: Commissioner Saliga

EXECUTIVE DIRECTOR'S REPORT

Peter Pelissier, Executive Director, reported:

- A \$770,000.00 bond ordinance was proposed for the Hamilton Laundry Project and the plans to demolish the laundry building and construct an outdoor amphitheater.
- Diversified Communities have joined with a major retail developer (DeBartolo Development) for the retail component of the Town Center Project. SDI is negotiating with Diversified Communities for an acceptable concept plan.
- Matzel and Mumford are having difficulty negotiating the purchase of the Wheatena property. The RRA will approve an updated appraisal of the property.
- The new sewer and water connection fees will provide additional revenue to the city and the redevelopment projects will be charged the new fees.
- 1st Thursdays was a big success and Tony Deige was commended on the event.

A motion was made by Commissioner Clarke and seconded by Commissioner Nash to accept and approve the Executive Director's report.

Yes: Commissioners Clarke, Nash, Ferrell, Garay, Deige, Rack

Absent: Commissioner Saliga

LEGAL REPORT

General Counsel Frank Regan reported that Matzel and Mumford are having problems negotiating the purchase of the Wheatena property. Mr. Regan stated that the RRA update an existing appraisal for the property and assist in the acquisition.

A motion was made by Commissioner Deige and seconded by Commissioner Clarke to accept and approve the Legal Report.

Yes: Commissioners Clarke, Nash, Ferrell, Garay, Deige, Rack

Absent: Commissioner Saliga

UNFINISHED BUSINESS

None

NEW BUSINESS

Presentations:

1. *Hal Horowitz – 1483 Main Street. Subdivide existing storefront (Sound-A-Rama). Mr. Horowitz requested approval to subdivide the interior of 1483 Main Street to create to retail spaces. Sound-A-Rama will occupy one unit the Main Street Barber Shop would relocate form the property next door to the newly subdivided unit.*

A motion was made by Commissioner Deige and seconded by Commissioner Nash to approve the proposed plan and recommend a zoning overlay be prepared to the CBD Redevelopment Plan.

Yes: Commissioners Clarke, Nash, Ferrell, Garay, Deige, Rack

Absent: Commissioner Saliga

2. *Daniel Murray – 209-19 West Main Street. Proposed Tattoo Parlor. Mr. Murray requested approval to open a tattoo studio in a newly renovated building. He stated that it would be a family-friendly, upscale studio. He also displayed a portfolio of his art work and explained the artistic value of a tattoo studio. The studio would be in compliance with all health regulations and city codes, with operating hours beginning at 11:00 AM and closing **no later** than 10:00PM.*

A motion was made by Commissioner Deige and seconded by Commissioner Nash to approve the proposed plan and recommend a zoning overlay be prepared to the CBD Redevelopment Plan.

Yes: Commissioners Clarke, Nash, Ferrell, Garay, Deige, Rack
Absent: Commissioner Saliga

Resolutions:

42-07: A RESOLUTION TO AWARD A PROFESSIONAL SERVICES CONTRACT TO MARC A. SCHACHTER

WHEREAS, there exists for the Rahway Redevelopment Agency, a need for the services of a firm specializing in appraisal consulting services to prepare an updated appraisal for Block 226, lot 1, Block 227, Lots 1 & 2, and Block 228, Lot 1, which are located in the Elizabeth Avenue Redevelopment Area; and

WHEREAS, the designated redeveloper for these properties, M&M at Wheatena Urban Renewal, LLC, shall pay the cost of this appraisal in accordance with the terms and conditions of its redeveloper designation; and

WHEREAS, the Treasurer has certified in writing hereon that funds are available; 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:

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 Marc A. Schachter, P.O. Box 302, Linden, New Jersey 07036 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 an amount not to exceed \$1,000.00 payable upon completion of the appraisal 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 October 3, 2007.

A motion was made by Commissioner Nash and seconded by Commissioner Clarke to approve Resolution 42-07.

*Yes: Commissioners Clarke, Nash, Ferrell, Garay, Deige, Rack
Absent: Commissioner Saliga*

43-07: RESOLUTION EXTENDING THE DESIGNATION OF DORNOCH RAHWAY II½ AS CONDITIONAL REDEVELOPER FOR THE PROPERTY KNOWN AS TAX BLOCK 317, LOT 15, BLOCK 318, LOTS 18, 19, 20, 21, 22 AND BLOCK 320, LOT 10 IN THE CENTRAL BUSINESS DISTRICT REDEVELOPMENT AREA FOR THE DEVELOPMENT OF A MIXED USE RESIDENTIAL PROJECT

WHEREAS, the properties known as Block 317, Lot 15; Block 318, Lots 18, 19, 20, 21, and 22; and Block 320, Lot 10 are located in the Central Business District Redevelopment Area; and

WHEREAS, Dornoch Rahway II½, LLC is the owner or contract purchaser of the properties known as Block 317, Lot 15; Block 318, Lots 18, 19, 20, 21, and 22; and Block 320, Lot 10 (the "Properties"); and

WHEREAS, Dornoch Rahway II½, LLC was re-designated as redeveloper for the Properties on April 11, 2007; and

WHEREAS, on July 11, 2007, the Rahway Redevelopment Agency adopted a resolution approving and authorizing the execution of a redevelopment agreement with Dornoch Rahway II½, LLC for the Properties; and

WHEREAS, the redevelopment agreement has not been executed and may require further revisions due to changes in the plans for redeveloping the Properties.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Rahway Redevelopment Agency that it hereby extends the conditional designation of Dornoch Rahway II½, LLC as redeveloper for the properties known as Block 317, Lot 15; Block 318, Lots 18, 19, 20, 21, and 22; and Block 320, Lot 10; located in the Central Business District Redevelopment Area in accordance with the following conditions:

1. That the period of the designation shall be retroactive to July 11, 2007 and shall be for an additional ninety (90) days from the date of adoption of this resolution;
2. That the Agency and Dornoch Rahway II½, LLC negotiate and agree upon the terms and conditions of a redevelopment agreement; and
3. That Dornoch Rahway II½, LLC pays any and all costs incurred by the Agency, including any fees required under the Agency's fee schedule pursuant to Resolution No. 35-06.

BE IT FURTHER RESOLVED, that said designation may be extended upon satisfactory demonstration that substantive progress has occurred in the negotiation of a redevelopment agreement. Any extension of the designation shall require approval by the Board of Commissioners.

BE IT FURTHER RESOLVED, that upon completion of negotiations on a redevelopment agreement the Rahway Redevelopment Agency shall be required to review and authorize execution of any and all related disposition and acquisition documents in order to effectuate the completion and implementation of this project.

Certified to be 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 October 3, 2007.

A motion was made by Commissioner Deige and seconded by Commissioner Clarke to approve Resolution 43-07.

*Yes: Commissioners Clarke, Nash, Ferrell, Garay, Deige, Rack
Absent: Commissioner Saliga*

44-07: A RESOLUTION TO AMENDING THE AWARD OF A PROFESSIONAL SERVICES CONTRACT TO WHITESTONE ASSOCIATES, INC. FOR ENVIRONMENTAL CONSULTING SERVICES RELATIVE TO THE FORMER WARWICK LABORATORIES, INC. SITE IN THE EAST INMAN AVENUE REDEVELOPMENT AREA

WHEREAS, pursuant to Resolution 26-07, adopted on July 11, 2007, the Rahway Redevelopment Agency (the "Agency") awarded a professional services contract to Whitestone Associates, Inc. ("Whitestone") for environmental consulting services relative to the former Warwick Laboratories, Inc. site (the "Property") in the amount of \$313,170.00, which contract is to be funded by a State of New Jersey Hazardous Discharge Site Remediation Fund ("HDSRF") grant, which grant includes the funding for the payment of New Jersey Department of Environmental Protection oversight costs estimated to be \$31,317.00; and

WHEREAS, the environmental consulting services authorized and awarded pursuant to Resolution 26-07 were based on a proposal from Whitestone, dated June 7, 2007, which proposal did not include the cost of Remedial Investigation tasks A and B, since these tasks were not funded by the HDSRF grant; and

WHEREAS, Remedial Investigation tasks A and B must be performed prior to the commencement of the other tasks set forth in Whitestone's June 7, 2007 proposal and the Agency has received a commitment from Lokilot II, LLC, the lessee/tenant of the Property to pay for the cost of these tasks in the amount of \$56,243.00; and

WHEREAS, Agency has already determined that there is a need for the services of a firm specializing in Environmental Consulting Services to perform a remedial investigations and interim remedial measures required by NJDEP for the property commonly referred to as the former Warwick Laboratories site located on Block 277, Lot 22; 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

WHEREAS, the cost of these additional professional services will be paid for from funds provided for by the lessee/tenant, Lokilot II, LLC.

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 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 a total amount of \$369,413.00, funded in part by an HDSRF grant and funds to be provided by the Property the lessee/tenant, Lokilot II, LLC, 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 October 3, 2007.

A motion was made by Commissioner Deige and seconded by Commissioner Clarke to approve Resolution 44-07.

*Yes: Commissioners Clarke, Nash, Ferrell, Garay, Deige, Rack
Absent: Commissioner Saliga*

COMMISSIONER'S COMMENTS

Commissioner Deige questioned the traffic changes on Main and Irving Streets and if the pattern change will affect loading zones. It was also suggested to prohibit parking on East Cherry Street and allow loading only.

Commissioner Garay inquired about the progress on the Dornoch projects and the large mound of dirt on the corner of Main and Poplar Streets. Executive Director Pelissier state that the corner (in question) was being cleared to make a temporary parking area for Luciano's Restaurant.

ADJOURNMENT

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

Respectfully submitted,

Cynthia Solomon
Assistant Secretary