

# **UNION COUNTY IMPROVEMENT AUTHORITY**

## **MINUTES OF THE MEETING of**

**Wednesday, May 4, 2011**

**6:00 PM**

The meeting was called to Order at 6:07 p.m.

Pledge of Allegiance was lead by Secretary Salerno.

The Notice of Compliance with Open Public Meetings Act was read by Project Director, Mark Brink.

Roll call of Commissioners showed that Secretary John Salerno, Commissioner Sebastian D'Elia, Commissioner Linda Hines, Commissioner Samuel McGhee and Commissioner Cherron Rountree were present; Chairman Tony Scutari, Vice Chairman Carolyn Vollero, Treasurer Joseph Miskiewicz, and Commissioner Walter Boright were absent.

A motion was made by Commissioner Hines to appoint Secretary Salerno as Acting Chairman, which was seconded by Commissioner McGhee. All Commissioners present voted on the motion in the affirmative.

Acting Chairman Salerno asked for a motion for approval of the Minutes for the February 2, 2011 meeting. On a motion made by Commissioner McGhee and seconded by Commissioner Hines. Roll call of Commissioners showed that Acting Chairman Salerno, Commissioner D'Elia, Commissioner Hines, Commissioner McGhee and Commissioner Rountree voted in the affirmative; Chairman Tony Scutari, Vice Chairman Carolyn Vollero, Treasurer Joseph Miskiewicz, and Commissioner Walter Boright were absent.

Acting Chairman Salerno asked for a motion for approval of the Minutes for the March 3, 2011 meeting. On a motion made by Commissioner McGhee and seconded by Commissioner Hines. Roll call of Commissioners showed that Acting Chairman Salerno, Commissioner D'Elia, Commissioner Hines, Commissioner McGhee voted in the affirmative; Commissioner Rountree abstained; and Chairman Tony Scutari, Vice Chairman Carolyn Vollero, Treasurer Joseph Miskiewicz, and Commissioner Walter Boright were absent.

### **RESO 28-2011**

#### **RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY CONCERNING REVIEW OF FINDINGS AND RECOMMENDATIONS OF THE LOCAL FINANCE BOARD MADE AT A MEETING OF SAID BOARD ON NOVEMBER 10, 2010 IN ACCORDANCE WITH N.J.S.A. 40A:5A-7 IN CONNECTION WITH THE OAKWOOD PLAZA-ELIZABETH PROJECT**

Acting Chairman Salerno asked for a motion for approval of Reso 28-2011. On a motion made by Commissioner McGhee and seconded by Commissioner D'Elia. Roll call of Commissioners showed that Acting Chairman Salerno, Commissioner D'Elia, Commissioner Hines, Commissioner McGhee and Commissioner Rountree voted in the affirmative; Chairman Scutari, Vice Chairman Vollero, Treasurer Miskiewicz, and Commissioner Boright were absent.

### **RESO 29-2011**

#### **RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY AUTHORIZING EXECUTION AND DELIVERY OF AMENDMENTS TO A CONSTRUCTION LOAN AGREEMENT AND RELATED INSTRUMENTS ANNEXED THERETO, AND AMENDMENTS TO A TRUST INDENTURE BETWEEN TD BANK, N.A. AND THE UNION COUNTY IMPROVEMENT AUTHORITY AND RELATED INSTRUMENTS ANNEXED THERETO, RELATING TO THE AUTHORITY'S RECOVERY ZONE FACILITY BONDS, SERIES 2010 (ELBERON/WAKEFERN WAREHOUSE PROJECT)**

Acting Chairman Salerno asked for a motion for approval of Reso 29-2011. On a motion made by Commissioner McGhee and seconded by Commissioner D'Elia. Roll call of Commissioners showed that Acting Chairman Salerno, Commissioner D'Elia, Commissioner Hines, Commissioner McGhee and Commissioner Rountree voted in the affirmative; Chairman Scutari, Vice Chairman Vollero, Treasurer Miskiewicz, and Commissioner Boright were absent.

### **RESO 30-2011**

#### **RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY AUTHORIZING EXTENSION OF THE AGREEMENT WITH JOSEPH JINGOLI & SON, INC FOR CONSTRUCTION MANAGEMENT SERVICES FOR THE UNION COUNTY JUVENILE DETENTION CENTER**

Acting Chairman Salerno asked for a motion for approval of Reso 30-2011. On a motion made by Commissioner McGhee and seconded by Commissioner D'Elia. Roll call of Commissioners showed that Acting Chairman Salerno, Commissioner D'Elia, Commissioner Hines, Commissioner McGhee and Commissioner Rountree voted in the affirmative; Chairman Scutari, Vice Chairman Vollero, Treasurer Miskiewicz, and Commissioner Boright were absent.

### **RESO 31-2011**

#### **RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY AMENDING THE AGREEMENT WITH GRA ARCHITECTS, INC. RELATING TO THE UNION COUNTY CHILD ADVOCACY CENTER PROJECT**

Acting Chairman Salerno asked for a motion for approval of Reso 31-2011. On a motion made by Commissioner McGhee and seconded by Commissioner D'Elia. Roll call of Commissioners showed that Acting Chairman Salerno, Commissioner D'Elia, Commissioner Hines, Commissioner McGhee and Commissioner Rountree voted in the affirmative; Chairman Scutari, Vice Chairman Vollero, Treasurer Miskiewicz, and Commissioner Boright were absent.

Gina A. Bilangi, Esq. from DeCotiis, FitzPatrick & Cole, LLP explained that this amendment was necessary due to unforeseen structural issues within the building that is being retrofitted for this project. Ms. Bilangi indicated that the architect's proposal attached to the resolution was negotiated down by the Executive Director from a higher value previously provided by the architect. Ms. Bilangi also stated that there would be change orders for the Board to consider at the June meeting to address the impact of these unforeseen costs on the construction contract.

### **Finance and Budget**

Commissioner McGhee made a motion to pay the bills when funds were available, seconded by Commissioner Hines. Roll call of Commissioners showed that Acting Chairman Salerno, Commissioner D'Elia, Commissioner Hines, Commissioner McGhee and Commissioner Rountree voted in the affirmative; Chairman Scutari, Vice Chairman Vollero, Treasurer Miskiewicz, and Commissioner Boright were absent.

## **Unfinished Business**

Jonathan L. Williams, Esq. from DeCotiis, FitzPatrick & Cole, LLP reported that the bonds for the Authority's Renewable Energy Program were sold in the market today and as a result the participants will realize even greater savings than originally anticipated. Mr. Williams stated that the financing is scheduled to close on or about May 18<sup>th</sup> which will allow the Authority to issue notice to proceed and the contractor will have one year to complete the work.

Mr. Williams also reported that the Authority has received a favorable decision in the South Wood Avenue Redevelopment Project litigation. Mr. Williams stated that the Court has ruled that the project developer is not entitled to his claim for lost profits but rather his only relief is for the recovery of any lost investment that can be established. A trial on this remaining issue is currently scheduled for July.

Commissioner Rountree inquired as to the status of the Animal Shelter Project. Mr. Williams indicated that there are 3 or 4 other potentially viable locations in the County which have been identified which are currently being reviewed and that the Executive Director will be providing the Board with a full update most likely at the July meeting.

## **Adjournment**

At 6:37 p.m. Commissioner McGhee made a motion to adjourn, which was seconded by Commissioner Hines. Roll call of Commissioners showed that Acting Chairman Salerno, Commissioner D'Elia, Commissioner Hines, Commissioner McGhee and Commissioner Rountree voted in the affirmative; Chairman Scutari, Vice Chairman Vollero, Treasurer Miskiewicz, and Commissioner Boright were absent.

**\* Matter to be considered and discussed in executive session as permitted by the exceptions to the Open Public Meetings Act as follows: Contract (C), Litigation (L), Personnel (P).**