

**RESOLUTION NO. 62-2013**

Member Miskewicz introduced and moved the adoption of the following resolution and Member Moffe seconded the motion:

**RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY QUALIFYING RESPONDENTS TO THE AUTHORITY'S REQUEST FOR QUALIFICATIONS FOR ENERGY CONSULTING AND ENGINEERING SERVICES IN CONNECTION WITH THE AUTHORITY'S ENERGY AGGREGATION AND ENERGY SAVINGS PROGRAMS FOR UNION COUNTY**

**WHEREAS**, the Authority wishes to develop and implement an Energy Aggregation Program ("Energy Program") for the procurement of electric and/or gas service on behalf of residential and non-residential customers in each municipality in the County interested in participating in the Energy Program, in accordance with the provisions of N.J.S.A. 48:3-92 through 95 and regulations adopted by the New Jersey Board of Public Utilities ("BPU") at N.J.A.C. 14:4-6.1 *et seq.* for this purpose; and

**WHEREAS** the Authority also wishes to develop an Energy Efficiency Program ("EEP") intended to assist the Union County municipalities with reducing operating costs through lower energy usage and to forego certain administrative actions necessary to undertake an energy efficiency program independently; and

**WHEREAS**, on August 20, 2013, the Authority issued a Request for Qualifications ("RFQ") to obtain the qualifications of one or more engineering and energy consulting firms, individuals or partnerships interested in and capable of assisting the Authority with implementing the Energy Program and the EEP, and that would perform energy consulting services at no cost to the Authority or the municipalities that participate in the Energy Program and/or the EEP because all costs would be paid by the third-party energy providers; and

**WHEREAS**, on August 30, 2013, the Authority received four (4) Statements of Qualifications in response to the RFQ as follows:

Harbor Consultants Inc.  
Gabel Associates  
T&M Engineering Co.  
Jersey Energy (only for Energy Program); and

**WHEREAS**, the Authority has reviewed the Statements of Qualifications, and finds the respondents to be qualified to perform all or some of the services requested in the RFQ;

**NOW, THEREFORE, BE IT RESOLVED THAT THE UNION COUNTY IMPROVEMENT AUTHORITY** hereby deems the respondents listed above as qualified to perform services in connection with the Energy Program and the EEP; and

**BE IT FURTHER RESOLVED** that the Authority and the Review Team will continue to evaluate the Statements of Qualification with a focus on respondents' compliance with "the New Jersey Local Unit Pay to Play Law" N.J.S.A. 19:44A-20.5 *et seq.* to ensure that each respondent is in compliance therewith.

The foregoing resolution was adopted by the following roll call vote:

**Recorded Vote**

NAMES	AYE	NO	ABSTAIN	ABSENT
Anthony R. Scutari, Chairperson	✓			
Carolyn Vollero, V. Chairperson				✓
John Salerno, Secretary				✓
Joseph W. Miskiewicz, Treasurer	✓			
Sebastian D'Elia, Member	✓			
Linda Hines, Member				✓
Samuel T. McGhee, Member	✓			
Cherron Rountree, Member	✓			

**CERTIFICATION**

I, JOHN SALERNO, Secretary of the Union County Improvement Authority, HEREBY CERTIFY that the foregoing **RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY QUALIFYING RESPONDENTS TO THE AUTHORITY'S REQUEST FOR QUALIFICATIONS FOR ENERGY CONSULTING AND ENGINEERING SERVICES IN CONNECTION WITH THE AUTHORITY'S ENERGY AGGREGATION AND ENERGY SAVINGS PROGRAMS FOR UNION COUNTY** is a true copy of a resolution adopted by the governing body of the Authority on September 11, 2013.

**UNION COUNTY IMPROVEMENT AUTHORITY**

By:  \_\_\_\_\_

~~JOHN SALERNO, Secretary~~  
Cherron Rountree, Acting Secy.

Dated: September 11, 2013

[SEAL]

Member Muskewy introduced and moved the adoption of the following resolution and Member Rountree seconded the motion:

**RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY AUTHORIZING THE RELOCATION OF THE REGULAR PUBLIC MEETINGS OF THE AUTHORITY FOR PERIOD SEPTEMBER 2013 THROUGH FEBRUARY 2014**

**WHEREAS**, the Union County Improvement Authority (the "Authority") has been duly created by an Ordinance of the Board of Chosen Freeholders of the County of Union, New Jersey, as a public body and corporate and politic of the State of New Jersey pursuant to and in accordance with the County Improvement Authorities Law, N.J.S.A. 40:37A-44, *et seq.*; and

**WHEREAS**, in accordance with the provisions of the Open Public Meetings Act, specifically, N.J.S.A. 10:4-18, the Authority adopted Resolution 07-2013 on February 6, 2013, in which the Authority established a schedule for the Regular Meetings of its Board of Commissioners during the period March 2013 through February 2014 (the "Meeting Schedule"); and

**WHEREAS**, since that time, the Authority has relocated its offices, and must amend the Meeting Schedule to reflect the new location for the Regular Public Meetings of the Authority;

**NOW, THEREFORE, BE IT RESOLVED** by the Union County Improvement Authority as follows:

Section 1. Beginning with the September 11, 2013 Regular Meeting, all remaining Regular Public Meetings of the Authority shall be held at the offices of the Union County Improvement Authority, 1499 Routes 1 & 9 North, Rahway, New Jersey 07065;

Section 2. The staff of the Authority are hereby directed to take all actions necessary to satisfy the requirements of the Open Public Meetings Act, including, but not limited to, (a) posting notice of the relocated meetings in at least one public place reserved for such announcements, and (b) providing notice of the relocated meetings to the newspapers officially designated by the Authority to receive such notices, and (c) filing this notice of relocated meetings with the Clerk of Union County and the Clerk of each municipality located within the County of Union, and (d) mailing this Resolution to the Union County Manager and the Clerk of the Board of Chosen Freeholders of the County of Union.

Section 3. This Resolution shall take effect immediately.

The foregoing resolution was adopted by the following roll call vote:

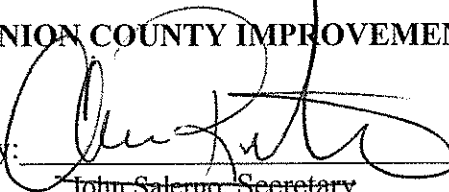
**Recorded Vote**

NAMES	AYE	NO	ABSTAIN	ABSENT
Anthony R. Scutari, Chairperson	✓			
Carolyn Vollero, V. Chairperson				✓
John Salerno, Secretary	✓			✓
Joseph W. Miskiewicz, Treasurer	✓			
Sebastian D'Elia, Member	✓			
Linda Hines, Member				✓
Samuel T. McGhee, Member	✓			
Cherron Rountree, Member	✓			

**CERTIFICATION**

I, JOHN SALERNO, Secretary of the Union County Improvement Authority, HEREBY CERTIFY that the foregoing **RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY AUTHORIZING THE RELOCATION OF THE REGULAR PUBLIC MEETINGS OF THE AUTHORITY FOR PERIOD SEPTEMBER 2013 THROUGH FEBRUARY 2014** is a true copy of a resolution adopted by the governing body of the Authority on September 11, 2013.

**UNION COUNTY IMPROVEMENT AUTHORITY**

By:   
 John Salerno, Secretary  
 Cherron Rountree, ACTING Secy.

Dated: September 11, 2013  
 (SEAL)

**NOTICE IN ACCORDANCE  
WITH THE PROVISIONS OF THE NEW JERSEY OPEN  
PUBLIC MEETINGS ACT, N.J.S.A. 10:4-1 *et seq.***

**UNION COUNTY IMPROVEMENT AUTHORITY  
CHANGE OF LOCATION OF REGULAR PUBLIC MEETINGS FOR  
THE PERIOD MARCH 2013 THROUGH FEBRUARY 2014**

The following meetings remaining on the schedule of Regular Public Meetings of the Union County Improvement Authority for 2013 – 2014, approved at the Authority's annual reorganization meeting on Wednesday, February 6, 2013, by Resolution No. 07-2013, shall be held at the relocated offices of the Union County Improvement Authority at 1499 Routes 1 and 9, Rahway, New Jersey 07065:

Wednesday, September 11, 2013 at 5:00 p.m.  
Wednesday, October 2, 2013 at 5:00 p.m.  
Wednesday, November 6, 2013 at 5:00 p.m.  
Wednesday, December 4, 2013 at 5:00 p.m.  
Wednesday, January 8, 2014 at 5:00 p.m.  
Wednesday, February 5, 2014 at 5:00 p.m.

Portions of all meetings may be held in executive session to the extent allowed by law.

BY ORDER OF THE UNION COUNTY  
IMPROVEMENT AUTHORITY

Daniel P. Sullivan  
Interim Executive Director

c: Authority Commissioners  
Union County Manager  
Clerk of the Freeholder Board  
Star Ledger  
Courier News

Dated: September 5, 2013

Member *M. Sheurcy* introduced and moved the adoption of the following resolution and Member *D. Glen* seconded the motion:

**RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE AUTHORITY AND THE CITY OF LINDEN CONCERNING THE TRANSFER OF CERTAIN PROPERTY AND THE PAYMENT OF CERTAIN SUMS OWED IN CONNECTION WITH THE SOUTH WOOD AVENUE REDEVELOPMENT PROJECT**

**WHEREAS**, in 2000, the City of Linden (the “City”) designated a portion of South Wood Avenue near the Linden Train Station and the downtown commercial district as an area in need of redevelopment (the “Redevelopment Area”) pursuant to the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 *et seq.*, and subsequently approved a redevelopment plan to develop the Redevelopment Area (the “Project”); and

**WHEREAS**, in or about 2002, pursuant to an Interlocal Services Agreement and applicable law, the City designated the Authority as the redevelopment entity for the Project, and the Authority subsequently negotiated a Redevelopment Agreement (“Agreement”) with Verge Properties LLC, (“Verge”) the redeveloper chosen by the City to develop the Project, which Agreement was by and among the City, the Authority and Verge; and

**WHEREAS**, in connection with the Project, the Authority took title to several Redevelopment Area properties (the “Properties”), and was required to bear the cost of demolition and environmental remediation and other costs regarding some of the properties (the “Property Costs”), which exceeded the sum allocated for the Project by the Project bonds; and

**WHEREAS**, in or about 2007, Verge terminated the Agreement, and filed a lawsuit against the Authority and the City, and as a result of the lawsuit, the Authority never conveyed title to the Properties to Verge, as contemplated in the Agreement and

**WHEREAS**, the City now wishes to have title to the Properties so that a new redeveloper can proceed to execute a redevelopment agreement with the City and develop the Project site; and

**WHEREAS**, the Authority has agreed to convey title to the Properties to the City in exchange for the City’s payment to the Authority of the Property Costs, and the City has agreed to pay the Property Costs in exchange for the Authority’s conveyance of title to the Properties, and the City and Authority have drafted a Letter Agreement incorporating these terms, a copy of which is attached hereto and made a part hereof;

**NOW, THEREFORE, BE IT RESOLVED** by the Union County Improvement Authority that the Letter Agreement described herein and attached hereto be approved; and

**BE IT FURTHER RESOLVED**, that the Interim Executive Director be and is hereby authorized to execute the Letter Agreement in a form substantially similar to the Letter Agreement attached hereto; and

**BE IT FURTHER RESOLVED** that this Resolution shall take effect immediately.

The foregoing resolution was adopted by the following roll call vote:

**Recorded Vote**

NAMES	AYE	NO	ABSTAIN	ABSENT
Anthony R. Scutari, Chairperson	✓			
Carolyn Vollero, V. Chairperson				✓
John Salerno, Secretary				✓
Joseph W. Miskiewicz, Treasurer	✓			
Sebastian D'Elia, Member	✓			
Linda Hines, Member				✓
Samuel T. McGhee, Member	✓			
Cherron Rountree, Member	✓			

**CERTIFICATION**

I, JOHN SALERNO, Secretary of the Union County Improvement Authority, HEREBY CERTIFY that the foregoing **RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY AUTHORIZING THE EXECUTION OF AN AGREEMENT BY AND BETWEEN THE AUTHORITY AND THE CITY OF LINDEN CONCERNING THE TRANSFER OF CERTAIN PROPERTY AND THE PAYMENT OF CERTAIN SUMS OWED IN CONNECTION WITH THE SOUTH WOOD AVENUE REDEVELOPMENT PROJECT** is a true copy of a resolution adopted by the governing body of the Authority on September 11, 2013.

**UNION COUNTY IMPROVEMENT AUTHORITY**

By:

*[Handwritten Signature]*  
 John Salerno, Secretary  
 Cherron Rountree, Acting Secy.

Dated: September 11, 2013  
 (SEAL)

[TO BE PRINTED ON UCIA LETTERHEAD]

September 11, 2013

Richard J. Gerbounka  
Mayor  
City of Linden  
City Hall  
301 North Wood Avenue  
Linden, New Jersey 07036

**Re: South Wood Avenue Redevelopment – Linden, NJ**

Dear Mayor Gerbounka:

Please accept this Letter Agreement representing the understanding of the Union County Improvement Authority (“UCIA”), and the City of Linden (“City”), (collectively, the UCIA and the City will be referred to herein as the “Parties”) as to resolution between the parties of: i. the transfer of title to the Property (as defined below); and ii. payment of the Amount Owed (as defined below) to UCIA by the City. The Parties agree as follows:

1. UCIA has taken action at its Board meeting on September 11, 2013 to authorize the execution of this Agreement as well as appropriate documents to transfer title to certain property in the South Wood Avenue Redevelopment Area also identified as Block 449, Lots 1, 2, 8, 9, 10, 11, 12, 13, 14 and 15 (the “Property”) on the Linden City Tax Map to the City of Linden;

2. The City will not record the deeds from the UCIA or complete the transfer of title to the Property without having received payment of the Purchase Price, as defined in the Redevelopment Agreement between the City and Meridia Lifestyles Urban Renewal Entity (“Meridia”) dated July , 2013 (“RDA”) by Meridia;



3. The City will maintain the Purchase Price in a separate account and will not release same to its general treasury until the Amount Owed to UCIA referenced in Paragraph 4 has been verified by the Parties, either by further agreement by the Parties or with the assistance of a third party mediator selected by the Parties (the "Third Party");

4. The Parties agree that UCIA paid for the demolition and asbestos abatement of previously existing buildings on the Property (the "Demolition Costs"), and that the UCIA should be reimbursed for those expenditures and for certain other costs incurred by the UCIA and which remain unpaid. The City agrees to repay the UCIA for the Demolition Costs and for certain additional professional fees which have not yet been paid following a review of documentation to be submitted to the City by the UCIA verifying the actual amount to be paid. The review by the City shall be completed within thirty (30) days of the date that the City receives written documentation regarding the reimbursement amount. The Payment to the UCIA need not be made prior to the date that the City receives the Purchase Price from Meridia and the reimbursement payment will be made only from that source of funds. The verification of reimbursement amounts will be limited to the amount paid by the UCIA for the Demolition Costs (other than bond proceeds for which the City is paying debt service) and to certain other professional fees which remain unpaid. If the Parties are unable to agree to the reimbursement amount within the time frame set forth above the matter will be referred to a third party mediator to be selected by the City and the UCIA for a final determination.

5. Once agreed upon, the Amount Owed will be paid by the City to the UCIA from the Purchase Price, with the balance of the Purchase Price to be deposited in the City's general treasury.

Very truly yours,

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Daniel P. Sullivan  
Executive Director  
Union County Improvement Authority

I hereby Agree to the  
terms and conditions  
set forth herein

Richard J. Gerbounka  
Mayor, City of Linden

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Dated: \_\_\_\_\_

DRAFT



# UNION COUNTY IMPROVEMENT AUTHORITY

1499 US Highway One, North, 3<sup>rd</sup> Floor  
 Rahway, New Jersey, 07065  
 www.ucimprovementauthority.org  
 (732) 382-9400 (732) 382-5862 fax

Resolution: 65-2013

Date: 09/11/13

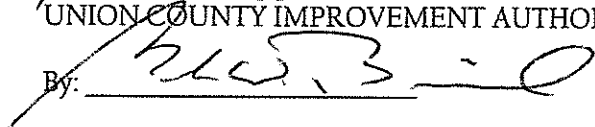
## RESOLUTION OF THE UNION COUNTY IMPROVEMENT AUTHORITY APPROVING VOUCHERS FOR PROCESSING AND PAYMENT.

THE PAYMENT OF THE ATTACHED VOUCHERS ARE SUBJECT  
 TO THE CERTIFICATION OF AVAILABILITY OF FUNDS.

APPROVED AS TO FORM:  
 Jonathan L. Williams, Esq.  
 General Counsel

APPROVED AS TO SUFFICIENCY OF FUNDS  
 YES  NO  NONE REQUIRED  
 UNION COUNTY IMPROVEMENT AUTHORITY

By: 

By: 

	PRESENT	ABSENT	AYE	NAY	ABSTAIN	MOTION	SECOND
<i>D'Elia</i>			✓				
<i>Hines</i>		✓					
<i>McGee</i>			✓				✓
<i>Miskiewicz, Treasurer</i>			✓			✓	
<i>Rountree</i>			✓				
<i>Salerno, Secretary</i>		✓					
<i>Vollero, Vice Chairman</i>		✓					
<i>Scutari, Chairman</i>	✓		✓				

**UNION COUNTY IMPROVEMENT AUTHORITY**  
**BILLS FOR APPROVAL**  
**September 11, 2013**

**General File**

DeCotiis Fitzpatrick	Legal Services 09/09/13	\$ 18,643.22
Kologi * Simitz	Legal Services 08/08/13	\$ 2,442.00
Kologi * Simitz	Legal Services 09/01/13	\$ 1,452.25
Verizon	Phone Service 08/04/13	\$ 193.37
NW Financial	Financial Services 07/31/13	\$ 2,400.00
NW Financial	Financial Services 08/31/13	\$ 7,875.00
Star Ledger	Legal Notice 08/12/13	\$ 220.40
Star Ledger	Legal Notice 08/21/13	\$ 48.72

**Park Madison**

DeCotiis Fitzpatrick	Legal Services 09/09/13	\$ 2,356.40
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**Child Advocacy Center**

DeCotiis Fitzpatrick	Legal Services 09/09/13	\$ 5,947.60
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**Union County College - Cranford**

DeCotiis Fitzpatrick	Legal Services 09/09/13	\$ 111.00
Netta Architects	Professional Services 08/20/13	\$ 7,950.00
Netta Architects	Professional Services 08/20/13	\$ 1,336.84

**Union County College - Plainfield**

DeCotiis Fitzpatrick	Legal Services 09/09/13	\$ 18.50
Netta Architects	Professional Services 08/15/13	\$ 1,875.00
Netta Architects	Professional Services 08/20/13	\$ 70.43

**Union County Courthouse**

DeCotiis Fitzpatrick	Legal Services 09/09/13	\$ 2,505.30
Netta Architects	Professional Services 08/16/13	\$ 27,176.47
Netta Architects	Professional Services 08/15/13	\$ 18.52

**Linden Firehouse**

McCarter & English	Professional Services 08/29/13	\$ 115.05
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**Golf Course Project**

DeCotiis Fitzpatrick	Legal Services 09/09/13	\$ 9,051.24
NW Financial	Financial Services 08/31/13	\$ 1,500.00

**TOTAL \$ 93,307.31**