



Atlantic County Improvement Authority  
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John C. Lamey, Jr.  
Executive Director

## MINUTES OF THE BOARD MEETING

Thursday, October 13th, 2016

THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY  
1333 Atlantic Avenue, Suite 700  
Atlantic City, NJ 08401

In accordance with the provisions of the Open Public Meetings Act (N.J.S.A. 10:4-10) the Regular Board Meeting of the Atlantic County Improvement Authority Board of Commissioners was called to order by Chairperson Foster at 4:52 p.m. in the 7th Floor Conference Room at the Atlantic County Improvement Authority, 1333 Atlantic Avenue, Suite 700, Atlantic City, New Jersey 08401.

### COMMISSIONERS IN ATTENDANCE

Roy M. Foster, Chairperson; Robert J. Tarby, Sr., Vice-Chairperson, Edwin G. Blake, Secretary, Rev. Milton Hendricks, Asst. Secretary, Robert P. Gross, Commissioner, Mayor John Armstrong, and Joseph Ingemi, Commissioner were present at today's meeting.

Commissioner; Neil McPeak, Treasurer attended by telephone,

Mayor Guardian was absent from the meeting.

### STAFF IN ATTENDANCE

John C. Lamey, Jr., Executive Director; Lori Riggs, Program Manager; Dianilda Torres, Finance Manager; and Robert McGuigan, Community Development Program Coordinator.

### OTHERS IN ATTENDANCE

Randolph Lafferty, Esquire - Cooper Levenson and Bonnie Lindaw, Atlantic County Treasurer.

## **I. OPENING STATEMENT AND ROLL CALL**

Chairperson Foster read the Notice of Public Meeting and the roll was called.

## **II. MINUTES**

### **Attachment #1 Minutes of the August 3, 2016, Board Meeting**

The Board was asked to approve the minutes of the August 3, 2016 Board meeting.

A motion was made by Mayor Armstrong, and seconded by Mr. Blake, to approve the Minutes of the August 3, 2016 Board Meeting. By a roll-call vote of 6-0-2, with Mr. Ingemi and Reverend Hendricks abstaining from the vote, the Minutes were approved.

**Attachment #2 Minutes of the September 13th, 2016 Board Meeting**

The Board was asked to approve the minutes of the September 13th, 2016 Board meeting.

A motion was made by Mr. Blake, and seconded by Mayor Armstrong, to approve the Minutes of the September 13, 2016 Board Meeting. By a roll-call vote of 7-0-1, with Mr. Tarby abstaining from the vote, the Minutes were approved.

**Attachment #3 Financial Report from August 2016**

The Board was asked to approve the expenditures contained in the Financial Report for August 2016.

A motion was made by Mr. Blake, and seconded by Reverend Hendricks, to approve the Financial Report for August 2016 Minutes. By a roll-call vote of 7-0-1, with Mr. Ingemi abstaining from the vote, the Minutes were approved.

**Executive Director Report**

Executive Director Lamey reported that there were two contracts authorized by the Executive Director for an amount under the public bidding threshold (\$17,500) as established pursuant to P.L. 1985 Chapter 469 as follows:

\$8,000.00 with Integra Realty Resources for a HUD/NJMFA Compliant Comprehensive Appraisal Report of the Barlinvis Apartments to determine the updated value for Auditing purposes as suggested by the Authority's Auditor in the 2015 Audit report.

\$4,000.00 with Thomas J. Faughnan for the preparation of an Indirect Cost Allocation Plan in accordance with the requirements the US Department of Housing and Urban Development's Community Development Block Grant Program and the HOME Investment Partnership Program.

**Attachment #4 Cooperative Pricing Agreement with Atlantic County**

The Board was asked to adopt a resolution authorizing the renewal of a Cooperative Pricing Agreement that will allow the Authority to continue to participate in the Atlantic County Cooperative Pricing System with other contracting units within the County for 2017. Executive Director Lamey explained that this will allow the Authority to be in a position to benefit from the economies of scale in the purchase of work, materials and supplies.

A motion was made by Mr. Gross, and seconded by Mayor Armstrong, to adopt the resolution. By a roll-call vote of 8-0-0, the motion was approved.

**Attachment #5 CDBG and HOME Programs /County Contract**

The Board was asked to authorize the Executive Director to enter into a Shared Services Agreement with Atlantic County to administer the FY 2016 HOME Consortium Program and the FY 2016 Community Development Block Grant Program.

Executive Director Lamey explained that the Authority has administered both programs since the County first became eligible for them. He referred Board to the program budgets attached to the resolution which represents the allocation of funds from the two programs. The agreement will allow the Authority to earn the Administrative fee from each program for a total of \$269,068.00.

A motion was made by Reverend Hendricks and seconded by Mayor Armstrong, to adopt the resolution. By a roll-call vote of 8-0-0, the motion was approved.

#### **Attachment #6 Atlantic County CDBG Entitlement Grant Program Municipalities Agreements**

The Board was asked to authorize shared service agreements between each of the participating municipalities and the Authority for CDBG funds. Executive Director Lamey directed the Board to the attachment to the resolution which identifies the participating municipalities, their approved projects and the 2016 CDBG allocation.

A motion was made by Mr. Ingemi and seconded by Reverend Hendricks, to adopt the resolution. By a roll-call vote of 8-0-0, the motion was approved.

#### **Attachment #7 SARTP Site/Civil Package**

The Board was asked to approve a resolution authorizing an agreement with Command Company, Inc. for site work for infrastructure improvements to support Building #3 at the Stockton Aviation Research and Technology Park for an amount not to exceed \$1,354,100.00.

Tim Edmunds, Director of Projects explained that upon completion of site plans for infrastructure improvements to support Building #3 at the Stockton Aviation Research and Technology Park, ACIA, advertised the project for bids on September 16th. Bids were received on October 6, 2016 from eight (8) site work contractors ranging from a high of \$1,903,000, to a low of \$1,354,100 submitted by Command Company, Inc... The design engineer, AECOM estimated the project to be \$1,580,909. ACIA and AECOM staff reviewed Command Company, Inc.'s required bid documentation and finding all recommends award to Command in the amount of \$1,354,100.00.

A motion was made by Reverend Hendricks and seconded by Mayor Armstrong, to adopt the resolution. By a roll-call vote of 8-0-0, the motion was approved.

#### **Attachment #8 SARTP Leasing Agent**

The Board was asked to adopt a resolution authorizing the Executive Director and Counsel to negotiate and execute an agreement for Leasing Services for Building #3 at the Stockton Aviation Research and Technology Park with New Vistas Corporation.

Mr. Lamey explained that the authority advertised for a leasing agent and received two responses. Based on the review of the responses, the committee consisting of representatives of the Authority, Atlantic County and the Stockton Aviation Research and Technology Park recommended that based on New Vista's experience with the project, familiarity with FAA, and the knowledge that they have acquired regarding the industry, that they would best meet the needs of the project. New Vista's proposed.

Mr. Tarby requested that the Board move forward to authorize the negotiation of the agreement but that it be brought back to the Board for approval prior to execution.

A motion was made by Reverend Hendricks and seconded by Mr. Blake to authorize the Executive Director, with the advice of Counsel, to negotiate an agreement and bring it back before the Board for final approval. By a roll-call vote of 8-0-0, the motion was approved.

#### **Attachment #9 Atlantic City Demolition Lighthouse Lane**

The Board was asked to approve a resolution authorizing an agreement with Transformation, Inc. for the demolition of 21 lighthouse Lane in Atlantic City for an amount not-to-exceed \$17,875.00.

Director of Projects Mr. Edmunds explained the On April 6, 2016 the City of Atlantic City deemed the structure at 21 Lighthouse Lane an Imminent Hazard due the impending risk of exterior wall collapses. The owner subsequently contested the demolition notice through NJ Superior Court. On July 29th, the Court issued a Stipulation of Dismissal and Withdrawal of Order to Show Cause, allowing the demolition to proceed. On September 21st at the request of the City, ACIA staff solicited bids from list of pre-qualified demolition contractors. Bids were received on September 28th from EarthTech- \$31,130, Winzinger- \$19,250 and the low

bidder Transformation at \$17,875. ACIA Staff has reviewed Transformation's required bid documentation and finding all to be in order, recommends award to Transformation in the amount \$17, 875.

A motion was made by Mr. Tarby and seconded by Reverend Hendricks, to adopt the resolution. By a roll-call vote of 8-0-0, the motion was approved.

**Attachment #10 Amendment Lake Lenape Park County Shared Services Agreement**

The Board was asked to adopt a resolution authorizing an amendment to the shared services agreement with Atlantic County for Project Management services for Lake Lenape West Improvements to accommodate the construction contract for infrastructure improvements with Jersey Construction, Inc. in the amount \$807,180.00. Lake Lenape Park- Western Lakeshore Site Improvements.

Executive Director Lamey explained that the Authority has in place a shared services agreement with County for Project management Services related to the Lake Lenape Parks' Western Lakeshore Development Project. Now that the project has been through the bid process by the authority we need to amend the agreement with the County to provide the cost of construction (\$807,180) so that we can award the construction contract. The Board of Freeholders for Atlantic County will be requested to authorize the same amendment at their October 25<sup>th</sup>.

A motion was made by Mr. Ingemi and seconded by Mr. Gross Hendricks, to adopt the resolution. By a roll-call vote of 8-0-0, the motion was approved.

**Attachment #11 Lake Lenape Park- Western Lakeshore Site Improvements –Jersey Construction**

The Board was asked to adopt a resolution authorizing a contract with Jersey Construction, Inc. in the amount \$807,180.00 for the construction of infrastructure improvements to support new campsites and a bathhouse for Lake Lenape Park's Western Lakeshore, contingent upon the County Freeholders approval on Oct. 25th of an amendment to increase our contract with them to cover the cost of Jersey Construction's bid.

Director of Projects Edmunds explained that upon completion of site plans for infrastructure improvements to support new campsites and a bathhouse for Lake Lenape Park's Western Lakeshore, ACIA, upon direction of the County through the shared services agreement, advertised the project for bids on July 25th. Bids were received on September 1, 2016 from ten (10) site works contractors ranging from a high of \$1,469,600, to a low of \$807,180 submitted by Jersey Construction, Inc. The design engineer Adams Rehmann & Heggan Associates, Inc. estimated the project at \$921, 500. ACIA staff, finding all on Jersey Construction's required bid documentation to be order, contacted Jersey to confirm their scope of work and price. Jersey Construction responded that upon the public opening of all the bids, they reviewed their bid and are confident with their bid price. As such, ACIA staff recommends award to Jersey Construction, Inc. in the amount \$807,180, contingent upon the County Freeholders approval on Oct. 18th of an amendment to increase our contract with them to cover the cost of Jersey Construction's bid.

A motion was made by Mr. Ingemi, and seconded by Reverend Hendricks, to adopt the resolution. By a roll-call vote of 8-0-0, the motion was approved.

**Attachment #12 Public Safety Building Command Center FF&E**

The Board was asked to adopt a resolution authorizing the purchase of Furniture, Fixtures and Equipment required to complete the improvements to the Command Center at the Atlantic City Public Safety Building as part of the Boardwalk Improvement Project.

Executive Director Lamey explained that on August 3<sup>rd</sup>, the Board authorized a contract with R. Maxwell Construction for the Reconfiguration of Space in the PSB to accommodate Police surveillance room, the command center and the conference room at the Atlantic City Public Safety Building Command Center as part of the Boardwalk Improvement Project.

At the time it was contemplated that in order to save some of the expense the City would purchase the FF&E items required for the completion of the job directly off of the NJ State Contract and from the Middlesex Cooperative Purchasing agreement and Maxwell would install them under their contract. However, because the City is unable to move within the time frame required to complete the project it has been determined that it is in the best interest of the project for the Improvement Authority to purchase the equipment instead. The estimated cost is \$132,810.27, however the final cost will be determined for the meeting.

The cost of the equipment is included in the Budget for the CRDA Boardwalk Improvement Loan and the Authority has been assured by CRDA that disbursements under the loan agreement will be made accordingly in order to complete the project. The resolution requests authorization to make the purchases up to the amount accommodated by the budget.

A motion was made by Mr. Blake, and seconded by Reverend Hendricks, to adopt the resolution. By a roll-call vote of 6-0-2, with Mr. Foster and Mr. Tarby abstaining, the motion was approved.

### **Attachment #13 Pooled Financing Supplemental Bond Resolution**

The Board was asked to adopt a resolution that will serve to clarify certain sections of the Bond Resolution for the pooled financing program. Executive Director Lamey explained that the clarifications are as follows:

- 1) the requirement of the Bond Resolution that any Fiduciary shall have its principal office in the State of New Jersey to be changed to only require that they have an office in the State of New Jersey which may or may not be its principal office, and
- 2) The City of Somers Point shall not be included as a Loan Participant under the Bond Resolution.
- 3) Section 505 (5) of the Bond Resolution is hereby supplemented to include additional provisions relating to the County Guaranty.

Section 505 (5) of the Bond Resolution is hereby supplemented to include the following additional provisions relating to the County Guaranty: These provisions essentially relate to the mechanisms to be invoked by the Trustee if there are insufficient funds in the Bond Service Account to make an upcoming interest and/or principal payment on the Authority's Bond and the County Guaranty is to be called into play to make up any such deficient. Additional provisions cover the ability of the County to recover from the local participants any payments made by the County for interest, principal, and costs and expenses incurred pursuant to the County Guaranty, and how the Trustee is to repay funds to the County pursuant to the Bond Resolution.

A motion was made by Mr. Ingemi, and seconded by Reverend Hendricks, to adopt the resolution. By a roll-call vote of 8-0-0, the motion was approved.

Following the vote Mayor Armstrong excused himself from the meeting.

### **Attachment #14 Atlantic County Economic Alliance**

The Board was asked to authorize the Executive Director to negotiate and execute an agreement with the Atlantic County Economic Alliance for the Authority to provide certain Economic Development Services and hire certain personnel to accommodate the agreement.

Executive Director Lamey explained that in accordance with the AngelouEconomics Economic Development Strategy and Action Plan developed for ACIA and the County the Atlantic County Economic Alliance was formed as a non-profit economic development entity. The entity's attempts to attract a qualified Executive Director with Economic Development experience were not successful. The Authority submitted a proposal to the Interim Board of the Corporation for the Authority to provide certain Economic Development Services.

The proposal contemplates that the Authority would provide Max Slusher to serve as Acting Executive Director and the Authority will hire a Business Attraction and Retention Specialist and an Administrative Assistant with

the objective of getting the corporation up and running. The primary focus of the effort through the first year would be marketing and rebranding Atlantic County, business attraction in the targeted industries, business retention and promoting the Aviation Sector and Park in particular. Mr. Lamey directed the Board to the proposed budget attached to the resolution through December 2017 that anticipates that the Alliance will reimburse for our direct costs incurred in managing the affairs of the corporation. The budget includes the cost of Salaries and Benefits, Office Expenses and other expenses such as Marketing, memberships, professional fees, conferences etc.

Indirect costs incurred, such as administrative support from the main office at ACIA would be absorbed by ACIA and covered by the available balance in the Economic Development fund. In addition, ACIA will need to hire an individual to handle the Authority's Section 108 Loan Program that is being handled by Max as an ACIA employee and not part of this agreement.

The term of the agreement would be through 2017 with either party having the option to terminate upon 30 day notice to give the Corporation the option, if they determine they have the capacity, to move forward on their own. The agreement will also specify that the Corporation will participate in the hiring process for the new Business Attraction/Retention Specialist and Administrative Assistant and agree that if they decide to move forward on their own they agree to offer employment to those hired individuals.

A motion was made by Mr. Tarby, and seconded by Mr. Blake to adopt a resolution providing:

1. That the Executive Director shall be and is hereby authorized to negotiate and enter into a Memorandum of Understanding with the ACEA to provide certain economic development services in which ACEA will pay the Authority for direct costs incurred in accordance with the approved budget; and
2. That the Executive Director shall be and is hereby authorized to hire the additional employees contemplated in the approved final budget incorporated in the agreement; and
3. That the Board of Commissioners authorize that indirect costs incurred in the execution of the agreement be borne by the Authority to be reimbursed by the Economic Development Fund currently in place with the County; and
4. That the Executive Director shall be and is hereby authorized to hire a loan officer at a salary not to exceed \$60,000.00 for the Section 108 Loan Program and other business assistance efforts outside of the agreement to be paid from the Economic Development fund; and
5. That the funds provided by the County to the Alliance will be redirected to be no longer be administered by the Authority since the Authority will be a beneficiary of such funds.

By a roll-call vote of 6-0-1, with Mr. Ingemi recusing himself, the motion was approved.

#### **EXECUTIVE SESSION**

In accordance with the provision of the Open Public Meetings Act (N.J.S.A. 10:4-10) an Executive Session of the Atlantic County Improvement Authority of Commissioners was called to order by Chairperson Roy M. Foster at 5:09 p.m. in the 7th Floor Conference Room at the Atlantic County Improvement Authority, 1333 Atlantic Avenue, Suite 700, Atlantic City, New Jersey 08401.

A motion was made by Mr. Ingemi, and seconded by Mr. Gross, to enter into Executive Session. By a roll call vote of 7-0-0, the motion was approved.

#### **RETURN TO OPEN SESSION**

At the conclusion of the Executive Session, the Board returned to Open Session at 5:25 PM.

**Attachment #15** Boardwalk Improvement Project – CRDA Loan

Mr. Lafferty, explained that the first payment is due on the Boardwalk Improvement Project Loan to the Casino Reinvestment Development Authority on November 1<sup>st</sup>, 2016. The repayment of the loan is limited to Atlantic City's share of the revenue generated by Impactivate Networks from their Boardwalk Matrix Project. To date they have not generated sufficient revenue to meet the November 1<sup>st</sup> obligation.

A resolution was drafted, consistent with a motion made by Mr. Gross, and seconded by Mr. Blake and approved by a roll call vote of 7-0-0, to authorize the Executive Director to negotiate and execute such documents as required in order to amend the Loan Agreement so as to provide for the use of unexpended and uncommitted funds so as to satisfy the debt service obligation due and owing in November of 2016 and to also replenish and expand the Escrow Fund provided for within said Loan Agreement.


**PUBLIC COMMENTS:** None.

**OTHER BUSINESS** None.

**ADJOURNMENT**

A motion was made by Mr. Ingemi, and seconded by Mr. Blake, to adjourn the Board Meeting at 5:30 p.m. By a vote of 7-0-0, the meeting was adjourned.

Respectfully,



Edwin G. Blake  
Secretary