

April 10, 2015

Matthew H. Rudd, Esq.
Research Analyst
Department of Community Affairs
Division of Housing and Community Resources
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(VIA E-MAIL ONLY)

Dear Mr. Rudd:

I am writing this letter regarding concerns I have in regards to the makeup of the Board of Commissioners of the Rahway Redevelopment Authority (RRA). I am familiar with the law as a result of serving on the Board of Commissioners of the Clementon Borough Housing Authority, and I take seriously the requirements that both housing and redevelopment authorities are held to under the law.

Under N.J.S.A. 40A:12A-11, redevelopment authorities in the state of New Jersey are allowed to have no more than two commissioners who are officers or employees of the municipality. Additionally, the statute allows that the municipal governing body may by ordinance allow not more than two of the commissioners to be members of the governing body.

I first became concerned with the RRA after reading the article <http://www.rahwayrising.com/mayor-overhauls-redevelopment-agency/>, which states that a councilman and two members of the Rahway Parking Authority sit on the RRA as commissioners. After reading the article, I filed an OPRA request with the Custodian of Records of Rahway. I have included the responses provided by Jeffrey J. Jotz, CMR as this might be useful information to you.

As stated, my first concern is that three officers of Rahway (one councilman and two Parking Authority commissioners) sit on the RRA, despite the statute only allowing two. My second concern is that the Ordinance of the City of Rahway creating the RRA does not provide for the appointment of a member of the governing body to the office of commissioner on the RRA.

My third and final concern, which may be outside your jurisdiction, is that pursuant to N.J.S.A. 40:11A-5, no commissioner of a parking authority may be an officer or employee of the municipality or county for which the authority is created; provided, however, that a municipality may appoint its traffic engineer or chief of police to such authority. Since Commissioners Sanchez and Fishinger were members of the Board of Commissioners of the Rahway Parking Authority at the time they were appointed and took office as Commissioners of the RRA, they were prohibited from taking office without resigning from the Parking Authority and therefore would not be eligible to be seated as members of the RRA.

I would respectfully request your office to investigate this matter. I believe the statute was created not as a hindrance to government operations but to ensure conflicts of interest do not arise by having the same individuals on government entities within a municipality or county. I also believe this statute and the restrictions imposed as to the makeup of the Board of Commissioners was to foster a more transparent and independent government entity. Thank you very much for your attention to this matter.

Very truly yours,

John Schmidt
Gloucester City, NJ