

## NBHA RESOLUTION 2014 - 6/25 # 29

### Resolution Authorizing and Approving Payment of Bills for the Month of May, 2014

**WHEREAS**, the Housing Authority of the City of New Brunswick (including any successors or assigns, the "Housing Authority"), was duly created as an agency and instrumentality of the municipality of the State (the "Local Unit") in which such Housing Authority is located, and has been continued as a housing authority pursuant to and in accordance with the provisions of the Local Redevelopment and Housing Law, constituting Chapter 79 of the Laws of 1992 of the State, and the acts amendatory thereof and supplemental thereto (*N.J.S.A. 40A:12A-1 et seq.*) (the "Local Housing Law");

**WHEREAS**, the Executive Director, Director of Operations and Finance Administrator certify that the amounts and payment contained herein are correct and accurate to the best of their knowledge and they are in compliance with all applicable Housing Authority Procurement Policy and HUD No.24CFR 85.3G.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Housing Authority of the City of New Brunswick hereby approves and directs that the Executive Director and/or Director of Operations to process and pay the following bills for the months of May 2014:

<u>Description</u>	<u>Amount</u>
Section 8 Payments	\$ 817,743.30
Payroll	\$ 139,650.71
Accounts Payable	\$ 115,274.64
Capital Fund	\$ 7,510.98
Local General	\$ 3,226.00

Passed on this 25th day of June, 2014 (See attached Vote Box)



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LUIS GONZALEZ, Vice Chairperson



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JOHN CLARKE, Executive Director  
And Secretary to the Board

**NBHA RESOLUTION 2014 - 6/25 # 29**

**Resolution Authorizing and Approving Payment of Bills  
for the Month of May, 2014**

COMMISSIONERS	MOVES	SECONDS	AYES	NAYS	ABSTAIN	ABSENT
CUPANO						✓
JONES	✓		✓			
BRANGMAN						✓
GIORGIANNI			✓			
GONZALEZ			✓			
WOLDE		✓	✓			
CHAIRPERSON CALDWELL						✓

## **NBHA RESOLUTION 2014-6/25 # 30**

### **HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK ACTING AS REDEVELOPMENT AGENCY**

#### **RESOLUTION authorizing supplemental administrative fees for actions requested by redeveloper after execution of a Redevelopment Agreement**

**WHEREAS**, the Housing Authority of the City of New Brunswick, acting as the City of New Brunswick Redevelopment Agency (“Redevelopment Agency”), pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-21, may exercise all powers, duties and functions relating to redevelopment in the manner of a redevelopment entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 to 49, which powers include contracting with redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work under N.J.S.A. 40A:12A-8.f; and

**WHEREAS**, in entering into redevelopment agreements with redevelopers, it is customary for the Redevelopment Agency to collect an initial administrative fee in the amount of \$10,000 for the agency’s general administrative work as described below (the “Initial Fee”); and

**WHEREAS**, the purpose of the Initial Fee is to compensate the Redevelopment Agency for administrative expenses incurred up to and including the parties’ initial execution of a redevelopment agreement (the “Initial Redevelopment Agreement”); including but not limited to such functions as reviewing the redevelopment plan, participating in meetings with prospective redevelopers regarding proposed projects, processing the redeveloper’s application for designation, designating the redeveloper for an area in need of redevelopment, negotiating and approving a redevelopment agreement and other necessary documents, consulting with counsel and reviewing draft documents and resolutions, and maintaining appropriate records with respect to the foregoing actions; and

**WHEREAS**, the Initial Fee is not intended to cover administrative expenses associated with unanticipated actions of the Redevelopment Agency that may be requested by the redeveloper after execution of the Initial Redevelopment Agreement (“Subsequent Action”); and

**WHEREAS**, several redevelopers have recently requested Redevelopment Agency approvals for significant changes to their projects after execution of a redevelopment agreement, including but not limited to design and/or structure modifications and conveyances of interests in the ownership of the project or the redeveloper entity, while others have requested deadline extensions because of various delays in obtaining financing or carrying out construction, and these requests have required substantial Subsequent Action by the Redevelopment Agency; and

**WHEREAS**, the Commissioners of the Redevelopment Agency have determined that it is necessary to charge additional administrative fees (“Supplemental Fees”) to defray the Redevelopment Agency’s costs in connection with requests by redevelopers requiring Subsequent Action by the Redevelopment Agency.

**NOW, THEREFORE, BE IT RESOLVED** by the Housing Authority of the City of New Brunswick, acting as Redevelopment Agency, that

1. Subject to the provisions of Paragraph 5, the Executive Director shall require all redevelopers to pay an Initial Fee of \$10,000.

2. The Executive Director shall require a redeveloper requesting any Supplemental Action by the Redevelopment Agency to pay a Supplemental Fee of \$5,000 for each of the following request:

- a. Amendment of the redevelopment agreement or other project documents;
- b. Modification of deadlines established in the redevelopment agreement;
- c. Transfers requiring the Redevelopment Agency's consent, including both a conveyance of all or any portion of the redevelopment site or project and a transfer of interests in the redeveloper; and
- d. Any other Subsequent Action, except as set forth in Paragraph 3.


3. Subsequent Action shall not include the following actions if specified in the Initial Redevelopment Agreement:

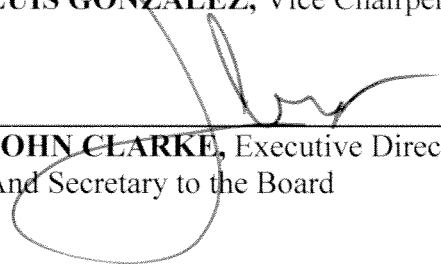
- a. Preparation, review and execution of specific documents, such as a Declaration of Covenants and Restrictions or a Guaranty Agreement;
- b. Actions required for the acquisition of property by the Redevelopment Agency, including the exercise of eminent domain; and
- c. Issuance of a Certificate of Completion for the project or any part thereof.

4. Upon written petition of the redeveloper, the Redevelopment Agency may waive any Supplemental Fee for good cause shown.

5. This Resolution shall become effective immediately and shall apply to requests for Subsequent Action by existing redevelopers as well as redevelopers to be designated in the future.

Passed on this 25th day of June, 2014 (See attached Vote Box)

  
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**LUIS GONZALEZ**, Vice Chairperson

  
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**JOHN CLARKE**, Executive Director  
And Secretary to the Board

# NBHA RESOLUTION 2014-6/25 # 30

## HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK ACTING AS REDEVELOPMENT AGENCY

**RESOLUTION authorizing supplemental administrative fees for actions requested by  
redeveloper after execution of a Redevelopment Agreement**

COMMISSIONERS	MOVES	SECONDS	AYES	NAYS	ABSTAIN	ABSENT
CUPANO						✓
JONES		✓	✓			
BRANGMAN						✓
GIORGIANNI			✓			
GONZALEZ			✓			
WOLDE	✓		✓			
CHAIRPERSON CALDWELL						✓

**NBHA RESOLUTION 2014 6/25 # 31**

**HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK  
ACTING AS REDEVELOPMENT AGENCY**

**RESOLUTION authorizing issuance of a Certificate of  
Completion for the Parking Component of a mixed use project  
on Lot 3, Block 117.01 ("Upper Lot") in the Downtown  
Development District Redevelopment Area**

WHEREAS, pursuant to the Redevelopment Plan for the Downtown Development District Redevelopment Area, the Redevelopment Agency previously designated Matrix Upper Lot Urban Renewal, LLC ("Redeveloper") as redeveloper of a site consisting of Lot 3 in Block 117.01, as said parcel is shown on the official tax maps of the City (the "Project Site"); and

WHEREAS, the Redevelopment Agency entered into an agreement with Redeveloper entitled "Redevelopment Agreement for the Development of a Mixed Use Residential and Parking Complex on Lot 3 in Block 117.01 (the 'Upper Lot') in a Portion of the Downtown Development District Redevelopment Area," dated as of May 23, 2012 (the "Redevelopment Agreement"), setting forth the terms and conditions for implementation of the Redevelopment Plan on the Project Site; and

WHEREAS, the parties subsequently entered into an Amendment to Redevelopment Agreement, dated January 28, 2013, and (the Redevelopment Agreement, as amended, being referred to as the "Amended Redevelopment Agreement"); and

WHEREAS, the Amended Redevelopment Agreement provides, among other things, for construction on the Project Site of a new parking garage to accommodate approximately 550 vehicles (the "Parking Project"), as well as approximately 393 residential apartments and related amenities, and also provides for certain changes in the ownership structure of the Parking Project, and

WHEREAS, through a series of transactions contemplated and permitted under the Amended Redevelopment Agreement, ownership of the Parking Project currently vests in Redeveloper's successor in interest, Matrix New Street Garage Urban Renewal, LLC; and

WHEREAS, the Parking Project has been substantially completed and the City of New Brunswick has issued a Certificate of Occupancy and a Certificate of Approval for the work, dated February 18, 2014 and February 26, 2014, respectively, copies of which have been provided to the Redevelopment Agency; and

WHEREAS, pursuant to the Amended Redevelopment Agreement, the Redevelopment Agency is required to issue a Certificate of Completion upon substantial completion of the Parking Project; and

WHEREAS, the Redeveloper and its successor have satisfied their obligations under the Amended Redevelopment Agreement with respect to the Parking Project and have substantially completed the Parking Project by obtaining a Certificate of Occupancy and a Certificate of Approval for the improvements constructed on the Project Site.; and


WHEREAS, Redeveloper or its successor will record a Declaration of Covenants and Restrictions for the Parking Project, which Declaration may be discharged by the recording of the Certificate of Completion approved by this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Housing Authority of the City of New Brunswick, acting as Redevelopment Agency, that

1. The Chairman, Vice-Chairman, or other Officer, and the Secretary of the Redevelopment Agency, once having completed the recording information for the Declaration of Covenants and Restrictions, are authorized to execute the attached Certificate of Completion in substantially the form attached and deliver same to the Redeveloper.

2. This Resolution shall become effective immediately.

Passed on this 25th day of June, 2014 (See attached Vote Box)

  
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**LUIS GONZALEZ**, Vice Chairperson

  
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**JOHN CLARKE**, Executive Director  
And Secretary to the Board



## NBHA RESOLUTION 2014 - 6/25 # 31

### HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK ACTING AS REDEVELOPMENT AGENCY

**RESOLUTION authorizing issuance of a Certificate of Completion for the Parking Component of a mixed use project on Lot 3, Block 117.01 ("Upper Lot") in the Downtown Development District Redevelopment Area**

COMMISSIONERS	MOVES	SECONDS	AYES	NAYS	ABSTAIN	ABSENT
CUPANO						✓
JONES		✓	✓			
BRANGMAN						✓
GIORGIANNI			✓			
GONZALEZ			✓			
WOLDE	✓		✓			
CHAIRPERSON CALDWELL						✓

**NBHA RESOLUTION 2014 6/25 # 32 [Redevelopment]**

**HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK  
ACTING AS REDEVELOPMENT AGENCY**

**RESOLUTION approving Fourth Amendment to Redevelopment Agreement with Gordon New Brunswick MAB Urban Renewal, L.L.C., assignee of 131 Jersey Avenue Associates, L.L.C., for a medical office building on Lot 27.01 in Block 243 in the 131 Jersey Avenue Redevelopment Area**

**WHEREAS**, the Housing Authority of the City of New Brunswick, acting as the City of New Brunswick Redevelopment Agency ("Redevelopment Agency"), pursuant to N.J.S.A. 40A:12A-4 and N.J.S.A. 40A:12A-21, may exercise all powers, duties and functions relating to redevelopment in the manner of a redevelopment entity under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 to 49, which powers include contracting with redevelopers for the planning, replanning, construction, or undertaking of any project or redevelopment work under N.J.S.A. 40A:12A-8.f; and

**WHEREAS**, the governing body of the City of New Brunswick ("City Council") has adopted a redevelopment plan ("Redevelopment Plan") for the 131 Jersey Avenue Redevelopment Area, encompassing a parcel of land designated as Lot 27.01 in Block 243 on the official Tax Map of the City of New Brunswick (the "Project Site"); and

**WHEREAS**, the Redevelopment Agency approved the designation of 131 Jersey Avenue Associates, L.L.C. ("131 Jersey Avenue") as the redeveloper of the Project Site and subsequently entered into a redevelopment agreement with 131 Jersey Avenue, dated as of September 28, 2006 (the "Original Redevelopment Agreement"), providing for the environmental remediation of the Project Site and the construction of a medical arts building consisting of approximately 100,000 s.f. of functional space with at-grade parking (the "Project"); and

**WHEREAS**, pursuant to Section 4.03(c) of the Original Redevelopment Agreement, 131 Jersey Avenue assigned its rights and obligations thereunder to Gordon New Brunswick MAB Urban Renewal, L.L.C. (the "Redeveloper"); and

**WHEREAS**, by Resolution duly adopted on May 26, 2010, the Redevelopment Agency adopted an Amendment to Redevelopment Agreement in order to revise the ownership structure of the Redeveloper entity and to modify the construction schedule and deadlines set forth in Section 2.05 of the Original Redevelopment Agreement (the Original Redevelopment Agreement, as thus amended, being referred to herein as the "Redevelopment Agreement"); and

**WHEREAS**, by Resolution duly adopted on December 21, 2011, the Redevelopment Agency adopted a Second Amendment to Redevelopment Agreement to extend the deadlines for remediation and construction set forth in Section 2.05 of the Redevelopment Agreement; and

**WHEREAS**, by Resolution adopted on July 10, 2013, the Redevelopment Agency adopted a Third Amendment to Redevelopment Agreement to amend the development

**WHEREAS**, by Resolution adopted on July 10, 2013, the Redevelopment Agency adopted a Third Amendment to Redevelopment Agreement to amend the development schedule set forth in Section 2.05 of the Redevelopment Agreement and to add a requirement for Redeveloper to appear before the Redevelopment Agency and report on its progress in planning and financing the Project; and

**WHEREAS**, the Redeveloper has acquired title to the Project Site and completed remediation of the site in a timely manner; and

**WHEREAS**, the Redeveloper appeared before the Redevelopment Agency at its regular meeting on April 23, 2014 to provide a progress report on the Project; and

**WHEREAS**, based on the information presented to the Commissioners in Redeveloper's progress report, including evidence of the weak economy and difficulty in formulating a marketable approach to the Project, the Redeveloper has requested further amendment of the Redevelopment Agreement to extend the deadlines for commencement and substantial completion of construction; and

**WHEREAS**, Special Counsel for the Redevelopment Agency has prepared a proposed Fourth Amendment to Redevelopment Agreement, a form of which is attached to this Resolution, setting forth the aforesaid modifications; and

**WHEREAS**, the Commissioners of the Redevelopment Agency have considered the proposed form of Fourth Amendment to Redevelopment Agreement, finding that it conforms to the Redevelopment Plan and furthers the public purposes that the Redevelopment Plan addresses.


**NOW, THEREFORE, BE IT RESOLVED** by the Housing Authority of the City of New Brunswick, acting as Redevelopment Agency, that

1. The Fourth Amendment to Redevelopment Agreement is approved in substantially the form attached hereto, subject to and contingent upon approval of the Fourth Amendment by the City of New Brunswick as a party to the Redevelopment Agreement.

2. The Chairperson or, in the Chair's absence, the Vice Chairperson or other appropriate designee of the Chair, is authorized to execute the Redevelopment Agreement in substantially the form attached hereto, along with any other documents and/or agreements necessary to implement the Redevelopment Agreement, as hereby amended, in accordance with the Redevelopment Plan.

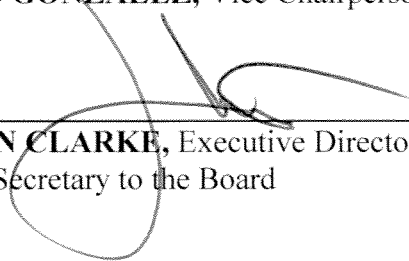
3. As a condition of this approval and a precondition to execution of the Fourth Amendment by the Redevelopment Agency, Redeveloper shall pay to the Redevelopment Agency the required Supplemental Administrative Fee of \$5,000.

4. This Resolution shall become effective immediately.



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**LUIS GONZALEZ**, Vice Chairperson



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**JOHN CLARKE**, Executive Director  
And Secretary to the Board

## NBHA RESOLUTION 2014 - 6/25 # 32

### HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK ACTING AS REDEVELOPMENT AGENCY

**RESOLUTION approving Fourth Amendment to Redevelopment Agreement with Gordon New Brunswick MAB Urban Renewal, L.L.C., assignee of 131 Jersey Avenue Associates, L.L.C., for a medical office building on Lot 27.01 in Block 243 in the 131 Jersey Avenue Redevelopment Area**

COMMISSIONERS	MOVES	SECONDS	AYES	NAYS	ABSTAIN	ABSENT
CUPANO						✓
JONES	✓		✓			
BRANGMAN						✓
GIORGIANNI			✓			
GONZALEZ			✓			
WOLDE		✓	✓			
CHAIRPERSON CALDWELL						✓

**NBHA RESOLUTION 2014 – 6/25 # 33**

**Resolution Authorizing and Approving the Write-off of Certain Rent in the Total Amount of \$11,340.02 Deemed to be uncollectable by Staff and Personnel of the Housing Authority of the City of New Brunswick**

**WHEREAS**, the Housing Authority of the City of New Brunswick (including any successors or assigns, the “Housing Authority”), was duly created as an agency and instrumentality of the municipality of the State (the “Local Unit”) in which such Housing Authority is located, and has been continued as a housing authority pursuant to and in accordance with the provisions of the Local Redevelopment and Housing Law, constituting Chapter 79 of the Laws of 1992 of the State, and the acts amendatory thereof and supplemental thereto (*N.J.S.A. 40A:12A-1 et seq.*) (the “Local Housing Law”);

**WHEREAS**, certain rents as set forth on the Rent Write-Offs for July 2013 through June 2014 totaling \$11,340.02 have been determined to be uncollectable according to the methods and procedures for collection available to the staff and personnel of the Housing Authority of the City of New Brunswick; and


**WHEREAS**, such uncollectable rents have occurred due to tenants who have died, evictions of tenants from Housing Authority dwelling for non-payment of rent (or for discovered unreported income) and/or tenants who have vacated dwellings without notice; and

**WHEREAS**, pursuant to acceptable accounting procedures, it is necessary and proper to write off such rent as uncollectable; and

**WHEREAS**, notwithstanding the aforesaid necessity for writing off these rents as uncollectable, efforts will continue through agencies, the courts, and other source outside of the Housing Authority to collect these rents on behalf of the Housing Authority,

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Housing Authority of the City of New Brunswick that certain rents, as set forth on the attached Rent Write-offs for July 2013 through June 2014 totaling \$11,340.02 and the same are hereby authorized to be written off as uncollectable by the staff and personnel of the Housing Authority of the City of New Brunswick.

Passed on this 25th day of June, 2014 (See attached Vote Box)

  
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**LUIS GONZALEZ**, Vice Chairperson

  
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**JOHN CLARKE**, Executive Director  
And Secretary to the Board

**NBHA RESOLUTION 2014 – 6/25 # 33**

**Resolution Authorizing and Approving the Write-off of Certain Rent in the Total Amount of \$11,340.02 Deemed to be uncollectable by Staff and Personnel of the Housing Authority of the City of New Brunswick**

COMMISSIONERS	MOVES	SECONDS	AYES	NAYS	ABSTAIN	ABSENT
CUPANO						✓
JONES		✓	✓			
BRANGMAN						✓
GIORGIANNI			✓			
GONZALEZ			✓			
WOLDE	✓		✓			
CHAIRPERSON CALDWELL						✓

**NBHA RESOLUTION 2014 – 6/25 # 34**

**Resolution Authorizing and Approving the Write-off of Certain Rent For Previous Failed Repayment Agreements in the Total Amount of \$65,451.18 Deemed to be uncollectable by Staff and Personnel of the Housing Authority of the City of New Brunswick**

**WHEREAS**, the Housing Authority of the City of New Brunswick (including any successors or assigns, the “Housing Authority”), was duly created as an agency and instrumentality of the municipality of the State (the “Local Unit”) in which such Housing Authority is located, and has been continued as a housing authority pursuant to and in accordance with the provisions of the Local Redevelopment and Housing Law, constituting Chapter 79 of the Laws of 1992 of the State, and the acts amendatory thereof and supplemental thereto (*N.J.S.A. 40A:12A-1 et seq.*) (the “Local Housing Law”);

**WHEREAS**, certain rents as set forth on the Rent Write-Offs for certain rent for previous failed repayment agreements in the total amount of \$65,451.18 that have been determined to be uncollectable according to the methods and procedures for collection available to the staff and personnel of the Housing Authority of the City of New Brunswick; and

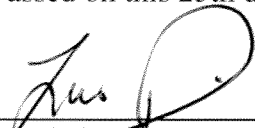
**WHEREAS**, such uncollectable rents have occurred due previous tenants failure to make their repayment agreement commitments; and

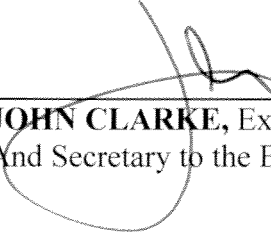
**WHEREAS**, pursuant to acceptable accounting procedures, it is necessary and proper to write off such rent as uncollectable; and

**WHEREAS**, notwithstanding the aforesaid necessity for writing off these rents as uncollectable, efforts will continue through agencies, the courts, and other source outside of the Housing Authority to collect these rents on behalf of the Housing Authority,

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Commissioners of the Housing Authority of the City of New Brunswick that certain rents, as set forth on the attached Rent Write-offs of Certain Rent For Previous Failed Repayment Agreements in the Total Amount of \$65,451.18 are hereby authorized to be written off as uncollectable by the staff and personnel of the Housing Authority of the City of New Brunswick.

Passed on this 25th day of June, 2014 (See attached Vote Box)

  
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**LUIS GONZALEZ**, Vice Chairperson

  
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**JOHN CLARKE**, Executive Director  
And Secretary to the Board



**NBHA RESOLUTION 2014 – 6/25 # 34**

**Resolution Authorizing and Approving the Write-off of Certain Rent For Previous Failed Repayment Agreements in the Total Amount of \$65,451.18 Deemed to be uncollectable by Staff and Personnel of the Housing Authority of the City of New Brunswick**

COMMISSIONERS	MOVES	SECONDS	AYES	NAYS	ABSTAIN	ABSENT
CUPANO						✓
JONES	✓		✓			
BRANGMAN						✓
MORGIANNI			✓			
GONZALEZ			✓			
WOLDE		✓	✓			
CHAIRPERSON CALDWELL						✓