

NBHA RESOLUTION 2016 - 9/28 # 27

Resolution Authorizing and Approving Payment of Bills for the Months of July and August, 2016

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 July and August 2016:

JULY 2016

<u>Description</u>	<u>Amount</u>
Section 8 Payments	\$ 848,854.46
Payroll	\$ 99,641.50
Accounts Payable	\$ 157,038.45
Capital Fund	\$ 5,114.41
Local General	\$ 15,507.47

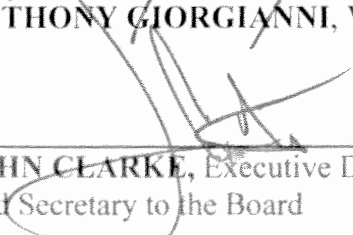
AUGUST 2016

<u>Description</u>	<u>Amount</u>
Section 8 Payments	\$ 817,612.01
Payroll	\$ 95,802.29
Accounts Payable	\$ 139,264.74
Capital Fund	\$ 16,181.00
Local General	\$ 42,718.80

Passed on this 28th day of September, 2016 (See attached Vote Box)



ANTHONY GIORGIANNI, Vice Chairperson



JOHN CLARKE, Executive Director
And Secretary to the Board

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Resolution Authorizing and Approving Payment of Bills
for the Months of July and August, 2016

COMMISSIONERS	MOVES	SECONDS	AYES	NAYS	ABSTAIN	ABSENT
VACANT						
JONES						
GIORGIANNI			✓			
CALDWELL	✓		✓			
SIMPSON		✓	✓			
OVANDO			✓			
WOLDE CHAIRPERSON						

NBHA RESOLUTION 2016 – 9/28 # 28

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

**RESOLUTION approving Third Amendment to
Redevelopment Agreement with Saint Peter’s University
Hospital, Inc. to extend demolition and construction deadlines
for a project consisting of an office building and offstreet
parking in the Easton Park 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, by Ordinance #O-050604, enacted on June 7, 2006, the City Council of the City of New Brunswick adopted a redevelopment plan (“Redevelopment Plan”) for the Easton Park Redevelopment Area (“Redevelopment Area”), which Redevelopment Area includes the lands comprising the former Middlesex County Vocational-Technical School and other lands, collectively consisting of Lots 1.01 (formerly Lots 1, 2, 3, and 26) in Block 448, commonly known as 258 Easton Avenue, and Lot 25 in Block 448, commonly known as 260 Easton Avenue, all as shown on the official tax maps of the City of New Brunswick (the “Project Site”); and

WHEREAS, by Ordinance #O-051201, enacted on May 16, 2012, in recognition of the difficulties associated with development of the Project Site for residential use, as provided in the Redevelopment Plan, the City amended the Redevelopment Plan to provide for office use at that location; and

WHEREAS, the Redevelopment Agency approved the designation of Saint Peter’s University Hospital, Inc. (“Redeveloper”) as the redeveloper of the Project Site and subsequently entered into a redevelopment agreement with Redeveloper, dated as of September 26, 2012 (the “Redevelopment Agreement”), providing for the demolition of existing improvements on the Project Site and construction of an office building with grade level parking to serve the hospital (the “Project”), as permitted under the Redevelopment Plan, as amended; and

WHEREAS, Redeveloper acquired title to the Project Site on October 29, 2012; and

WHEREAS, Section 2.05.a of the Redevelopment Agreement provides that demolition of the existing structures on the Project Site was to be completed within one year after the closing of title, i.e., by October 29, 2013, with subsequent milestones dated from the completion of demolition; and

WHEREAS, by Resolution No. 2014 3/26 #13, duly adopted on March 26, 2014, for the reasons stated therein, the Redevelopment Agency granted Redeveloper’s request for an 18-month extension of the deadline for demolition set forth in Section 2.05 of the Redevelopment Agreement, and the parties subsequently entered into that certain Amendment to Redevelopment

Agreement, dated May 13, 2014 (the "First Amendment"), incorporating the revised demolition deadline into the Redevelopment Agreement and amending Section 1.04 of the Redevelopment Agreement to provide for the payment of certain redevelopment fees to the Redevelopment Agency; and

WHEREAS, by Resolution No. 2015 10/28 #44, duly adopted on October 28, 2015, for the reasons stated therein, the Redevelopment Agency granted Redeveloper's request for an 18-month extension of the deadline for demolition set forth in Section 2.05 of the Redevelopment Agreement, and the parties subsequently entered into that certain Second Amendment to Redevelopment Agreement, dated February 8, 2016 (the "Second Amendment"), incorporating the revised demolition deadline into the Redevelopment Agreement; and

WHEREAS, by letter from its attorneys, Windels Marx Lane & Mittendorf, LLP, dated September 8, 2016, Redeveloper acknowledged that it has not undertaken demolition within the prescribed timeframe because (i) it is still in the process of considering the most cost-effective and efficient redevelopment proposal for the site; (ii) it does not believe it is advisable at this time to carry out a wholesale demolition of buildings and foundations since doing so in the absence of an approved redevelopment project could result in unneeded expenditures and cause further delay; and (iii) it is currently discussing the use of the site with representatives of the City of New Brunswick; and

WHEREAS, for the aforesaid reasons, Redeveloper has requested an extension of the demolition deadline to October 29, 2017; and

WHEREAS, Redeveloper appeared before the Commissioners of the Redevelopment Agency at a regularly scheduled public meeting on September 28, 2016 to further explain the need for an extension and, at that time, Redeveloper addressed questions from the Commissioners and the public; and

WHEREAS, the Commissioners find that it is reasonable to extend Redeveloper's deadlines for performance under Section 2.05 of the Redevelopment Agreement because of the high cost of demolition; the uncertain state of New Jersey's health care economy and the future needs of the hospital, which have impaired Redeveloper's ability to devise an effective plan for redevelopment of the Project Site; and the diligent efforts being undertaken by Redeveloper to identify an effective plan for redevelopment and to provide information requested by the City of New Brunswick; and

WHEREAS, Special Counsel for the Redevelopment Agency has prepared and negotiated with Redeveloper a proposed Third Amendment to Redevelopment Agreement (the "Third Amendment"), a form of which is attached to this Resolution; and

WHEREAS, the Commissioners of the Redevelopment Agency have considered the proposed form of Third Amendment, finding that it furthers the Redevelopment Agency's interest in carrying out the Redevelopment Plan and is consistent with the public purposes that the Redevelopment Plan addresses.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Redevelopment Agency waives the deadlines set forth in Section 2.05 of the Redevelopment Agreement and extended by the First and Second Amendments and grants an extension of the demolition deadline to October 29, 2017, as set forth in the proposed form of Third Amendment.

2. The proposed form of Third Amendment to Redevelopment Agreement is approved in substantially the form attached hereto.


3. As set forth in Section 1.04 of the Redevelopment Agreement, as amended, Redeveloper shall pay an administrative fee of \$5,000. The approval hereby granted is conditioned upon payment of this fee within fourteen (14) days after the date of this Resolution.

4. The Redeveloper shall replenish the Escrow account as required by Section 1.05 of the Redevelopment Agreement, if needed. The approval hereby granted is conditioned upon Redeveloper's compliance with this requirement and payment of all outstanding fees and Agency Costs, including but not limited to legal fees, within fourteen (14) days after the date of this Resolution.

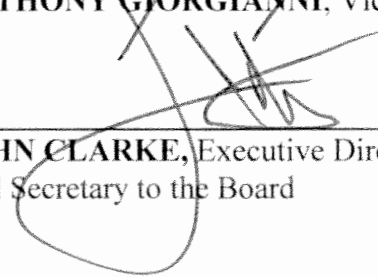
5. The Chairperson or, in the Chair's absence, the Vice Chairperson or other authorized designee of the Chair, is authorized to execute the Third Amendment to Redevelopment Agreement in substantially the form attached hereto.

6. This resolution shall take effect immediately.

Passed on this 28th day of September, 2016 (See attached Vote Box)



ANTHONY GIORGIANNI, Vice Chairperson



JOHN CLARKE, Executive Director
And Secretary to the Board

NBHA RESOLUTION 2016 – 9/28 # 28

HOUSING AUTHORITY OF THE CITY OF NEW BRUNSWICK
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RESOLUTION approving Third Amendment to
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VACANT						
JONES						
GIORGIANNI			✓			
CALDWELL	✓		✓			
SIMPSON			✓			
OVANDO		✓	✓			
WOLDE CHAIRPERSON						

NBHA RESOLUTION 2016 – 9/28 # 30

Resolution Ratifying and Approving Attendance for Commissioner Kevin Jones to the Professional Development Training Program from September 14, 2016 through September 16, 2016

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 New Brunswick Housing and Redevelopment Authority (NBHA) has received notices of the Training for Executive Director/Commissioner Professional Development Program; and

WHEREAS, the Authority benefit from Commissioners and NBHA staff attending trainings, professional development and other conference and seminars; and

WHEREAS, the New Brunswick Housing Authority has funds available in the Travel and Training Account(s) and related Budgets to pay the costs for these important types of trainings,

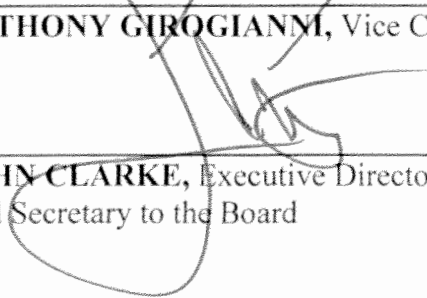
NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of New Brunswick does hereby approve attendance of Commissioner Kevin Jones to the Professional Development Program Training Program from September 14, 2016 to September 16, 2016.

BE IT FURTHER RESOLVED that the Authority is authorized to pay (or reimburse) the expenses for the traveler as follows: \$595.00 registration, \$500 in travel expense reimbursement (including ferry ticket, tolls and mileage reimbursement), up to \$1,129.91 hotel accommodations and per diem of \$400.00.

Passed on this 28th day of September 2016 (See attached Vote Box)



ANTHONY GIROGIANNI, Vice Chairperson



JOHN CLARKE, Executive Director
And Secretary to the Board

NBHA RESOLUTION 2016 – 9/28 # 30

Resolution Ratifying and Approving Attendance for Commissioner Kevin Jones to the Professional Development Training Program from September 14, 2016 through September 16, 2016

COMMISSIONERS	MOVES	SECONDS	AYES	NAYS	ABSTAIN	ABSENT
VACANT						
JONES						
SIMPSON			✓			
GIORGIANNI		✓	✓			
OVANDO			✓			
CALDWELL	✓		✓			
WOLDE CHAIRPERSON						