

NBHA RESOLUTION 2013 - 10/23 # 60

**Resolution Authorizing and Approving Payment of Bills
for the Month of September, 2013**

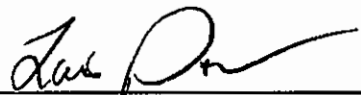
WHEREAS, the Housing Authority of the City of New Brunswick (including any successors or assigns, the "Housing Authority"), was duly created as an agency and instrumentality of the municipality of the State (the "Local Unit") in which such Housing Authority is located, and has been continued as a housing 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 and Deputy Director 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 Deputy Director to process and pay the following bills for the month of September, 2013:

<u>Description</u>	<u>Amount</u>
Section 8 Payments	\$ 852,177.02
Payroll	\$ 103,441.55
Accounts Payable	\$ 116,302.68
Capital Fund	\$ 18,185.46
Local General	\$ 500.00

Passed on this 23rd day of October, 2013 (See attached Vote Box)



LUIS GONZALEZ, Acting Chairperson



JOHN CLARKE, Executive Director
And Secretary to the Board



NBHA RESOLUTION 2013 - 10/23 # 60

**Resolution Authorizing and Approving Payment of Bills
for the Months of September, 2013**

M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T		M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T	
COMMISSIONER							COMMISSIONER						
BRANGMAN		✓	✓				GIORGIANNI					✓	
JONES	✓		✓				WOLDE		✓				
ONZALEZ			✓				CUPANO					✓	
							CHAIRPERSON CALDWELL						

NBHA RESOLUTION 2013 – 10/23 # 61 [Redevelopment]

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

**RESOLUTION approving waiver of recording requirements in
Section 3.01 of Redevelopment Agreement with New
Brunswick Development Corporation for the College Avenue
Redevelopment Project on the Downtown Campus of Rutgers,
The State University**

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 Redevelopment Agency and New Brunswick Development Corporation (“DEVCO”) have entered into a certain Redevelopment Agreement dated April 11, 2013 (the “Redevelopment Agreement”), with respect to the construction of various improvements on lands known as Block 94, Lots 1.02, 5.01 and 16.01; Block 54, Lot 1.01; and Block 71, Lot 4.01 as shown on the tax maps of the City of New Brunswick (the “Project Site”), whereby DEVCO, as redeveloper, agrees to implement the College Avenue Redevelopment Plan on a portion of the Downtown Campus of Rutgers, the State University of New Jersey; and

WHEREAS, Section 4.03 of the Redevelopment Agreement permits DEVCO to assign its rights under the Redevelopment Agreement to its affiliate, College Avenue Redevelopment Associates, LLC (“CARA”) and Section 3.01 of the Redevelopment Agreement specifies that DEVCO must record a Declaration of Covenants and Restrictions for the Project Site prior to any assignment of the Redevelopment Agreement; and

WHEREAS, in order for the financing of the Project to close expeditiously on September 12, 2013, certain parcels within the Project Site (the “CARA Parcels”) were conveyed directly to CARA instead of to DEVCO, as was contemplated initially, and CARA will acquire the remainder of the Project Site at a later date; and

WHEREAS, because DEVCO never owned the CARA Parcels and CARA could not acquire these parcels without having first becoming the redeveloper by assignment pursuant to Section 4.03 of the Redevelopment Agreement, DEVCO could not comply with the requirement of Section 3.01 to record the Declaration before assigning the Redevelopment Agreement to CARA; and

WHEREAS, when the conflicting requirements of Sections 4.03 and 3.01 came to DEVCO’s attention, there was insufficient time before the closing to obtain the Redevelopment Agency’s consent to modify the recording procedure and, therefore, DEVCO assigned the Redevelopment Agreement to CARA at the closing and CARA recorded the Declaration immediately thereafter; and

WHEREAS, by letter dated October 14, 2013 from DEVCO's attorneys, DEVCO has asked the Redevelopment Agency to retroactively waive the recording requirement of Section 3.01 of the Redevelopment Agreement, and DEVCO's technical default of that requirement, in order to acknowledge the need for a timely closing; and

WHEREAS, in light of CARA's prompt recording of the Declaration, the Redevelopment Agency finds that the intent of Section 3.01 of the Redevelopment Agreement, to impose the covenants and restrictions of the Declaration on the Project Site before construction, has been satisfied with respect to the CARA Parcels; and

WHEREAS, in light of the technical and minor nature of DEVCO's default, and the clear need for an expeditious closing, the Redevelopment Agency finds that granting the requested waiver 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. DEVCO's assignment of the Redevelopment Agreement to CARA and CARA's subsequent recording of the Declaration for the CARA Parcels are hereby deemed to be consistent with the intent of the Redevelopment Agreement.

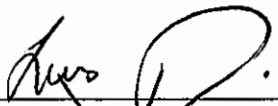
2. DEVCO's assignment of the Redevelopment Agreement to CARA before recording the Declaration is deemed to be a de minimus technical violation of Section 3.01 of the Redevelopment Agreement and the Redevelopment Agency hereby waives its right to seek redress for said violation.

3. The actions of DEVCO and CARA regarding the assignment of the Redevelopment Agreement and the recording of the Declaration are approved retroactively, as if DEVCO had sought and obtained the Redevelopment Agency's consent prior to the closing.

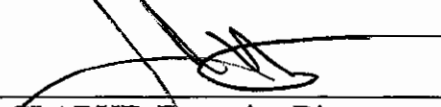
4. The terms of the Redevelopment Agreement remain in full force and effect and the waiver herein granted shall not be construed as a waiver of any other rights that the Redevelopment Agency may have under the Redevelopment Agreement.

5. This resolution shall take effect immediately.

Passed on this 20th day of September, 2013 (See attached Vote Box)



LUIS GONZALEZ, Acting Chairperson



JOHN CLARKE, Executive Director
And Secretary to the Board

NBHA RESOLUTION 2013 – 10/23 # 61 [Redevelopment]

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

**RESOLUTION approving waiver of recording requirements in
Section 3.01 of Redevelopment Agreement with New
Brunswick Development Corporation for the College Avenue
Redevelopment Project on the Downtown Campus of Rutgers,
The State University**

M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T		M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T	
COMMISSIONER							COMMISSIONER						
CUPANO					✓		GIORGIANNI					✓	
JONES			✓				GONZALEZ					✓	
BRANGMAN		✓	✓				WOLDE	✓		✓			
							CHAIRPERSON						
							CALDWELL						

NBHA RESOLUTION 2013 – 10/23 # 62

Resolution Appointing John Clarke as Fund Commissioner for the New Jersey Public Housing Authority Joint Insurance Fund and Approving Renewal Membership in the New Jersey Public Housing Insurance Fund

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 Housing Authority of the City of New Brunswick is a member of the New Jersey Public Housing Authority Joint Insurance Fund; and

WHEREAS, the bylaws of the Fund require that each member Housing Authority appoint a Fund Commissioner to represent and serve the Authority as its representative to said Fund; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of New Brunswick does hereby appoint John Clarke as its Fund Commissioner for the New Jersey Public Housing Authority Joint Insurance Fund for the Year 2014.


BE IT FURTHER RESOLVED that the New Brunswick Housing Authority is authorized to execute the application for membership and the accompanying certification on behalf of the Authority and

BE IT FURTHER RESOLVED that the governing body is authorized and directed to execute the Indemnity and Trust Agreement and such other documents signifying their membership in the FUND as are required by the FUND'S Bylaws and to deliver same to the Administrator of the FUND with the express reservation that said document shall become effective only upon the applicant's admission to the FUND following approval by the FUND, passage by the Authority of a Resolution Accepting Assessment and approval by the New Jersey Department of Insurance and the Department of Community Affairs.

Passed on this 23rd day of October, 2013 (See attached Vote Box)



LUIS GONZALEZ, Acting Chairperson



JOHN CLARKE, Executive Director
And Secretary to the Board

NBHA RESOLUTION 2013 – 10/23 # 62

**Resolution Appointing John Clarke as Fund Commissioner for the New Jersey
Public Housing Authority Joint Insurance Fund and Approving Renewal
Membership in the New Jersey Public Housing Insurance Fund**

	M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T		M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T
COMMISSIONER							COMMISSIONER						
BRANGMAN	✓		✓				GIORGIANNI						✓
CUPANO						✓	WOLDE			✓			
GONZALEZ			✓				JONES	✓	✓				
							CHAIRPERSON						
							CALDWELL						✓

NBHA RESOLUTION 2013 - 10/23 # 63

**Resolution Approving an Inter-Agency Agreement with the Franklin Housing Authority
for the provision of Maintenance and Management Services**

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 Franklin Township Housing Authority (FHA) has requested assistance in its buildings and grounds keeping maintenance and with other general management services; and

WHEREAS, the New Brunswick Housing Authority (NBHA) has the capacity to render such assistance; and

WHEREAS, the NBHA provided this similar type of assistance to the FHA between December 2006 through December 2013; and

WHEREAS, the NBHA staff and the FHA staff have negotiated an Inter-Agency Agreement for the NBHA to provide professional management services for appropriate hourly fees and inspections services for a flat rate fee; and

WHEREAS, the Department of Housing and Urban Development supports and encourages Inter Agency agreements; and

WHEREAS, the Executive Director for the FHA and NBHA have reviewed and approved the Agreement and are recommending it's adoption by each respective Board,

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of New Brunswick does hereby approve and accept the Inter-Agency Agreement between the FHA and NBHA;

BE IT FURTHER RESOLVED that the Board of Commissioners of the Housing Authority of the City of New Brunswick does hereby authorize and direct the Executive Director to execute an agreement on behalf of the New Brunswick Housing and Redevelopment Authority with the Franklin Township Housing Authority.

Passed on this 23rd day of October, 2013 (See attached Vote Box)



LUIS GONZALEZ, Acting Chairperson



JOHN A.H. CLARKE, Executive Director
And Secretary to the Board

NBHA RESOLUTION 2013 - 10/23 # 63

Resolution Approving an Inter-Agency Agreement with the Franklin Housing Authority for the provision of Maintenance and Management Services

	M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T		M O V E	S E C O N D	A Y E S	N A Y S	A B S T A I N	A B S E N T
COMMISSIONER							COMMISSIONER						
BRANGMAN			✓				GIORGIANNI						✓
JONES	✓		✓				CUPANO						✓
GONZALEZ			✓				WOLDE		✓	✓			
							CHAIRPERSON CALDWELL						