

BOARD RESOLUTION SUMMARY LIST

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Resolution Authorizing and Approving Payment of Bills for the Month of September, 2015

NBHA RESOLUTION 2015 - 10/28 # 43

ACTING AS REDEVELOPMENT AGENCY

RESOLUTION authorizing issuance of a Certificate of Completion for the renovation of a portion of the lobby and construction of 70 residential units (Skyline Tower) in the former County Administration Building on Block 14, Lot 2 in the Government District Redevelopment Area

NBHA RESOLUTION 2015 - 10/28 # 44

ACTING AS REDEVELOPMENT AGENCY

Resolution approving Second 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

NBHA RESOLUTION 2015 - 10/28 # 42

Resolution Authorizing and Approving Payment of Bills for the Months of September, 2015

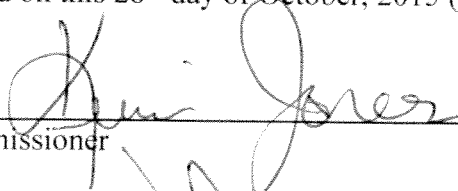
WHEREAS, the Housing Authority of the City of New Brunswick (including any successors or assigns, the "Housing Authority"), was duly created as an agency and instrumentality of the municipality of the State (the "Local Unit") in which such Housing Authority is located, and has been continued as a housing 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.

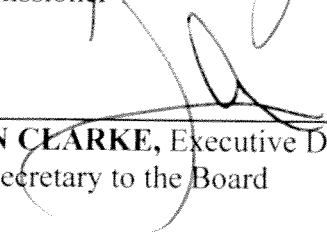
NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of New Brunswick hereby approves and directs that the Executive Director and/or Director of Operations to process and pay the following bills for the month of September 2015:

<u>Description</u>	<u>Amount</u>
Section 8 Payments	\$ 821,180.12
Payroll	\$ 89,506.36
Accounts Payable	\$ 178,078.58
Capital Fund	\$ 62,439.75
Local General	\$ 1,556.00

Passed on this 28th day of October, 2015 (See attached Vote Box)



Commissioner



JOHN CLARKE, Executive Director
And Secretary to the Board

NBHA RESOLUTION 2015 - 10/28 # 42

**Resolution Authorizing and Approving Payment of Bills
for the Month of September, 2015**

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

NBHA RESOLUTION 2015 10/28 # 43

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

RESOLUTION authorizing issuance of a Certificate of Completion for the renovation of a portion of the lobby and construction of 70 residential units (Skyline Tower) in the former County Administration Building on Block 14, Lot 2 in the Government District Redevelopment Area

WHEREAS, pursuant to the Redevelopment Plan for the Government District Redevelopment Area, the Redevelopment Agency previously designated Skyline Tower Urban Renewal Associates L.P. as redeveloper of a portion of the former Middlesex County Administration Building on a parcel now or formerly shown on the official tax maps of the City of New Brunswick as Block 14, Lot 2 (the "Project Site"); and

WHEREAS, the Redevelopment Agency entered into an agreement with Pennrose Properties, Inc. entitled "Redevelopment Agreement for the Renovation and Construction of a Portion of the Former Middlesex County Administration Building in the Government District Redevelopment Area," dated as of November 30, 2001 (the "Redevelopment Agreement"), setting forth the terms and conditions for implementation of the Redevelopment Plan on the Project Site; and

WHEREAS, the Redevelopment Agreement provides, among other things, for development on the Project Site of a project consisting of the renovation of a portion of the ground floor lobby of the former Middlesex County Administration Building and the construction on Floors 4-13 of 70 residential apartment units, 20% of which units were to be income restricted (the "Project"); and

WHEREAS, the Project has been substantially completed and the City of New Brunswick has issued Certificates of Occupancy for the work; and

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

WHEREAS, the Redeveloper has satisfied its obligations under the Redevelopment Agreement with respect to the Project and has substantially completed the Project by obtaining Certificates of Occupancy for the improvements constructed on the Project Site; and

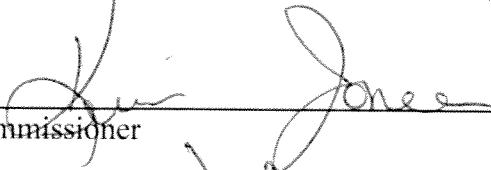
NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Housing Authority of the City of New Brunswick, acting as Redevelopment Agency, that

1. The Chairman, Vice-Chairman, or other Officer, and the Secretary of the Redevelopment Agency are authorized to execute the attached Certificate of Completion in substantially the form attached and deliver same to the Redeveloper.
2. This Resolution is conditioned upon and shall become effective only upon (i) Redeveloper's delivery to the Redevelopment Agency of true copies of all Certificates of

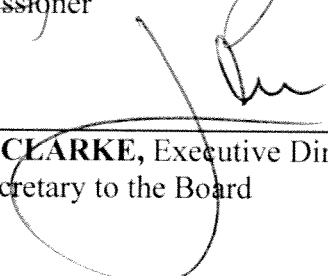
Occupancy issued by the City of New Brunswick with respect to the Project and (ii) Redeveloper's payment in full of any Project Costs, including but not limited to legal fees, owed to the Redevelopment Agency pursuant to the Redevelopment Agreement.

3. Except as set forth in Paragraph 2, this Resolution shall become effective immediately.

Passed on this 28th day of October, 2015 (See attached Vote Box)



Commissioner



JOHN CLARKE, Executive Director
And Secretary to the Board

NBHA RESOLUTION 2015 - 10/28 # 43

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

RESOLUTION authorizing issuance of a Certificate of Completion for the renovation of a portion of the lobby and construction of 70 residential units (Skyline Tower) in the former County Administration Building on Block 14, Lot 2 in the Government District Redevelopment Area

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

NBHA RESOLUTION 2015 – 10/28 # 44

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

**RESOLUTION approving Second 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

9 **WHEREAS**, by letter from its attorneys, Windels Marx Lane & Mittendorf, LLP, dated September 28, 2015, 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 undertaking additional traffic studies at the request of the Mayor of the City of New Brunswick; and

WHEREAS, for the aforesaid reasons, Redeveloper has requested an extension of the demolition deadline to October 29, 2016, to be retroactively applied; and

WHEREAS, Redeveloper appeared before the Commissioners of the Redevelopment Agency at a regularly scheduled public meeting on October 28, 2015 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; the adverse economic conditions that have affected the construction industry since 2009; 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 Second Amendment to Redevelopment Agreement (the "Second Amendment"), a form of which is attached to this Resolution; and

WHEREAS, the Commissioners of the Redevelopment Agency have considered the proposed form of Second 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 Amendment, nunc pro tunc, and grants an extension of the demolition deadline to October 29, 2016, as set forth in the proposed form of Second Amendment.

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

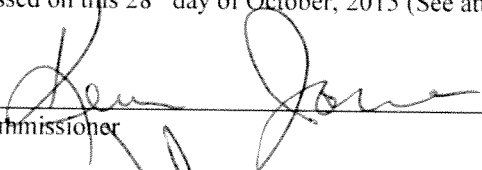
3. As set forth in Section 1.04 of the Redevelopment Agreement, as amended, Redeveloper shall pay an administrative fee of \$5,000. The approval hereby granted is conditioned upon payment of this fee within fourteen (14) days after the date of this Resolution.

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.

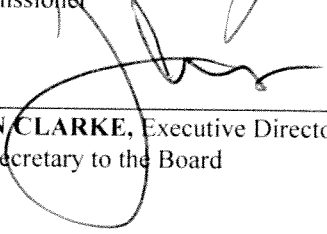
5. The Chairperson or, in the Chair's absence, the Vice Chairperson or other authorized designee of the Chair, is authorized to execute the Second Amendment to Redevelopment Agreement in substantially the form attached hereto.

6. This resolution shall take effect immediately.

Passed on this 28th day of October, 2015 (See attached Vote Box)



Commissioner



JOHN CLARKE, Executive Director
And Secretary to the Board

NBHA RESOLUTION 2015 - 10/28 # 44

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

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