

NBHA RESOLUTION 2014 - 3/26 # 11

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

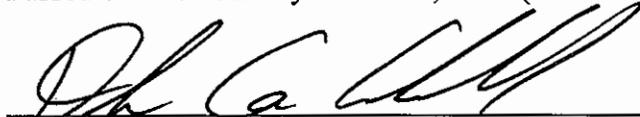
WHEREAS, the Housing Authority of the City of New Brunswick (including any successors or assigns, the "Housing Authority"), was duly created as an agency and instrumentality of the municipality of the State (the "Local Unit") in which such Housing Authority is located, and has been continued as a housing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

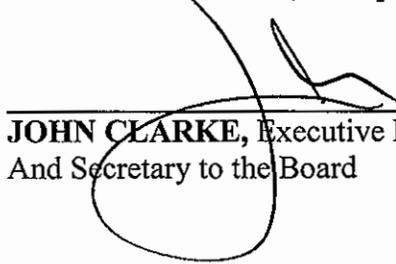
NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of New Brunswick hereby approves and directs that the Executive Director and/or Director of Operations to process and pay the following bills for the months of February 2014:

<u>Description</u>	<u>Amount</u>
Section 8 Payments	\$ 850,663.33
Payroll	\$ 98,671.51
Accounts Payable	\$ 201,950.52
Capital Fund	\$ 3,657.50
Local General	\$ 2,300.49

Passed on this 26th day of March, 2014 (See attached Vote Box)



DALE CALDWELL, Chairperson



JOHN CLARKE, Executive Director
And Secretary to the Board

NBHA RESOLUTION 2014 - 3/26 # 11

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

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

NBHA RESOLUTION 2014 – 3/26 # 12

Resolution Accepting and Approving the Submission of the Five Year Agency Plan for the New Brunswick Housing Authority (2010 through 2014) and the One Year/Annual Agency Plan for Fiscal Year 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, Federal Statutes and HUD Regulations require the Housing Authority to prepare a Five Year and a One Year/Annual Agency Plan; and

WHEREAS, the Five Year Plan and the One Year/Annual Agency Plans have been advertised and made available for forty-five day public comment; and

WHEREAS, the Plans were advertised and made available for inspection at the Housing Authority office 7 Van Dyke Avenue, New Brunswick, NJ 08901 and a public hearing was held for comments on the plan March 21, 2014; and

WHEREAS, the New Brunswick Housing Authority has received no comments from the public, and

WHEREAS, the plans are required to be submitted to U.S. Department of HUD on or before April 15, 2014.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Housing Authority of the City of New Brunswick does hereby Accepting and Approving the Submission of the Five Year Plan and the One Year/Annual Agency Plans and related certifications to the U.S. Department of HUD.

Passed on this 26th day of March, 2014 (See attached Vote Box)



DALE CALDWELL, Chairperson



JOHN CLARKE, Executive Director
And Secretary to the Board

NBHA RESOLUTION 2014 - 3/26 # 12

Resolution Accepting and Approving the Submission of the Five Year Agency Plan for the New Brunswick Housing Authority (2010 through 2014) and the One Year/Annual Agency Plan for Fiscal Year 2014

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

NBHA RESOLUTION 2014 – 3/26 # 13

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

RESOLUTION approving Amendment to Redevelopment Agreement with St. 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 St. 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 April 13, 2009 (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 letter from its attorneys, Windels Marx Lane & Mittendorf, LLP, dated March 13, 2014, Redeveloper acknowledged that it had not undertaken demolition within the prescribed timeframe because of changes in New Jersey’s health care industry that have created

uncertainty as to how best to develop the Project Site and, further, Redeveloper requested an 18-month extension of the demolition deadline; and

WHEREAS, Redeveloper appeared before the Commissioners of the Redevelopment Agency at a regularly scheduled public meeting on March 26, 2014 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 because of the expense of demolition and the uncertain state of New Jersey's health care economy and the future needs of the hospital, combined with the adverse economic conditions that have affected the construction industry since 2009, it is reasonable to extend Redeveloper's deadlines for performance under Section 2.05 of the Redevelopment Agreement; and

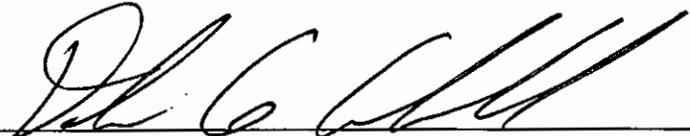
WHEREAS, Special Counsel for the Redevelopment Agency has prepared and negotiated with Redeveloper a proposed Amendment to Redevelopment Agreement, a form of which is attached to this Resolution; and

WHEREAS, the Commissioners of the Redevelopment Agency have considered the proposed form of Amendment to Redevelopment Agreement, 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.

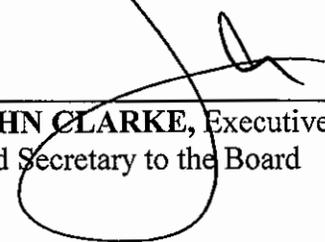
NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Redevelopment Agency waives the deadlines set forth in Section 2.05 of the Redevelopment Agreement, nunc pro tunc, and grants an 18-month extension of the demolition deadline, i.e., to April 30, 2015, as set forth in the Amendment to Redevelopment Agreement.
2. As set forth in the Amendment to Redevelopment Agreement, 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.
3. The Redeveloper shall replenish the Escrow account as required by Section 1.05 of the Redevelopment Agreement.
4. The proposed form of Amendment to Redevelopment Agreement is approved in substantially the form attached hereto.
5. The Chairperson or, in the Chair's absence, the Vice Chairperson or other authorized designee of the Chair, is authorized to execute the Redevelopment Agreement in substantially the form attached hereto.
6. This resolution shall take effect immediately.

Passed on this 26th day of March, 2014 (See attached Vote Box)



DALE CALDWELL, Chairperson



JOHN CLARKE, Executive Director
And Secretary to the Board

NBHA RESOLUTION 2014 – 3/26 # 13

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

RESOLUTION approving Amendment to Redevelopment Agreement with St. 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

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

NBHA RESOLUTION 2014 3/26 #14

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

**RESOLUTION approving Amendment to Redevelopment
Agreement with 90 New Street, LLC, incorporating a revised
concept plan for a mixed use project in the Downtown Development
District 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 City Council of the City of New Brunswick has adopted a redevelopment plan ("Redevelopment Plan") for the Downtown Development District Redevelopment Area ("Redevelopment Area"), which Redevelopment Area includes lands located at 90 New Street, which lands are known as Lot 5.01 (formerly Lots 5, 6, 7, 8.01, and 8.02) in Block 129 on the official Tax Map of the City of New Brunswick (the "Project Site"); and

WHEREAS, by Resolution 2009 2/25 #18, duly adopted on February 25, 2009, the Redevelopment Agency designated 90 New Street, LLC ("Redeveloper") or an affiliated urban renewal entity created by Redeveloper pursuant to the Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., as redeveloper of the Project Site for the purpose of constructing a mixed-use development (the "Initial Project"); and

WHEREAS, the Initial Project was to consist of a 25-story building containing (a) approximately 1,000 s.f. of retail space, (b) a 19,520 s.f. health club, (c) approximately 166 residential condominium apartments, (d) a 177-space onsite parking garage and (e) a 19,000 s.f. basement; and

WHEREAS, the Redevelopment Agency subsequently entered into an agreement, dated as of April 13, 2009, with Redeveloper and R&J Construction Corp., as Guarantor (the "Redevelopment Agreement") setting forth the terms and conditions by which Redeveloper would carry out the Initial Project; and

WHEREAS, due to the general economic downturn of recent years and to litigation challenging approvals obtained for the Initial Project, Redeveloper was unable to carry

out the Initial Project in accordance with the requirements and development schedule set forth in the Redevelopment Agreement; and

WHEREAS, by letter dated February 12, 2014 from Redeveloper's attorneys, Kelso & Bradshaw, Redeveloper submitted a revised concept plan and requested (a) to be redesignated as redeveloper of the Project Site for the purpose of developing it according to the revised concept plan, (b) approval of the revised concept plan, and (c) approval of a revised development schedule; and

WHEREAS, the revised project will consist of a 22-story building containing (a) approximately 4,600 s.f. of ground floor retail space, (b) approximately 234 rental apartments, (c) a 121-space onsite parking garage, and (d) a 5,000 s.f. basement (the "Project") and

WHEREAS, based on the information submitted by Redeveloper and provided to the Commissioners at a public meeting on February 26, 2014, the Redevelopment Agency adopted Resolution No. 2014 2/26 #10, approving the revised concept plan and the revised development schedule, and reappointing Redeveloper as redeveloper of the Project Site, subject to certain conditions, including execution of an appropriate amendment to the Redevelopment Agreement within 120 days after the date of the Resolution; and

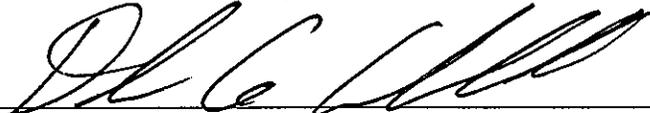
WHEREAS, Special Counsel for the Redevelopment Agency has prepared an Amendment to Redevelopment Agency, a form of which is attached to this Resolution, setting forth the aforesaid modifications; and

WHEREAS, the Commissioners of the Redevelopment Agency have considered the Amendment to Redevelopment Agreement, finding that the proposed changes are acceptable and that the Amendment conforms to the Redevelopment Plan and satisfies the requirements of Resolution No. 2014 2/26 #10.

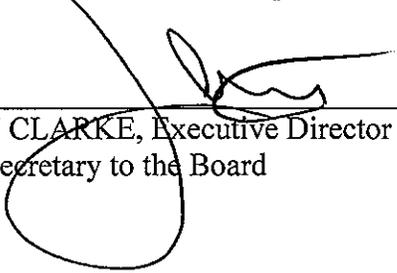
NOW, THEREFORE, BE IT RESOLVED by the Housing Authority of the City of New Brunswick, acting as Redevelopment Agency, that

1. As set forth in the Amendment to Redevelopment Agreement, 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.
2. The Redeveloper shall replenish the Escrow account as required by the Amendment to Redevelopment Agreement.
3. The proposed form of Amendment to Redevelopment Agreement is approved in substantially the form attached hereto.
4. The Chairperson or, in the Chair's absence, the Vice Chairperson or other authorized designee of the Chair, is authorized to execute the Redevelopment Agreement in substantially the form attached hereto.
5. This resolution shall take effect immediately.

Passed on this 26th day of March, 2014 (See attached Vote Box)



DALE CALDWELL, Chairperson



JOHN CLARKE, Executive Director
And Secretary to the Board

NBHA RESOLUTION 2014 3/26 #14

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

RESOLUTION approving Amendment to Redevelopment Agreement with 90 New Street, LLC, incorporating a revised concept plan for a mixed use project in the Downtown Development District Redevelopment Area

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