

RESOLUTION NO. 2013-5-21-6

RESOLUTION OF THE PARKING AUTHORITY OF THE TOWNSHIP OF BLOOMFIELD AUTHORIZING THE PAYMENT OF COSTS RELATING TO ENVIRONMENTAL INVESTIGATION

WHEREAS, the Township Council of the Township of Bloomfield (the "Township"), pursuant to Ordinance 03-27 (the "Creation Ordinance") duly adopted August 4, 2003 and the Parking Authority Law of the State of New Jersey (the "State"), N.J.S.A. 40A:11A-1 *et seq.*, as amended and supplemented (the "Act"), created and established the Parking Authority of the Township of Bloomfield (the "Authority") as a public body corporate and politic of the State and an agency of the Township with all the powers, privileges, and authority conferred by the Creation Ordinance and the Act including, but not limited to the management and operation of all parking meters and related facilities located within the Township; and

WHEREAS, the purposes of the Authority are, among other things, the construction, provision or operation of off-street parking projects within the Township, the management and operation of on-street and other parking meters and related facilities, the enforcement of applicable law, ordinances and regulations as to the parking of vehicles in the Township and the consequent promotion of free movement of traffic and relief of traffic congestion on the streets of the Township, and improvement of conditions affecting the public safety and welfare therein; and

WHEREAS, the Authority is authorized under the Act to sell, transfer or otherwise dispose of property or any interest therein at any time upon terms and conditions as it may determine, with or without public bidding, and to lease any real property, parking project or portion thereof for any business, commercial or other use to any person for such consideration and for such periods of time and upon such other terms and conditions as it may fix and agree upon; and

WHEREAS, the Authority owns a surface parking facility designated as Block 311, Lot 13 on the official tax map of the Township (the "Property"); and

WHEREAS, pursuant to the New Jersey Local and Redevelopment Housing Law, N.J.S.A. 40A:12A-1 *et seq.* (the "Redevelopment Law"), the Township adopted a resolution on August 10, 2009 designating the entire Township as an area in need of rehabilitation; and

WHEREAS, pursuant to the Redevelopment Law, the Township adopted a redevelopment plan, entitled the "Bloomfield Center Redevelopment Plan, Phase II for certain properties, including the Property, within the Township; and

WHEREAS, the Township designated Heritage Village at Bloomfield Urban Renewal, L.L.C. (the "Entity") as the redeveloper for the Property; and

WHEREAS, the Township and the Entity entered into a redevelopment agreement providing for the construction, by the Entity, on the Property, of a project consisting of approximately 82 low and moderate income, age-restricted residential units (the "Project"); and

WHEREAS, in anticipation of the construction of the Project, and on behalf of the Entity the Authority has undertaken an investigation into the environmental condition of the Property; and

WHEREAS, as a result of said investigation, the New Jersey Department of Environmental Protection (the "DEP") submitted to the Authority, Invoice No. 130379150, in the amount of \$835, for Hazardous Waste Compliance Monitoring Fees, and Invoice No. 130101770, in the amount of \$900, for a Site Remediation LSRP Annual Fee (together, the "DEP Invoices"); and

WHEREAS, the Authority's counsel is researching whether the Authority is exempt from payment of the DEP Invoices at this time; and

WHEREAS, in the event the Authority is not so exempt, the Authority desires to authorize any Commissioner of the Authority and/or the Executive Director of the Authority to take any and all action necessary to pay the DEP Invoices and, if appropriate, to seek reimbursement therefor from the Entity.

NOW, THEREFORE, BE IT RESOLVED by the Authority as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.
2. In the event the Authority is not exempt from the requirement to pay the DEP Invoices, the Authority hereby authorizes any Commissioner of the Authority and/or the Executive Director of the Authority to take any and all action necessary to pay the DEP Invoices and, if appropriate, to seek reimbursement therefor from the Entity.
3. This resolution shall take effect immediately.

Moved by: Nicole Williams

Seconded by: Carlos Pomares

RECORDED VOTE:

REGULAR MEMBERS	YES	NO	ABSTAIN	NOT PRESENT
Abdallah Chalet				X
Robert DeMarino	X			
Oscar McKee	X			
Carlos Pomares	X			
Yudi Sobharam	X			
Nicole Williams	X			
Russ Moserowitz	X			

The foregoing resolution is a true and complete copy of a resolution of the Authority adopted at a meeting thereof duly called and held on May 21, 2013.



OSCAR MCKEE, SECRETARY