

**TOWNSHIP OF WARREN
RESOLUTION NO. 2023-167**

**AUTHORIZING THE EXECUTION OF THE FIRST AMENDMENT TO THE AMENDED
AND RESTATED REDEVELOPER AGREEMENT**

WHEREAS, by Resolution No. 2018-46 (the “**Resolution**”), adopted on January 25, 2018, pursuant to the New Jersey Local Redevelopment Law, N.J.S.A. 40A:12A-1 (the “**LRHL**”), the Warren Township Committee designated PIRHL Acquisitions, LLC (“**PIRHL**”) as the redeveloper for property (the “**Property**”) designated as Block 114, Lot 22.03 as shown on the Tax Map of the Township of Warren; and

WHEREAS, the Resolution further authorized the execution of a Redevelopment Agreement between the Township and PIRHL for the construction of eighty (80) units of affordable rental housing (the “**Project**”) on the Property; and

WHEREAS, the Township and PIRHL entered into a Redevelopment Agreement dated February 1, 2018 as amended by that certain First Amendment to the Redevelopment Agreement, dated July 12, 2018 (collectively, the “**Original Redevelopment Agreement**”); and

WHEREAS, the Township and Warren LIHTC Urban Renewal, LLC (“**Redeveloper**”) entered into an Agreement for Payments in Lieu of Taxes for the Project, dated May 10, 2019 (the “**Financial Agreement**”) pursuant to the New Jersey Housing and Mortgage Financing Agency Law of 1983, N.J.S.A. 55:14K-1 et seq. (“**HMFA Law**”); and

WHEREAS, the Township Committee adopted Resolution No. 2022-158 on July 15, 2020 which designated Redeveloper as the successor redeveloper to PIRHL of the Property and the Project; and

WHEREAS, Redeveloper and the Township entered into an Amended and Restated Redeveloper Agreement, dated July 16, 2020 (the “**Amended Redeveloper Agreement**”); and

WHEREAS, Redeveloper is owned by Boston Capital 481 Affordable Housing Fund II and PIRHL Warren MM, LLC, an entity related to PIRHL; and

WHEREAS, PIRHL Warren MM, LLC seeks to transfer its interest in Redeveloper to Conifer Warren GP, LLC (“**Conifer**”), an affiliate of Conifer Realty, LLC and a project-specific, wholly-owned subsidiary thereof; and

WHEREAS, in light of the proposed transfer in interest in the Redeveloper, it is necessary to amend the Amended Redeveloper Agreement (the “**Required Amendments**”); and

WHEREAS, the Required Amendments address, among other items, a payment schedule for the repayment of Two Hundred Fifty-Four Thousand Seven Hundred and Eighty-Six Dollars and Thirty-One Cents (\$254,786.31) from Redeveloper to the Township to be paid in increments over 16 years for costs associated with the installation of sewer infrastructure at the Project; and

WHEREAS, the Required Amendments additionally set the standard for the transfer to Conifer of the interest in Redeveloper; and

WHEREAS, the Required Amendments also address the continuing obligation of the Township as to continued bus service at the Project; and

WHEREAS, as related to continued bus service, the Township Committee adopted Resolution 2018-126 on June 14, 2018 and Ordinance 19-41 on August 15, 2019 establishing a new bus route and bus service for residents of the Project; and

WHEREAS, the Township Committee adopted Resolution 2018-172, authorizing the Township to enter into Bus Lease Agreement with Special Needs Residence, LLC (“**Special Needs Residence**”), dated July 12, 2018, as amended by the First Amendment to the Bus Lease Agreement, dated July 19, 2019, in which Special Needs Residence agreed to provide regularly scheduled bus transportation to the Project with a designated stop at the Property (collectively, the “**Bus Lease Agreement**”); and

WHEREAS, Section 8 of the Bus Lease Agreement requires the Township to pay the liability insurance associated with the bus service to be provided by Special Needs Residence; and

WHEREAS, Redeveloper is not a party to the Bus Lease Agreement and the Required Amendments memorialize the continued responsibility the Township to pay the required insurance along with an agreed upon yearly stipend to Redeveloper of \$3,000, as adjusted each year for inflation, to offset the cost of providing bus service through Special Needs Residence; and

WHEREAS, the Township Committee desires to authorize the execution of a First Amendment to the Amended Redeveloper Agreement with Redeveloper in order to memorialize the terms and conditions of the Required Amendments, subject, however, to Township Attorney review and approval.

NOW, THEREFORE, BE IT RESOLVED by the Township Committee of the Township of Warren, in the County of Somerset, State of New Jersey, that the Mayor and Township Clerk are hereby authorized to execute the First Amendment to the Amended and Restated Redeveloper Agreement on behalf of the Township to memorialize the terms and conditions of the Required Amendments, subject, however, to the Township Attorney’s review and approval.

INTRODUCED	SECONDED	COMMITTEE	AYE	NAY	ABSTAIN	ABSENT
		CROSON	X			
	X	LONTAI	X			
		SORDILLO	X			
		LAZO	X			
X		DINARDO	X			

CERTIFICATION

I, Cathy Reese, Township Clerk of the Township of Warren, in the County of Somerset, New Jersey, do hereby certify the foregoing to be a true and correct copy of a resolution adopted at a meeting of the Township Committee held on June 15, 2023.

Cathy Reese, RMC
Township Clerk