



BOROUGH OF EAST NEWARK
 COUNTY OF HUDSON
 STATE OF NEW JERSEY

***SPECIAL MEETING
 OF THE
 MAYOR AND BOROUGH COUNCIL***

DATE: WEDNESDAY, AUGUST 23, 2017
 TIME: 6:00 PM

AGENDA

	ORDINANCE (FIRST READING/INTRODUCTION)
	ORDINANCE (SECOND READING/PUBLIC HEARING)
09-2017	Ordinance Of The Mayor And Council Of The Borough Of East Newark Adopting An Ordinance Amending The Redevelopment Plan
	RESOLUTIONS
	DEPARTMENTAL REPORTS
	CORRESPONDENCE

FORMAL ACTION MAY OR MAY NOT BE TAKEN

ORDINANCE NUMBER 09-17

Second Reading/Public Hearing

ORDINANCE

BOROUGH OF EAST NEWARK
COUNTY OF HUDSON, STATE OF NEW JERSEY

**ORDINANCE OF THE MAYOR AND COUNCIL OF THE
BOROUGH OF EAST NEWARK ADOPTING AN ORDINANCE AMENDING THE
REDEVELOPMENT PLAN**

WHEREAS, pursuant to the Local Redevelopment and Housing Law ("Redevelopment Law"), N.J.S.A. 40A:12A-6(a), the Borough Council of the Borough ("Council" or "Governing Body") adopted a Resolution dated November 30, 2006, determining that the area within the Borough of East Newark ("Borough") comprised of Block 12, Lot 1, and Block 17, Lot 1 and Block 2, Lots 1, and 7 through 9 (Areas I & II), evidenced criteria set forth in N.J.S.A. 40A:12A-5 and was on that basis, a redevelopment area; and

WHEREAS, by Ordinance dated March 14, 2007, the Governing Body adopted the East Newark Redevelopment Plan for that redevelopment area and an unrelated area in need of rehabilitation; and

WHEREAS, the Governing Body, acting as the redevelopment entity, proceeded to issue a request for proposal ("RFP") to solicit a redeveloper with whom it would contract, pursuant to N.J.S.A. 40A:12A-8(f), for the construction and undertaking of the rehabilitation of the complex of buildings described in the Redevelopment Plan as the Thread Mill District, and based on that RFP, the Governing Body adopted a Resolution on May 9, 2007 conditionally designating East Newark Towne Center, LLC ("ENTC") as the redeveloper to undertake the rehabilitation of the Thread Mill District ("Project"); and

WHEREAS, ENTC proposed amendments to the Redevelopment Plan, including substantially decreasing the minimum average size of the residences to be constructed in the Project and increasing the number of units; after negotiation among the parties, the Council adopted a Resolution dated February 8, 2017 indicating its intent to approve the minor amendment to the Redevelopment Plan to reduce the average size of the units, but not increase the number of units, and on that basis and other agreed upon terms and conditions, resolved litigation that had been pending between the Borough of ENTC, all subject to amendment of the Redevelopment Plan; and

WHEREAS, the Council and the Redeveloper have reviewed in detail the terms of the Redevelopment Plan and have agreed upon a number of additional amendments to the Redevelopment Plan which are generally described in the memorandum attached hereto, and specifically identified in bold and italics in the copy of the Redevelopment Plan dated as of July 27, 2017 that is on file with the Borough Clerk (the summary is attached for convenience; the copy of the Redevelopment Plan dated as of July 27 shall control); and

WHEREAS, pursuant to N.J.S.A. 40A:12A:-7(e), the Council referred the proposed amendments to the Planning Board, and the Planning Board recommended their approval; and

WHEREAS, in considering this proposed Ordinance to amend the Redevelopment Plan, for the reasons set forth in more detail in the Resolution dated February 8, 2017, the Council has determined that, in order to err on the side of caution, this Ordinance should be submitted to the Governing Body and the Rule of Necessity be invoked; and

WHEREAS, the Rule of Necessity provides that: 1) when the matter at hand affects the items that have significant importance to the financial and developmental aspects of the municipality, and 2) without the involvement by the parties who are have an "interest," the municipality will not be able to sustain a quorum to act upon the matter, and 3) where there is no other avenue to address this matter, all Council Members can vote upon the matter; and

WHEREAS, 1) the present matter is one of great significance to the Borough, 2) without the Council Members who own property within 200 feet have an interest, there will be no quorum, and 3) only the Governing Body can act to approve the settlement which provides for amendment of the Redevelopment Plan, and therefore it is appropriate to invoke the Rule of Necessity to allow all Council Members to vote on this Resolution.

NOW, THEREFORE, BE IT ORDAINED THAT by the Mayor and Council that the amended Redevelopment Plan prepared by Robert D. Cotter, FAICP, PP, dated as of July 27, 2017, on file with the Borough Clerk and incorporated herein by reference is hereby adopted as the amended redevelopment plan.

ROLL CALL	Aye	Nay	Abstain	Absent	Intro	Second
Lucas						
Salas						
Sheehan, Sr.						
Silva						
Tighe						
Zincavage						

I HEREBY **CERTIFY** THAT THE ABOVE ORDINANCE WAS RE-INTRODUCED ON THE **SECOND READING** AND **APPROVED** ON THE SECOND READING BY THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK AT A PUBLIC MEETING OF THE MAYOR AND COUNCIL OF THE BOROUGH OF EAST NEWARK HELD ON AUGUST 23, 2017.

ROBERT B. KNAPP, BOROUGH CLERK