

**RESOLUTION OF THE ATLANTIC
COUNTY IMPROVEMENT AUTHORITY
APPROVING THE EXPENDITURES CONTAINED IN THE
FINANCIAL REPORT FOR JUNE 2015**

WHEREAS, the Atlantic County Improvement Authority, hereafter, the "Authority", is a political subdivision of the State of New Jersey and an instrumentality of Atlantic County, established pursuant to N.J.S.A. 40:37A-44 et seq.; and

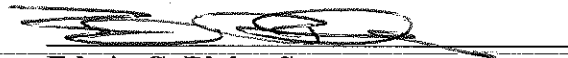
WHEREAS, the Authority is subject to rules and regulations promulgated by the State of New Jersey, Department of Community Affairs, Division of Local Government Services, including N.J.A.C. 5:31-4.1(c) regarding the approval and payment of claims which requires the "governing body (of the Authority) shall approve or disapprove all claims in accordance with Regulations adopted by the Authority;" and

WHEREAS, such claims and the expenditures thereto for the month of June 2015, are contained in the Financial Report submitted hereto for approval by the Board of Commissioners.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Atlantic County Improvement Authority, that the expenditures contained in the Financial Report for the month of June 2015, are approved pursuant to N.J.A.C. 5:31-4.1(c).



Roy M. Foster, Chairperson



Edwin G. Blake, Secretary

ADOPTED: August 10th, 2015

ATLANTIC COUNTY IMPROVEMENT AUTHORITY

I, _____, Assistant Secretary of the Atlantic County Improvement Authority, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the 10th day of August 2015.

**RESOLUTION OF THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY
AUTHORIZING AN AGREEMENT WITH
THE ATLANTIC CAPE COMMUNITY COLLEGE
FOR PROJECT/CONSTRUCTION MANAGEMENT SERVICES**

WHEREAS, the Atlantic County Improvement Authority, hereafter, the "Authority", is a political subdivision of the State of New Jersey and an instrumentality of the County of Atlantic, established pursuant to N.J.S.A. 40:37A-44 et seq.; and

WHEREAS, on July 9th, 2015 the Authority submitted a response to the Request for Proposals issued by the Atlantic Cape Community College ("ACCC") for Construction Management Services, Student Success and Career Planning Center and Renovations (the Project") at the Mays Landing Campus; and

WHEREAS, the estimated construction cost for the Project is \$12,000,000.00 and it is anticipated to be completed by November 2016; and

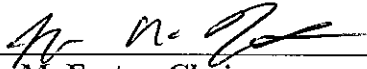
WHEREAS, the Authority's proposal was to provide certain services in the Construction Document Phase, Bid/Award Phase, the Construction Closeout Stage and the Post Occupancy Phase for a fee of \$210,000.00; and

WHEREAS, on July 28th, 2015, the ACCC Board of Trustees approved the award of an agreement with the Authority agreement based on that proposal; and

WHEREAS, this contract is classified as services provided between governmental agencies pursuant to N.J.S.A. 40A:11-5(2) and as such is exempt from the public bidding requirements of the New Jersey Local Public Contracts Law; and

WHEREAS, staff recommends the Board of Commissioners authorize the Executive Director to execute an Interlocal Service Agreement with the ACCC to perform these services for a fee of \$210,000.00.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Atlantic County Improvement Authority that the Executive Director is authorized to execute a Shared Services Agreement Interlocal Service Agreement with the ACCC for the Authority to provide project management services for the project in an amount of \$210,000.00.



Roy M. Foster, Chairperson



Edwin G. Blake, Secretary

ADOPTED: August 10th, 2015

ATLANTIC COUNTY IMPROVEMENT AUTHORITY

I, _____, Assistant Secretary of the Atlantic County Improvement Authority, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the 10th day of August 2015.

**RESOLUTION OF THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY
AUTHORIZING THE EXECUTIVE DIRECTOR TO ENTER INTO A CONTRACT
WITH THE PLEASANTVILLE HOUSING AND REDEVELOPMENT CORPORATION
FOR A SECOND PHASE OF THE NEIGHBORHOOD ENHANCEMENT PROGRAM**

WHEREAS, the Atlantic County Improvement Authority, hereafter, the "Authority", is a political subdivision of the State of New Jersey and an instrumentality of the County of Atlantic, hereafter, the "County", established pursuant to N.J.S.A. 40:37A-44, et seq.; and

WHEREAS, pursuant to N.J.S.A. 40:37A-54, the Authority is empowered to provide financial and/or technical assistance for the construction of low and moderate income housing in the County; and

WHEREAS, the Board of Chosen Freeholders has annually adopted Resolutions approving the FY 1997 through FY 2015 Annual Action Plans in which HOME funds were allocated to Community Housing Development Organizations (CHDO) to assist in the creation of affordable housing; and

WHEREAS, the County has executed Funding Approvals and HOME Investment Partnership Grant Agreements for Atlantic County HOME Funds for FY 1997 through FY 2014 with the US Department of Housing and Urban Development and is anticipating receipt of the 2015 Funding Approval and Grant Agreement for FY 2015 in the near future; and

WHEREAS, by Resolution adopted each Fiscal Year, the Board of Commissioners of the Atlantic County Improvement Authority authorized the Executive Director to enter into contracts with the County of Atlantic to administer all aspects of the Atlantic County HOME Consortium Program and to monitor the activities of sub-grantees as defined in the County's Agreements with the U.S. Department of Housing and Urban Development for HOME Consortium Program funds for which services the County will reimburse the Authority; and

WHEREAS, the Pleasantville Housing and Redevelopment Corporation, an approved Atlantic County CHDO requested a total of \$150,000 to assist in implementing a Neighborhood Enhancement Program Project with an total expected budget of \$1,050,000.00 that will result in the creation of rental units for low and moderate income individuals in the targeted area of Pleasantville; and

WHEREAS, staff recognizes that the creation of the low income housing units will address needs and objectives identified in the Atlantic County Consolidated Plan and recommends that the Authority enter into an agreement with the Pleasantville Housing and Redevelopment Corporation in accordance with their request based on the demonstrated capacity of the organization, their successful implementation of previous projects, and the other funds that will be leveraged.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Atlantic County Improvement Authority that the Executive Director is hereby authorized to enter into an agreement with the Pleasantville Housing and Redevelopment Corporation to provide HOME CHDO funds in an amount not to exceed \$150,000 for implementation of a second phase of the Neighborhood Enhancement Program in accordance with the regulations of the HOME Investment Partnership Program.



Roy M. Foster, Chairperson



Edwin G. Blake, Secretary

ADOPTED: August 10, 2015

ATLANTIC COUNTY IMPROVEMENT AUTHORITY

I, _____, Assistant Secretary of the Atlantic County Improvement Authority, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the 10th day of August, 2015.

RESOLUTION OF THE ATLANTIC COUNTY IMPROVEMENT AUTHORITY AUTHORIZING THE EXECUTIVE DIRECTOR TO ENGAGE KEVIN J. DIXON AND DIXON ASSOCIATES TO PREPARE MODIFIED SPECIFICATIONS FOR THE BOARDWALK PROJECT; TO AUTHORIZE THE EXECUTIVE DIRECTOR TO ADVERTISE SAID SPECIFICATIONS AND TO SOLICIT BIDS THEREON; AND FOR THE EXECUTIVE DIRECTOR, WITH THE ASSISTANCE OF LEGAL COUNSEL, NEGOTIATE AND TO THEREAFTER TO HAVE PREPARED THE NECESSARY DOCUMENTS SO AS TO PROVIDE THE AUTHORITY WITH A LIMITED SECURITY INTEREST IN FAVOR OF THE AUTHORITY IN THE PIMMS LED PANELS AND RELATED STRUCTURES THAT ARE PART OF THE BOARDWALK PROJECT; TO AUTHORIZE THE EXECUTIVE DIRECTOR, WITH THE ASSISTANCE OF LEGAL COUNSEL, TO NEGOTIATE AND HAVE PREPARED AN AMENDMENT TO THE SUBLEASE AGREEMENT WITH IMPACTIVATE NETWORKS LLC; AND TO AUTHORIZE THE EXECUTIVE DIRECTOR, WITH THE ASSISTANCE OF LEGAL COUNSEL, TO NEGOTIATE AND HAVE PREPARED ANY NECESSARY DOCUMENTS RELATED TO THE CRDA LOAN; ALL FOR THE PURPOSES SET FORTH HEREIN

WHEREAS, the Atlantic County Improvement Authority (hereinafter referred to as the "Authority") is a political subdivision of the State of New Jersey and an instrumentality of the County of Atlantic, established pursuant to N.J.S.A. 40:37A-44 et seq.; and

WHEREAS, pursuant to N.J.S.A. 40:37A-54, the Authority is empowered to improve, further, and promote the tourist industries and recreational attractiveness of the County through the planning, acquisition, construction, improvement, management and operation of facilities for the recreation and entertainment of the public; and

WHEREAS, the City of Atlantic City (hereinafter referred to as the "City") has, by Resolution adopted March 26, 2014, identified a need and desire for certain signage and related lighted structures on the Atlantic City Boardwalk to advance the public health, welfare and safety of the citizens of the City of Atlantic City and in order to further promote the tourist industry of both the City and the County; and

WHEREAS, the City had expressed an intent that the Authority act as the construction manager to facilitate the implementation of the signage and related structures so as to facilitate the implementation of said project; and

WHEREAS, the Authority, pursuant to its statutory authority set forth within NJSA 40:37A-131, subject to the provisions of NJSA 5:12-219, was desirous of assisting the City and thereby providing a benefit to the entire County; and

WHEREAS, the Authority and the City did negotiate and enter into a Lease Agreement and Project Management Agreement on July 2, 2014; and

WHEREAS, the Authority did thereafter enter into a Sublease Agreement with Impactivate Networks Inc. on July 2, 2014, for the purposes of the development of certain sections of the Boardwalk as set forth within the Lease Agreement between the Authority and the City; and

WHEREAS, the aforesaid Lease Agreement specifically provided for the development of specific aspects of the project, however, it was also specifically contemplated that the City might want to include additional elements to the overall project; and

WHEREAS, the City has expressed a desire to include some or all of the additional elements within the overall project provided that a source of funding for those additional elements is secured; and

WHEREAS, the Authority, on behalf of the City has previously applied to, and received conditional approval from, the Casino Reinvestment Development Authority ("CRDA") for the funding of this capital improvement project and also has completed the review of this project pursuant to N.J.S.A. 40:55D-31; and

WHEREAS, it was necessary for the Authority, on behalf of the City, to engage in a competitive procurement process for the additional elements, pursuant to N.J.S.A. 40A:11-1 et. seq.; and

WHEREAS; the Authority, by resolution adopted January 14, 2015 engaged Dixon Associates to develop the requisite detailed and complete specifications for said additional elements to be utilized in a competitive procurement process, pursuant to N.J.S.A. 40A:11-1 et. seq.; and

WHEREAS, on April 20, 2015 on behalf of Atlantic City the Authority issued a Request for Bids for the above referenced project; and

WHEREAS, at the July 15, 2015 meeting of the Board of Commissioners the sole bid submitted by Impactivate Networks was rejected because the amount bid exceeded the funds available for the project and other considerations; and

WHEREAS, the Authority on behalf of the City is desirous of rebidding the project through a competitive procurement process with certain modifications to the Specifications and Scope of Work; and

WHEREAS, staff recommends engaging Dixon Associates, to modify the requisite detailed and complete specifications for said additional elements as required for the rebid; and

WHEREAS, following the completion of the aforesaid specification modifications it will be necessary to advertise the same, as required by law; and

WHEREAS, the Authority is desirous of being provided with a degree of security going forward regarding the performance and maintenance of those portions of the Boardwalk Project under the custody and control of the sub-tenant, Impactivate Networks Inc.; and

WHEREAS, Impactivate Networks Inc. has expressed a desire to modify the scope of the project that is the subject matter of the Sublease and the Authority is also desirous of incorporating additional terms, all of which will require the preparation of an Amendment to the Sublease Agreement; and

WHEREAS, the aforesaid modifications of the project may require a change in the terms and conditions of the loan agreement and related documents between the Authority and the CRDA;

NOW, THEREFORE, BE IT RESOLVED, that:

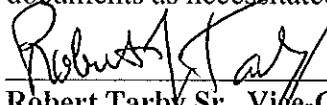
1. The Executive Director is hereby authorized, on behalf of the Authority, to authorize Dixon Associates Engineering LLC to modify the previously prepared Specifications and Scope of Work for the purposes expressed herein provided for an amount not-to-exceed \$15,000.00; and

2. The Executive Director is hereby authorized to advertise said specifications and to solicit bids thereon; and

3. The Executive Director, with the assistance of Legal Counsel, shall be and is hereby authorize to negotiate with Impactivate Networks Inc., and to thereafter have prepared the necessary documents, so as provide the Authority with a limited security interest in favor of the authority in the PIMMS LED panels and related structures that are a part of the Boardwalk Project; and

4. The Executive Director, with the assistance of Legal Counsel, shall be and is hereby authorized to negotiate with Impactivate Networks Inc. an Amendment to the Sublease Agreement so as to address the project modifications and other supplemental issues; and

5. The Executive Director, with the assistance of Legal Counsel, shall be and is hereby authorized to negotiate with the CRDA any necessary and required modifications to the loan documents as necessitated by the aforementioned project modifications.



Robert Tarby Sr., Vice-Chairperson



Edwin G. Blake, Secretary

ADOPTED: August 10, 2015

ATLANTIC COUNTY IMPROVEMENT AUTHORITY

I, _____, Assistant Secretary of the Atlantic County Improvement Authority, State of New Jersey, do hereby certify that the foregoing is a correct and true copy of a resolution adopted by the Board at a meeting duly held on the 10th day of August, 2015.