

RESOLUTION
Of the
BOROUGH OF NEW PROVIDENCE
Resolution No. 2017-220

Council Meeting Date: 09-11-2017

Date Adopted: 09-11-2017

TITLE: A RESOLUTION AUTHORIZING THE MAYOR AND MUNICIPAL CLERK OF THE MUNICIPALITY OF THE BOROUGH OF NEW PROVIDENCE TO EXECUTE AN AMENDMENT TO THE AGREEMENT WITH THE COUNTY OF UNION TO AMEND THE COOPERATIVE AGREEMENT DATED JUNE 2014

Councilperson Galluccio submitted the following resolution, which was duly seconded by Councilperson Madden.

WHEREAS, certain Federal funds are potentially available to the County of Union under Title I of the Housing and Community Development Block Grant Act of 1974, as amended, commonly known as the Community Development Block Grant Program; and

WHEREAS, certain Federal funds are potentially available to the County of Union under Title II of the National Affordable Housing Act of 1990, commonly known as the HOME Investment Partnership program; and

WHEREAS, the Borough Council authorized the execution of an agreement with the County of Union to Modify the Cooperative Agreement Dated June 2014, at the July 17, 2017 Borough Council meeting, and

WHEREAS, it is necessary to amend the Cooperative Agreement with Union County to incorporate changes necessary to meet the requirements as set forth in the Urban County Qualification Notice, CPD Notice 17-03.

NOW THEREFORE, BE IT RESOLVED by the Mayor and Governing Body of the Municipality of the Borough of New Providence that the agreement entitled "Cooperative Agreement Between the County of Union and Participating Municipalities for Conducting Certain Community Development Activities", adopted June 2014, is hereby amended; a copy of which is attached hereto; to be executed by the Mayor and Municipal clerk in accordance with the provisions of law;

BE IT FURTHER RESOLVED that this resolution shall take effect immediately upon its adoption.

APPROVED, this 11th day of September, 2017.

RECORD OF VOTE

	AYE	NAY	ABSENT	NOT VOTING
GALLUCCIO	X			
GENNARO	X			
KAPNER	X			
MADDEN	X			
MUÑOZ			X	
ROBINSON	X			
MORGAN			TO BREAK COUNCIL TIE VOTE	

I hereby certify that the above resolution was adopted at a meeting of the Borough Council held on the 11th day of September, 2017.

Wendi B. Barry, Borough Clerk

**AMENDMENT TO COOPERATIVE AGREEMENT BETWEEN
THE COUNTY OF UNION AND PARTICIPATING MUNICIPALITIES
FOR CONDUCTING CERTAIN COMMUNITY DEVELOPMENT ACTIVITIES**

THIS AMENDMENT TO THE COOPERATIVE AGREEMENT (“Amended Agreement”), dated this 11th day of September 2017, by and between the County of Union, a body politic and corporate of the State of New Jersey (“County”), with its principal address at 10 Elizabethtown Plaza, Elizabeth, NJ 07207 and the Borough of New Providence, a municipal corporation of the State of New Jersey (“Municipality”) with its principal address at 360 Elkwood Ave., New Providence, N.J. 07974.

WHEREAS, the Uniform Shared Services and Consolidation Act (N.J.S.A. 40A:65-1 et seq.) provides a mechanism through which counties and municipalities may enter into agreements for the provision of joint services; and

WHEREAS, Title I of the Housing and Community Development Act of 1974 provides for substantial federal funds being made to certain urban counties for use therein through the Community Development Block Grant (“CDBG”) Entitlement Program, HOME Investment Partnerships (“HOME”) Program and Emergency Solutions Grants (“ESG”) Program; and

WHEREAS, a Cooperative Agreement between the County and the Municipality of New Providence was entered into on September 22, 2014, which established a legal mechanism through which the County government may apply for, receive and disburse federal funds; and

WHEREAS, the parties seek to amend the Cooperative Agreement to insure compliance with CPD Notice 17-03 that all cooperation agreements must meet certain standards in order to be found acceptable to the Department of Housing and Urban Renewal and the parties must now amend the Agreement to insure compliance; and

WHEREAS, each of the parties has adopted a resolution authorizing this Amendment to the above referenced Agreement.

NOW THEREFORE, in consideration of the mutual covenants and agreements set forth herein, the County and the Municipality hereby agree that the following amendments are made to the above referenced Agreement:

- 1) Paragraph E- the last paragraph of this item is hereby amended to read “ The failure to adopt any amendment to the agreement incorporating necessary changes applicable for a subsequent 3-year qualification period will void the automatic renewal for such qualification period.”

2) Paragraph G is hereby amend to include a new item, numbered 4 - "The County and the Municipality are obligated to comply with all other applicable laws."

3) Paragraph I –first paragraph, sentence three, is hereby amended to replace the word "Subsection" with the word "Section".

A copy of this Amendment shall be attached to the Original Agreement referenced above as evidence that this Amendment supersedes the language contained in the original Agreement.

IN WITNESS WHEREOF, the parties have signed this Cooperative Agreement and have caused this Agreement to be executed by their duly authorized representatives or officers on the date and year first written above.

Attest:

BOROUGH OF NEW PROVIDENCE

Wendi B. Barry, Borough Clerk

Allen Morgan, Mayor

ATTEST:

COUNTY OF UNION

James E. Pellettiere, Clerk
Union County Board of Chosen Freeholders

Alfred J. Faella, County Manager

APPROVED AS TO FORM:

Robert E. Barry, Esq., County Counsel