

1 TOWNSHIP OF NUTLEY, NEW JERSEY

2 BOARD OF COMMISSIONERS

3 )

4 PUBLIC MEETING ) TRANSCRIPT OF

5 ) PROCEEDINGS :

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10 October 16, 2015

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16 BEFORE:

17 Mayor Petracco

18 Commissioner Thomas J. Evans

19 Commissioner Mauro Tucci

20 Commissioner Steven Rogers

21 Commissioner Joseph P. Scarpelli

22 Township Clerk

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24 Job No. VTNJ - 2171235

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1 P R O C E E D I N G S

2 MAYOR PETRACCO: Madam Clerk.

3 MADAM CLERK: Yes, Mayor. Board of Commissioners  
4 Special Meeting Friday, October 16, 2015. The time is now  
5 10:24.

6 Pursuant to the requirements of the Open Public  
7 Meeting Act, Chapter 231, Public Law, 1975, notice of this  
8 meeting was published in the October 15, 2014 issue of the  
9 Nutley Sun. A copy of this notice has been posted on the  
10 Nutley Town Hall bulletin board, the Township website and  
11 a copy is on file in the Municipal Clerk's Office.

12 Commissioner Rogers?

13 COMMISSIONER ROGERS: Here.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Here.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Here.

18 MADAM CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Here.

20 MADAM CLERK: Mayor Petracco?

21 MAYOR PETRACCO: Here.

22 MADAM CLERK: All present, Mayor.

23 MAYOR PETRACCO: Thank you.

24 This morning's meeting, it's to introduce an  
25 ordinance.

1           Before I introduce the ordinance by title,  
2           counsel do you just want to give a brief summary of what  
3           we're doing today.

4           MR. GENITEMPO:                Yes, Mayor. Thank you.

5           In fact, this is kind of an historic moment for  
6           Nutley in that it is the first major redevelopment plan  
7           that this (inaudible). This ordinance is basically to  
8           accept a redevelopment plan, what's considered the medical  
9           school site, at the Hoffmann LaRoche property.

10          What this ordinance does is it -- it's an  
11          introduction of an ordinance to adopt ultimately the  
12          redevelopment plan (inaudible).

13          After this, the plan will be submitted  
14          (inaudible) and returned back to the commissioners for a  
15          public hearing and adoption.

16          And what it basically says is there's going to  
17          be four potential lots on the LaRoche site that dedicated  
18          to the use of the medical school or other uses to be  
19          determined and your approval today will just introduce the  
20          ordinance and allow redevelopment plan to become a part of  
21          the fabric of the property and ultimately result in a  
22          redevelopment agreement.

23          So your review and introduction today is to set  
24          that in motion. After which a series of other events will  
25          ultimately (inaudible).

1           MAYOR PETRACCO:           Thank you, counsel.

2           I'll read the Ordinance by introduction.           It's  
3           Number 3327 on behalf of the whole Board of Commissioners.  
4           It reads as:

5           An Ordinance of the Board of Commissioners of  
6           the Township of Nutley in the County of Essex adopting the  
7           Hoffmann-LaRoche Redevelopment Plan for Phase One.

8           I move that this Ordinance be passed to a second  
9           reading and advertised in the Nutley Sun together with the  
10          notice required by law and that further consideration of  
11          said Ordinance for final passage by the Board of  
12          Commissioners to be held at its second reading on October  
13          27, 2015.

14          I move the Ordinance.

15                   COMMISSIONER TUCCI:    Second.

16          MADAM CLERK:           Commissioner Rogers?

17          COMMISSIONER ROGERS:           Aye.

18          MADAM CLERK:           Commissioner Tucci?

19          COMMISSIONER TUCCI:           Aye.

20          MADAM CLERK:           Commissioner Evans?

21          COMMISSIONER EVANS:           Aye.

22          MADAM CLERK:           Commissioner Scarpelli?

23          COMMISSIONER SCARPELLI:        Aye.

24          MADAM CLERK:           Mayor Petracco?

25          MAYOR PETRACCO:           Aye.

1           Okay.           Now we need to extend our session.

2           MADAM CLERK:           And before that, I'm sorry, the  
3 redevelopment plan will be available in the Municipal  
4 Clerk's Office on October 20th for the public.

5           MAYOR PETRACCO:           Okay. Do we need a motion,  
6 counsel, to extend our executive session?

7           MR. GENITEMPO:   Yes. You need a motion  
8 to go back into executive.

9           COMMISSIONER EVANS:   Move to go back into the  
10 executive session.

11          COMMISSIONER TUCCI:   Second.

12          MADAM CLERK:           Commissioner Rogers?

13          COMMISSIONER ROGERS:        Aye.

14          MADAM CLERK:           Commissioner Tucci?

15          COMMISSIONER TUCCI:        Aye.

16          MADAM CLERK:           Commissioner Evans?

17          COMMISSIONER EVANS:        Aye

18          MADAM CLERK:           Commissioner Scarpelli?

19          MAYOR PETRACCO:   Commissioner Scarpelli  
20 had to leave.

21          MADAM CLERK:           Okay. Mayor Petracco?

22          MAYOR PETRACCO:        Aye.

23          MR. GENITEMPO:   For the same purpose,  
24 Madam Clerk, in terms of (inaudible).

25          MADAM CLERK:           Okay. Contract negotiations and

1 litigation.

2 (Inaudible). The time is 10:28.

3 MAYOR PETRACCO: Back on the record.

4 MADAM CLERK: Yes, Mayor.

5 MAYOR PETRACCO: Okay. We need a motion

6 (inaudible).

7 COMMISSIONER TUCCI: Second.

8 COMMISSIONER ROGERS: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 UNIDENTIFIED SPEAKER: (Inaudible).

12 MADAM CLERK: Yes. I'm sorry. Commissioner  
13 Tucci?

14 COMMISSIONER TUCCI: Aye.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye

17 MADAM CLERK: Mayor Petracco?

18 MAYOR PETRACCO: Aye.

19 MADAM CLERK: And the time is 11:19.

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21 (Whereupon, the meeting was adjourned.)

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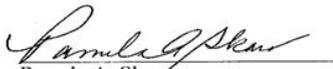
1 C E R T I F I C A T I O N

2 I, Pamela A. Skaw, certify that the foregoing transcript  
3 is a true and accurate record of the October 16, 2015  
4 proceedings.

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Pamela A. Skaw

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**AGENDA**  
**TOWNSHIP OF NUTLEY**  
**BOARD OF COMMISSIONERS**  
**SPECIAL PUBLIC MEETING**  
**FRIDAY, OCTOBER 16, 2015 / 9:00A.M.**

**Notice Pursuant to N.J.S.A 10:4-8(d)**

This agenda for the next regular meeting of the Township of Nutley Board of Commissioners, and the resolutions on the agenda, reflect the agenda and proposed resolutions to the extent known at the time of posting, pursuant to N.J.S.A. 10:4-8(d). The agenda and resolutions are tentative. They are subject to amendment additions or deletions prior to the meeting. Any inquiries concerning the agenda and its contents should be directed to the Municipal Clerk's Office at (973) 284-4955.

**PLEDGE OF ALLEGIANCE:**

**SUNSHINE NOTICE:**

Pursuant to the requirements of the Open Public Meeting Act (Chapter 231, P.L.1975), notice of this meeting was published in the October 15, 2014 issues of The Nutley Sun. A copy of this notice has been posted on the Nutley Town Hall bulletin board, Township Website and a copy is on file in the Municipal Clerk's Office.

**ROLL CALL:**

Commissioner Rogers  
Commissioner Tucci  
Commissioner Evans  
Commissioner Scarpelli  
Mayor Petracco

**MINUTES:**

**ORDINANCE INTRODUCTIONS (1):**

**BOARD OF COMMISSIONERS/ORDINANCE NO. 3327**

**“AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY IN THE COUNTY OF ESSEX ADOPTING THE HOFFMAN-LAROCHE REDEVELOPMENT PLAN FOR PHASE ONE” (PUBLIC HEARING OCTOBER 27, 2015)**

**ORDINANCE PUBLIC HEARINGS:**

**RESOLUTIONS:**

None.

**MEETING OPEN TO THE PUBLIC:**

**ADJOURNMENT:**

**REMINDER:**

The next Board of Commissioners meeting is scheduled for Tuesday, October 20, 2015 at 7:00 P.M., Nutley Town Hall, 3<sup>rd</sup> floor Commission Chambers.

**ELECTION DAY/ GENERAL ELECTION, Tuesday, November 3, 2015**

**ORDINANCE # 3327**  
**INTRODUCED BY: BOARD OF COMMISSIONERS**  
**INTRODUCED ON: FRIDAY, OCTOBER 16, 2015**  
**PUBLIC HEARING: TUESDAY, OCTOBER 27, 2015**

**ORDINANCE # 3327**

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY IN THE COUNTY OF ESSEX ADOPTING THE HOFFMAN-LAROCHE REDEVELOPMENT PLAN FOR PHASE ONE**

**WHEREAS**, the Board of Commissioners of the Township of Nutley (the “Board of Commissioners”) identified the certain properties in the Township of Nutley (the “Township”) designated as follows on the official Tax Map of the Township of Nutley (collectively, the “Study Area”):

Block 102, Lots 2 and 9; Block 200, Lots 1, 2, 3, 4, 5, 6 and 24; Block 201, Lot 1; Block 300, Lots 1 and 20; Block 2000, Lots 1, 4 and 5; Block 2100, Lot 9 C0101, Lot 9 C0102, Lot 9 C0103, Lot 9 C0104, Lot 9 C0105, Lot 9 C0106, Lot 9 C0107, Lot 9 C0108, Lot 9 C0109, Lot 9 C0110, Lot 9 C0111, Lot 9 C0208, Lot 9 C0209, Lot 9 C0210, Lot 9 C0211, Lot 9 C0212, Lot 9 C0214, Lot 9 C0215, Lot 9 C0216 and Lot 9 C0217; Block 2101, Lot 1; and Block 2304, Lot 17, Lot 18 C0001, Lot 18 C0002, Lot 18 C0003 and Lot 18 C0203,

also known as the former Hoffmann LaRoche corporate campus site, to be considered for designation as a condemnation “area in need of redevelopment” under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”); and

**WHEREAS**, on February 24, 2015, the Planning Board adopted a Resolution recommending that Block 102, Lot 2; Block 200, Lots 1, 2, 3, 4, 5, 6 and 24; Block 201, Lot 1; Block 300, Lots 1 and 20; Block 2000, Lots 1, 4 and 5; Block 2101, Lot 1, and Block 2304, Lot 17, as shown on the official Tax Map of the Township of Nutley (the “Redevelopment Area”) be determined by the Board of Commissioners to be a condemnation “area in need of redevelopment” under the LRHL; and

**WHEREAS**, the Board of Commissioners concurred and agreed with Planning Board’s recommendation, as supported by the reasons stated in the Preliminary Investigation, that the Redevelopment Area constitutes and meets the criteria under the LRHL and that the Redevelopment Area should be determined and declared a condemnation “area in need of redevelopment”, which determination shall, among other things, authorize the Township to exercise the power of eminent domain to acquire all or any portion of such Redevelopment Area; and

**WHEREAS**, on March 3, 2015, the Board of Commissioners adopted Resolution No. 74-15 declaring the Redevelopment Area a condemnation “area in need of redevelopment” under the LRHL; and

**WHEREAS**, in furtherance of the redevelopment of the Redevelopment Area, the Board of Commissioners directed Maser Consulting, P.A. to prepare a redevelopment plan, entitled “Hoffmann-LaRoche Redevelopment Plan – Phase 1,” (the “Redevelopment Plan”), which contains a detailed development program and design criteria for an approximately 10.9 acre portion of the Redevelopment Area located within portions of Block 201, Lot 1 and Block 300,

Lot 1 (which is indicated in the Redevelopment Plan as possibly being subdivided into up to four (4) smaller separate lots), while maintaining existing zoning for the remainder of the larger Redevelopment Area, with an understanding that the Redevelopment Plan will be amended in the future to encourage and permit uses in the Redevelopment Area complimentary to and consistent with the Redevelopment Plan; and

**WHEREAS**, pursuant to N.J.S.A. 40A:12A-7(d)-(e), upon introduction of this Ordinance, the Redevelopment Plan shall be referred to the Nutley Planning Board for review and issuance of a report containing its recommendations, if any, concerning the Redevelopment Plan and its consistency with the Nutley Township Master Plan within forty five (45) days of referral.

**NOW, THEREFORE, BE IT ORDAINED**, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, being the governing body thereof, that pursuant to N.J.S.A. 40A:12A-7 the Board of Commissioners hereby accept and approve the Redevelopment Plan, and hereby adopts said Redevelopment Plan; and

**BE IT FURTHER ORDAINED**, if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

**BE IT FURTHER ORDAINED**, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

**BE IT FURTHER ORDAINED**, to the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Township’s development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Township’s zoning ordinance shall be deemed amended accordingly; and

**BE IT FURTHER ORDAINED**, this Ordinance shall take effect upon passage and publication in accordance with applicable law.

. . .

I, \_\_\_\_\_, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the  
*Eleni Pettas*  
 foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 16, 2015

<i>Record of Vote</i>	<i>Commissioner Steven L. Rogers</i>	<i>Commissioner Mauro G. Tucci</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Joseph P. Scarpelli</i>	<i>Mayor Alphonse Petracco</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					