

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY
Resolution

Introduced by: _____ Commissioner Thomas J. Evans _____ *Date:* _____ October 3, 2017 _____
Seconded by: _____ Commissioner Mauro G. Tucci _____ *No.* _____ 213-17 _____

MEMORANDUM OF AGREEMENT
For the Receipt of 2017 Calendar Year Transitional Aid to Localities
By and Between the Division of Local Government Services
and the
Township of Nutley, County of Essex, New Jersey

WHEREAS, P.L. 2015,c63 extends Transitional Aid to Localities to those localities experiencing financial distress caused by the destruction or loss of a major business ratable; and

WHEREAS, The Township of Nutley, County of Essex, has experienced an unprecedented erosion of its property tax ratable base due to the departure of Hoffmann La Roche, the municipality's largest taxpayer; and

WHEREAS, the Director of the Division of Local Government Services is authorized by the State Budget to award Transitional Aid to a local government unit experiencing financial distress due to ratable losses; and

WHEREAS, after reviewing an application submitted by the Township of Nutley, the Director has determined that the Municipality meets the necessary criterion of the Transitional Aid Program and that an award of \$3,675,000.00 of Transitional Aid is appropriate, in accordance with the criteria set forth in the State Budget; and

NOW THEREFORE, BE IT RESOLVED:

That in addition to all other sums provided by the State of New Jersey or its municipal subdivisions thereof, the Director hereby authorizes payment of Transitional Aid funds in the amount of three million, six hundred, seventy-five thousand (\$3,675,000.00) dollars to the Municipality in support of its budget; and

BE IT FURTHER RESOLVED:

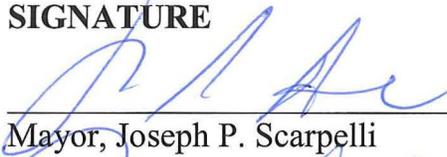
The Director shall advance funds to the District based on a review of the Municipality's cash flow needs. Sufficient Transitional Aid funds, in an amount not to exceed seventy five (75%) percent of the Municipality's total Transitional Aid award, may be disbursed upon execution of this Memorandum of Agreement. All remaining funds will be withheld in the Division's accounts until such time as the Director based upon his evaluation of the Municipality's compliance with the terms of this agreement recommends payment. The Division retains the power to hold back funds and provide less than the anticipated amount of \$3,675,000.00 should the municipality no longer need the funds, become noncompliant with the terms of this agreement or fail to act in a manner otherwise required: and

BE IT FURTHER RESOLVED:

The Municipality agrees to work with the Division to remedy the Municipality's structural budget imbalance and will comply with all laws, regulations, Local Finance Notices, and any government, administrative and oversight measure necessary for the fiscal recovery of the Municipality as the Director may order from time to time pursuant to the State Budget. The Municipality will also make available to the Director or his designee, upon request, all documents or resources necessary for review of the Municipality's financial condition.

NOW, THEREFORE, BE IT FURTHER RESOLVED, by the Board of Commissioners, of the Township of Nutley, County of Essex, State of New Jersey, that the Mayor and Chief Financial Officer are hereby authorized to execute the attached **Memorandum of Agreement For the Receipt of 2017 Calendar Year Transitional Aid to Localities** between the Division of Local Government Services and the Township of Nutley.

SIGNATURE



Mayor, Joseph P. Scarpelli

Date: 10/3/2017



Chief Financial Officer, Rosemary Costa

Date: 10/3/2017

Date: _____
Director, Division of Local Government Service, Timothy J Cunningham

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 3, 2017

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: _____ Commissioner Thomas J. Evans _____ *Date:* _____ October 3, 2017 _____
Seconded by: _____ Commissioner Mauro G. Tucci _____ *No.* _____ 214-17 _____

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of the tax charges in the amount of \$775.55 for the following account.

Block/Lot	Address	Amount/Year
704 - 9	11 HOWE AVE.	\$177.66/2017
4902 - 6	549 PROSPECT ST.	\$597.89/2017

. . .

I, , Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held _____ October 3, 2017 _____
Eleni Pettas

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: _____ Commissioner Thomas J. Evans _____ *Date:* _____ October 3, 2017 _____
Seconded by: _____ Commissioner Mauro G. Tucci _____ *No.* _____ 215-17 _____

WHEREAS, the Township of Nutley is subject to the provisions of the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq.; and

WHEREAS, N.J.S.A. 40A:11-9 et seq. establishes the criteria for qualifying as a Qualified Purchasing Agent; and

WHEREAS, Kathy Rempusheski has successfully completed the required course of study at Rutgers University, and passed the required examination administered by the NJ Division of Local Government Services; and

WHEREAS, Kathy Rempusheski has met all the requirements established by N.J.S.A. 40A:11-9 et seq., and on June 9, 2015, she received her certification as a Qualified Purchasing Agent from the Department of Community Affairs, State of New Jersey; and

WHEREAS, Kathy Rempusheski continues to fulfill all the requirements of the continuing education requirements necessary to maintain her certification in good order; and

WHEREAS, Kathy Rempusheski is an employee of the Township of Nutley in good standing with 15 years of service, including duties in the Department of Public Affairs, Office of the Mayor, and in 2012 transferred to the Department of Revenue and Finance, Purchasing Department.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that Kathy Rempusheski is hereby appointed Qualified Purchasing Agent effective October 1, 2017.

. . .

I, , Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held _____ October 3, 2017 _____

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY
Resolution

Introduced by: _____ Commissioner Steven L. Rogers _____ *Date:* _____ October 3, 2017 _____

Seconded by: _____ Commissioner Thomas J. Evans _____ *No.* _____ 216-17 _____

WHEREAS, about 1 in 8 U.S. women (about 12%) will develop invasive breast cancer over the course of her lifetime; and

WHEREAS, in 2017, an estimated 252,710 new cases of invasive breast cancer are expected to be diagnosed in women in the U.S., along with 63,410 new cases of non-invasive (in situ) breast cancer; and

WHEREAS, about 40,610 women in the U.S. are expected to die in 2017 from breast cancer, though death rates have been decreasing since 1989; and

WHEREAS, breast cancer is the second leading cause of cancer death for women in the U.S, after lung cancer; and

WHEREAS, recent strides in early detection, including the use of mammography, and prompt treatment have significantly reduced the suffering and deaths caused by this disease; and

WHEREAS, the Department of Public Affairs will continue to work with Nutley Thriving Survivors, a nonprofit corporation, to develop programs to increase awareness of the symptoms of breast cancer and to support those women, and men, who may be diagnosed with the disease;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey recognize **OCTOBER** as

BREAST CANCER AWARENESS MONTH

BE IT FURTHER RESOLVED that we urge all women and their families in the Township of Nutley to seek assistance in obtaining the facts and information about breast cancer, mammography and available support groups for victims and to participate in the programs scheduled this year for residents of the Township and breast cancer survivors, and

BE IT FURTHER RESOLVED that residents are encouraged to join the Thriving Survivors and celebrate the lives of Nutley women who have been affected by breast cancer by attending the 15th Annual Nutley Thriving Survivors Walk on Friday, October 6, 2017, at 7:00 pm at the John H. Walker Middle School, as well as the 15th Annual Thriving Survivors Brunch on Sunday, October 22, 2017 at 11:00 am at the Forest Hill Field Club, 9 Belleville Ave., Bloomfield, NJ.

I,  _____, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held _____ October 3, 2017 _____

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: _____ Commissioner Mauro G. Tucci _____ *Date:* _____ October 3, 2017 _____
Seconded by: _____ Commissioner Thomas J. Evans _____ *No.* _____ 217-17 _____

WHEREAS, the Township of Nutley has a need to acquire specialized and professional ACA Reporting Services to insure compliance with IRS regulations for year 2017 reporting; and

WHEREAS, such services may be acquired as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as appropriate; and

WHEREAS, Primepoint, LLC located at 2 Springside Rd, Mt. Holly, New Jersey 08060 has submitted a proposal dated September 18, 2017 with an anticipated cost of \$6,300.00 to complete these services and assure compliance on behalf of the Township of Nutley; and

WHEREAS, funds are available from Budget Account #7-01-526-200, and have been certified by the Chief Financial Officer, said certification being attached to this resolution.

WHEREAS, Primepoint, LLC, has completed and submitted a Business Entity Disclosure Certification which certifies Primepoint has not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one year, and that the contract will prohibit Primepoint from making any reportable contributions through the term of the contract; and

NOW THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey hereby authorize the Commissioner of Parks and Public Property to enter into a contract with Primepoint, LLC.

I,  _____, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held _____ October 3, 2017 _____

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

AFFIDAVIT

The Local Finance Board is authorized by N.J.S.A. 52: 27BB-10 to adopt standard rules for municipal financial administration and N.J.S.A. 40A: 4-57 prohibits the expending of money, incurring of liability or the entering into; of any contract which by its terms involves the expenditure of money for any purpose for which no appropriation is provided, or in excess of the amount appropriated for such purpose. By virtue of the powers vested in the Local Finance Board by N.J.S.A. 52: 27BB-10 on October 20, 1975, the Local Finance Board adopted a procedure for the expenditure of public moneys by a municipality. This procedure became effective January 1, 1976.

In accordance with the rules and regulations adopted by the Local Finance Board with respect to the awarding of Contracts by the Municipal Governing Body, I do hereby certify that funds are available for the following purpose and this contract may be adopted.

Purpose: Primepoint, LLC

Account: 7-01-526-200

Fund: Current Fund

Amount: \$6,300.00

Date: October 3, 2017



Rosemary Costa
Treasurer, C.F.O.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: _____ Commissioner Mauro G. Tucci _____ *Date:* _____ October 3, 2017 _____
Seconded by: _____ Commissioner Thomas J. Evans _____ *No.* _____ 218-17 _____

WHEREAS, The Township of Nutley entered into a specialized professional services as a non-fair and open contract, pursuant to the provision of N.J.S.A. 19:44 A-20.5, with Viridian Environmental Consultants, PO Box 3009, Upper Montclair, New Jersey 07043 for Ground Water Investigation Services, on April 4, 2017 via Resolution Number 80-17; and

WHEREAS, The Director of Parks and Public Property has recommended the following change order from said contract:

CHANGE ORDER NO. 1: Ground Water Investigation Services \$299.06

The money is available from Capital Ordinance # 3323K and has been certified by the Chief Financial Officer and said certification is attached to this resolution.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that Change Order #1, in the amount of **\$299.06** be and is hereby approved.

I,  _____, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held _____ October 3, 2017 _____

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

AFFIDAVIT

The Local Finance Board is authorized by N.J.S.A. 52: 27BB-10 to adopt standard rules for municipal financial administration and N.J.S.A. 40A: 4-57 prohibits the expending of money, incurring of liability or the entering into; of any contract which by its terms involves the expenditure of money for any purpose for which no appropriation is provided, or in excess of the amount appropriated for such purpose. By virtue of the powers vested in the Local Finance Board by N.J.S.A. 52: 27BB-10 on October 20, 1975, the Local Finance Board adopted a procedure for the expenditure of public moneys by a municipality. This procedure became effective January 1, 1976.

In accordance with the rules and regulations adopted by the Local Finance Board with respect to the awarding of Contracts by the Municipal Governing Body, I do hereby certify that funds are available for the following purpose and this contract may be adopted.

Purpose: Change Order#1-Viridian Environmental Consultants

Account: G-04-101-411 (Ord.#3323K)

Fund: General Capital Fund

Amount: \$299.06

Date: October 3, 2017



Rosemary Costa
Treasurer, C.F.O.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joseph P. Scarpelli *Date:* October 3, 2017
Seconded by: Commissioner Mauro G. Tucci *No.* 219-17

WHEREAS, raffle applications have been received from the following organizations; and

Rotary Club of Nutley	License No. 47-17 On-Premise Merchandise Raffle	Saturday, December 2, 2017
Friends of the Phoenix Center Foundation, Inc.	License No. 48-17 Off-Premise Merchandise Raffle	Tuesday, November 14, 2017
Good Shepherd Academy Home School Association	License No. 49-17 On-Premise 50/50 Cash Raffle	Friday, November 17, 2017
Good Shepherd Academy Home School Association	License No. 50-17 Off-Premise 50/50 Cash Raffle	Friday, November 17, 2017
Good Shepherd Academy Home School Association	License No. 51-17 On-Premise Merchandise Raffle	Friday, November 17, 2017

WHEREAS, the applications have been reviewed and approved by the Municipal Clerk and the Police Department;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the aforementioned licenses are approved and the Municipal Clerk is authorized to issue the raffle licenses.

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that
 Eleni Pettas
 the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 3, 2017

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joseph P. Scarpelli Date: October 3, 2017
 Seconded by: Commissioner Mauro G. Tucci No. 220-17

WHEREAS, the Township of Nutley has a need to acquire the services of Professional Engineers to assist the Township with defending itself against a Tort Claim made by Hoffmann La Roche and other environmental issues, as a Non-Fair and Open Contract pursuant to the provisions of N.J.S.A 19:44 A20.4 or 20.5, as appropriate; and

WHEREAS, the Chief Financial Officer has determined and certified in writing that the value of the aggregate services provided by the vendor for January 1, 2017 to December 31, 2017 will not exceed \$15,000.00; and

WHEREAS, Mott MacDonald, 111 Wood Avenue South, Iselin, New Jersey 08830-4112, has submitted an acceptable proposal to provide such Professional Services as required to assist the Township attorney in responding to the claim made by Hoffmann La Roche and other environmental issues. Such services will be billed monthly based upon, actual time and expenses incurred in accordance with their submitted fee schedule; and

WHEREAS, Mott MacDonald services will be coordinated and managed by John Rolak, Jr., P.E, Principal of the firm with 40 years of experience and Roy Redmond, LSRP-NJ (Licensed Site Remediation Professional) with 35 years of experience; and

WHEREAS, Mott MacDonald, Professional Engineering Services, has completed and submitted a Business Entity Disclosure Certificate which certifies that they have not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, funds are available from account # 7-01-012-200 in the amount of \$15,000.00 and have been certified by the Chief Financial Officer, said certification being attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey authorizes the Mayor to enter into a contract in accordance with N.J.S.A 19:44 A20.4 or 20.5 with Mott MacDonald, Professional Engineering Services for the proposal as stated above.

BE IT FURTHER RESOLVED, that the Business Disclosure Entity Certificate and the Determination of Value be placed on file with this resolution.

I,  _____, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 3, 2017

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

AFFIDAVIT

The Local Finance Board is authorized by N.J.S.A. 52: 27BB-10 to adopt standard rules for municipal financial administration and N.J.S.A. 40A: 4-57 prohibits the expending of money, incurring of liability or the entering into; of any contract which by its terms involves the expenditure of money for any purpose for which no appropriation is provided, or in excess of the amount appropriated for such purpose. By virtue of the powers vested in the Local Finance Board by N.J.S.A. 52: 27BB-10 on October 20, 1975, the Local Finance Board adopted a procedure for the expenditure of public moneys by a municipality. This procedure became effective January 1, 1976.

In accordance with the rules and regulations adopted by the Local Finance Board with respect to the awarding of Contracts by the Municipal Governing Body, I do hereby certify that funds are available for the following purpose and this contract may be adopted.

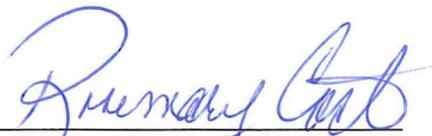
Purpose: Professional Services-Mott McDonald

Account: 7-01-012-200

Fund: Current Fund

Amount: \$15,000.00

Date: October 3, 2017



Rosemary Costa
Treasurer, C.F.O.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

<i>Introduced by:</i>	Mayor Joseph P. Scarpelli on behalf of the Board of Commissioners	<i>Date:</i>	October 3, 2017
<i>Seconded by:</i>	Commissioner Mauro G. Tucci	<i>No.</i>	221-17

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT BETWEEN THE TOWNSHIP OF NUTLEY AND KINGSLAND STREET URBAN RENEWAL, LLC

WHEREAS, the Board of Commissioners of the Township (the “**Board of Commissioners**”) identified certain properties in the Township designated as follows on the official Tax Map of the Township (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 Hoffmann-La Roche 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 “**Redevelopment Law**”); and

WHEREAS, on March 18, 2014, under Resolution No. 67-14, the Board of Commissioners directed the Planning Board of the Township of Nutley (the “**Planning Board**”) to conduct a preliminary investigation to determine whether the Study Area, or any portions thereof, constitute a condemnation “area in need of redevelopment” according to the criteria set forth in N.J.S.A. 40A:12A-5; and

WHEREAS, the Board of Commissioners, under Resolution No. 67-14, further directed the Planning Board to develop a map reflecting the boundaries of the Study Area to be included within the proposed redevelopment area, to conduct a public hearing pursuant to N.J.S.A. 40A:12A-6, and to draft a report/resolution to the Board of Commissioners containing its findings; and

WHEREAS, a preliminary investigation/report entitled “Redevelopment Study Area, Determination of Need, Hoffmann-La Roche Site – Nutley/Clifton, ‘HOFFMANN-LA ROCHE SITE’, Township of Nutley, Essex County, New Jersey,” dated February 5, 2015, was prepared and issued by Maser Consulting, P.A. (the “**Preliminary Investigation**”); and

WHEREAS, on February 24, 2015, the Planning Board held a public hearing during which any persons interested in or affected by a determination that the Study Area is a redevelopment area were given the opportunity to be heard, and any objections to such a determination and evidence in support of those objections, were received and considered and made part of the public record; and

WHEREAS, the Planning Board concurred and agreed with the reasons stated in the Preliminary Investigation that portions (excluding Block 102, Lot 9; Block 2100, Lot 9; and Block 2304, Lot 18) of the Study Area constitutes and meets the criteria under the Redevelopment Law

supporting the recommendation that portions of the Study Area be determined a condemnation “area in need of redevelopment”; 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 “**Property**”) be determined by the Board of Commissioners to be a condemnation “area in need of redevelopment” under the Redevelopment Law; 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 Property constitutes and meets the criteria under the Redevelopment Law and that the Property 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 Property; and

WHEREAS, on March 3, 2015, the Board of Commissioners adopted a Resolution declaring the Property a condemnation “area in need of redevelopment,” thereby establishing the Property as a “**Redevelopment Area**” under the Redevelopment Law; and

WHEREAS, on July 19, 2016, after conducting the requisite hearings therefor, the Board of Commissioners, via Ordinance No. 3341, adopted the plan entitled “Redevelopment Plan – Nutley HLR/Phase I (the “**Phase I Redevelopment Plan**”) for an approximately 10.98 acre portion of the Property comprised of Block 201, Lot 1, and Block 300, Lot 1 (subdivided into Block 300, Lots 1.01, 1.02, 1.03 and 1.04) (the “**Phase I Premises**”) in accordance with the provisions of the Redevelopment Law; and

WHEREAS, on July 19, 2016, the City Council of the City of Clifton (the “**City**”), adopted the plan entitled “Redevelopment Plan – Clifton HLR/Phase I (the “**Clifton Phase I Redevelopment Plan**”) for an approximately 5.57 acre portion of the land located in the City and containing Block 80.02, Lot 4 (subdivided into Block 80.02, Lots 4.01, 4.02, 4.03 and 4) (the “**Clifton Phase I Premises**”), which Clifton Phase I Redevelopment Plan permits, inter alia, the construction and operation of structured parking facilities on the Clifton Phase I Premises and permits the construction and operation of a parking structure on the Clifton Phase I Premises (the “**Clifton Parking Structure Lot**”); and

WHEREAS, on September 17, 2015, Hoffmann-La Roche, Inc. submitted an application to the Planning Board seeking preliminary and final subdivision approval, which was approved by the Planning Board on October 21, 2015 and has been or is about to be perfected and which Subdivision, inter alia (a) permits the subdivision of the Phase I Premises into a total of four (4) separately identifiable lots and reserves space for certain future private roads as shown on the Subdivision; (b) creates one (1) lot (Block 300, Lot 1.03) on which will be located portions of the existing structures known as Building 123 and Building 123A, which consist of a six-story building (Building 123) containing approximately 412,092 gross square feet of building area, and a second six-story building (Building 123A) functioning as a wing of Building 123 containing approximately 65,059 gross square feet as shown on the Subdivision; and (c) creates three (3) lots (Block 300, Lots 1.01, 1.02 and 1.04) for use in accordance with the Redevelopment Plan; and

WHEREAS, on August 2, 2016, the Board of Commissioners (a) designated the Redeveloper, as tenant under the Lease, as the redeveloper of the Phase I Premises; and (b) authorized the Township to enter into a redevelopment agreement pursuant to Resolution R-199-16, setting forth the terms and

conditions by which the Redeveloper will redevelop the Phase I Premises for the construction and operation of the Phase I Project subject to certain conditions stated in such resolution; and

WHEREAS, on September 29, 2016, the Parties entered a Redevelopment Agreement setting forth their respective undertakings, rights and obligations in connection with the development of the Phase I Premises in accordance with the Phase I Redevelopment Plan and applicable law (the “**Redevelopment Agreement**”); and

WHEREAS, on September 29, 2016, the Redeveloper and the City entered a Redevelopment Agreement setting forth their respective undertakings, rights and obligations in connection with the development of the Clifton Phase I Premises in accordance with the Clifton Phase I Redevelopment Plan, and applicable law; and

WHEREAS, on May 5, 2017, the Redeveloper submitted an application to the Planning Board seeking preliminary and final site plan approval for parking, landscaping and related site improvements on the Phase I Premises (the “**Nutley Site Plan Application**”), which application, inter alia, proposed a total of 1,387 parking spaces for the Phase I Project in both Clifton and Nutley, which Nutley Site Plan Application is currently pending before the Planning Board; and

WHEREAS, the Planning Board has advised the Redeveloper that it is not willing to approve more than four hundred sixty-seven (467) permanent parking spaces within the Nutley Phase I Premises, and that any additional parking spaces would be approved on a temporary basis only; and

WHEREAS, the Redeveloper desires to make certain modifications to the Original Redevelopment Agreement concerning the Nutley Site Plan Application to provide for (a) one hundred ninety-six (196) temporary surface parking spaces (the “**Temporary Parking Spaces**”) on portions of Block 300, Lot 1.01 (the “**Temporary Parking Area**”), (b) four hundred sixty-seven (467) permanent surface parking spaces (the “**Permanent Parking Spaces**”) on portions of Block 300, Lots 1.02 and 1.04 (the “**Permanent Parking Area**”), (c) a landscaped/open space area on portions of Lot 1.02 and 1.03 in Block 300 (the “**Banked Parking Area**”) to potentially be used for 196 future permanent parking spaces to replace the Temporary Parking Spaces in the event the conditions set forth in this Amendment for such replacement are met (the “**Banked Parking Spaces**”), (d) 55 on-street parking spaces within Nutley serving the Phase I Redevelopment Area (the “**Street Parking**”), and (e) the Redeveloper’s pursuit of approvals for, and potential construction of, a structured parking facility as provided for in the Clifton Redevelopment Agreement, one hundred ninety-six (196) spaces of which shall be allocated for use to permanently accommodate the parking demand resulting from the elimination of the Temporary Parking Spaces as provided for in this Amendment (the “**Clifton Parking Structure**”), and the parties have determined to enter into this Amendment to the Original Redevelopment Agreement to confirm same; and

WHEREAS, the Board of Commissioners desires to make certain modifications to the Redevelopment Agreement concerning the Temporary Parking Spaces, the Nutley Site Plan Application and the Redeveloper’s pursuit of approvals for, and construction of, a structured parking capable of accommodating one hundred ninety six (196) spaces for use to accommodate the parking demand resulting from the elimination of the Temporary Parking Spaces as provided for in the Amendment (the “**Clifton Parking Structure**”), and has determined to enter into an Amendment to the Redevelopment Agreement to incorporate the following:

(a) An extension the time period during which the Redeveloper shall maintain an escrow account for the payment or reimbursement to the Township of its reimbursable costs through the issuance of a Certificate of Completion and Compliance for the redevelopment of the Phase I Premises.

(b) Representations, warranties and covenants of the Redeveloper confirming that the Clifton Parking Structure Lot is physically suitable for the construction of the Clifton Parking Structure; that the Redeveloper will diligently pursue approvals for same; and that Redeveloper has the right to seek approvals for and, based on preliminary investigations, it can design the Clifton Parking Structure, one hundred ninety six (196) spaces of which shall be allocated for use to accommodate the elimination of the Temporary Parking Spaces, in conformance with the bulk requirements of the Clifton Phase I Redevelopment Plan.

(c) A requirement that the Redeveloper amend the Nutley Site Plan Application in a manner consistent with the Nutley Site Plan Application except that such amended application shall request approval to (i) “bank” one hundred ninety six (196) Banked Parking Spaces within the Banked Parking Area to permit the Redeveloper to construct same if the Redeveloper is unable to accommodate the Temporary Parking Spaces in the Clifton Parking Structure after the Redeveloper’s removal of the Temporary Parking Area, (ii) operate fifty five (55) Street Parking spaces, (iii) operate four hundred sixty seven (467) Permanent Parking Spaces within the Permanent Parking Area, and (iv) operate one hundred ninety six (196) Temporary Parking Spaces within the Temporary Parking Area; and that the Township will recognize such Banked Parking Spaces as permitted under the Nutley Phase I redevelopment Plan and expedite the review and approval of same.

(d) An automatic termination of the Redeveloper’s right to use the Temporary Parking Area for surface parking on June 20, 2020 (which date may be extended up to nine (9) months if the Redeveloper has obtained approvals for but has not yet completed construction of, or is pursuing any appeals of any denials of the approvals for, the Clifton Parking Structure), with the parking demand to be accommodated within the Clifton Parking Structure or the Banked Parking Area.

WHEREAS, the Board of Commissioners believes that the proposed modifications to the Redevelopment Agreement are in the vital and best interests of the community and promote the health, safety, morals and welfare of the Township’s residents and are in accord with the public purpose and provisions of the Redevelopment Law and all other applicable law; and

WHEREAS, the Board of Commissioners of the Township of Nutley desire to enter into an Amendment to the Redevelopment Agreement with the Redeveloper.

NOW THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the Township of Nutley as follows:

Section 1. The Amendment to the Redevelopment Agreement by and between the Board of Commissioners of the Township of Nutley, as a redevelopment entity, and Kingsland Street Urban Renewal, LLC, concerning the Phase I Premises, heretofore prepared or to be prepared in connection with the Phase I Project, in the form attached hereto as **Exhibit A**, subject to any and all conditions

contained therein and such revisions as deemed advisable by counsel to the Township, is hereby authorized and approved.

Section 2. The Mayor of the Township is hereby authorized to execute the Amendment to the Redevelopment Agreement and the Township Clerk is hereby authorized to attest said signature and to affix the seal of the Township unto the same, substantially in the form attached hereto as **Exhibit A**, with such changes to the Amendment to the Redevelopment Agreement from the attached form as deemed satisfactory, desirable or necessary by Township counsel.

Section 3. Upon the effective date of the Amendment to the Redevelopment Agreement, the Township representatives, in consultation with the Township’s consultants and internal staff, are each hereby authorized and directed to perform the obligations and exercise the rights of the Township under the Amendment to the Redevelopment Agreement so executed in a manner consistent therewith and with the Redevelopment Law.

Section 4. The Township Clerk is hereby directed to publish and post notice of this resolution as required by applicable law.

Section 5. This resolution shall take effect at the time and in the manner provided by applicable law.

. . .

I, , Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 3, 2017

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

EXHIBIT A

Amendment to Redevelopment Agreement

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* October 3, 2017
Seconded by: Commissioner Mauro G. Tucci *No.* 222-17

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayment of water charges in the amount of \$ 129.54 for the following account(s):

Block & Lot/Qual.	Account ID	Address	Reason for Action	Refund Overpayment	Year
7605/14	7174-0	145 Franklin Avenue	Overpayment	\$129.54	2017
			Totals	\$129.54	

. . .

I, , Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 3, 2017

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Alphonse Petracco *Date:* October 3, 2017
Seconded by: Commissioner Steven L. Rogers *No.* 223-17

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that Resolution Number 205-17 was adopted on September 19, 2017, entitled “Chapter 159 Budget Amendment-Safe and Secure Communities Grant” is hereby rescinded.

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 3, 2017

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Alphonse Petracco *Date:* October 3, 2017
Seconded by: Commissioner Steven L. Rogers *No.* 224-17

WHEREAS, N.J.S.A. 40A: 4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

SECTION 1:

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year **2017** in the sum of **\$ 16,634.48**, which item is now available as a revenue from the **Reserve for Bullet Proof Vest Program** pursuant to the provisions of statute;

SECTION 2:

BE IT FURTHER RESOLVED, that a like sum of **\$16,634.48** be and same is hereby appropriated under the caption of:

General Appropriations
(A) Operations-Excluded from 5% CAPS
Reserve for Bullet Proof Vest Program
OTHER EXPENSES.....\$ 16,634.48

BE IT FURTHER RESOLVED, that the Township Clerk forward two (2) certified copies of this resolution to the Director of Local Government Services

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 3, 2017

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: _____ Commissioner Mauro G. Tucci _____ *Date:* _____ October 3, 2017 _____
Seconded by: _____ Commissioner Thomas J. Evans _____ *No.* _____ 225-17 _____

WHEREAS, On Sunday, October 8, 2017, the Nutley-Belleville Columbus Day & Italian Heritage Month Parade Committee will celebrate its 35th Annual Columbus Day Parade festivities commemorating Columbus' historic voyage to the New World; and

WHEREAS, The Parade Committee has a long history of commemorating Columbus Day each year in the Township of Nutley, which is looked forward to and enjoyed by both spectators and participants alike; and

WHEREAS, The Nutley-Belleville Columbus Day & Italian Heritage Month Parade Committee celebrated its Annual Honoree Dinner on Thursday, September 28, 2017 at Nanina's in the Park, Belleville, N.J.; and

WHEREAS, this year's Grand Marshal is Al Lembo Jr.; and

WHEREAS, Al Lembo Jr. is joined by the Lifetime Achievement Award recipient, Anthony Iannarone, the Italian Heritage Award recipient, Dr. Louis Crupi., Belleville Woman of the Year, Cindy Sica, Belleville Man of the Year, Police Chief Mark Minichini, Nutley Woman of the Year, Marie Vicchiariello, Nutley Man of the Year, Police Chief Thomas Strumolo, 2017 Renaissance Man, Henry Meola, 2017 Italian Business Leader, John Apicella, along with Community Excellence Award recipient Ruth Bedford; and

NOW THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, County of Essex, join with the citizens of Nutley to salute and congratulate Grand Marshal, Al Lembo Jr., Lifetime Achievement Award recipient, Anthony Iannarone, Italian Heritage Award recipient, Dr. Louis Crupi, Belleville Woman of the Year, Cindy Sica, Belleville Man of the Year, Police Chief Mark Minichini, Nutley Woman of the Year, Marie Vicchiariello, Nutley Man of the Year, Police Chief Thomas Strumolo, 2017 Renaissance Man, Henry Meola, 2017 Italian Business Leader, John Apicella and Community Excellence Award recipient Ruth Bedford as they are honored here tonight.

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held _____ October 3, 2017 _____

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* October 3, 2017
Seconded by: Commissioner Thomas J. Evans *No.* 226-17

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the public body is of the opinion that such circumstance exists; and

WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley move into closed executive session to discuss:

1. Contract Negotiations - RDA

BE IT FURTHER RESOLVED, that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Township of Nutley pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by statute.

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that
 Eleni Pettas
 the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 3, 2017

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Steven L. Rogers *Date:* October 3, 2017
Seconded by: Commissioner Alphonse Petracco *No.* 227-17

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the public body is of the opinion that such circumstance exists; and

WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley move into closed executive session to discuss:

1. Personnel
2. Contract Negotiations

BE IT FURTHER RESOLVED, that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Township of Nutley pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by statute.

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 3, 2017

<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 Alphonse Petracco</i>	<i>Mayor Joseph P. Scarpelli</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					