

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* March 5, 2019
Seconded by: Commissioner Thomas J. Evans *No.* 63-19

WHEREAS, the Township of Nutley received sealed bids for surplus equipment no longer in use by the Township on February 5, 2019; and

WHEREAS, Jersey One Auto Sales, Inc., 495-497 Tonnele Avenue, Jersey City, NJ and Marczaks, Inc., 247 Central Ave, Metuchen, NJ were the high bidders at:

EQUIPMENT/VEHICLE	Jersey One, Inc.	Marczaks, Inc.
2000 Bluebird Bus	\$660.00	
1995 Ford F450 Dump Truck	\$2661.00	
1991 GMC Topkick Dump Truck		\$560.00

NOW, THEREFORE, BE IT RESOLVED, by the board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the surplus items be sold to the highest bidders, Jersey One Auto Sales, Inc. and Marczaks, Inc.

. . .

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 March 5, 2019

Record of Vote	Commissioner Steven L. Rogers	Commissioner Mauro G. Tucci	Commissioner Thomas J. Evans	Commissioner Alphonse Petracco	Mayor Joseph P. Scarpelli
<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:* March 5, 2019
Seconded by: Commissioner Thomas J. Evans *No.* 64-19

WHEREAS, the Department of Parks and Recreation, Township of Nutley, has a need to replace the fencing at the American Little League baseball field; and

WHEREAS, three quotes were received, and the lowest quote was received from Quality Fence of Peekskill Inc., 1223 Lincoln Terrace, Peekskill, NY 10566, with a price of \$29,695.00, which is below the Township bid threshold; and

WHEREAS, funds are available from Account G-04-154-403, Ordinance 3372C and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Quality Fence of Peekskill Inc., 1223 Lincoln Terrace, Peekskill, NY 10566 be awarded a contract to replace the fencing at American Little League baseball field.

. . .

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 March 5, 2019

<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:* March 5, 2019
Seconded by: Commissioner Mauro G. Tucci *No.* 65-19

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 **\$2,882.36** for the following accounts:

Block/Lot	Address	Amount/Year
1300/1/C2084	204 REGENTS DRIVE	\$2,882.36/2019

. . .

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 March 5, 2019

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joseph P. Scarpelli Date: March 5, 2019
Seconded by: Commissioner Mauro G. Tucci No. 66-19

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

Nutley Belleville Columbus Day & Italian Heritage Month Parade Committee	License No. 12-19 On-Premise Merchandise Raffle	Sunday, March 31, 2019
Nutley Belleville Columbus Day & Italian Heritage Month Parade Committee	License No. 13-19 On-Premise 50/50 Cash Raffle	Sunday, March 31, 2019
Nutley Belleville Columbus Day & Italian Heritage Month Parade Committee	License No. 14-19 Off-Premise 50/50 Cash Raffle	Sunday, October 13, 2019
Washington School PTO	License No. 15-19 Off-Premise 50/50 Cash Raffle	Saturday, April 27, 2019
Washington School PTO	License No. 16-19 On-Premise Merchandise Raffle	Saturday, April 27, 2019
Washington School PTO	License No. 17-19 On-Premise 50/50 Cash Raffle	Saturday, April 27, 2019

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 fore mentioned 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 March 5, 2019

<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:* March 5, 2019
Seconded by: Commissioner Mauro G. Tucci *No.* 67-19

WHEREAS, the Township of Nutley has the need to retain the services of an attorney who specializes in Municipal Land Use Law and policy to provide legal advice and services in connection with the Township's Land Use Policies and Litigation; and

WHEREAS, N.J.S.A. 40A:11-5 (1) (a)(i) permits the award of a contract without public bidding; and

WHEREAS, Angelo Cifelli, Jr. Esq., of the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo, 360 Passaic Avenue, Nutley, New Jersey 07110 has submitted a proposal in the amount not to exceed \$17,000.00; and

WHEREAS, funds are available from Account No. 9-01-012-205 and will be certified by the Chief Financial Officer subject to the adoption of the 2019 Municipal Budget; and

WHEREAS, the anticipated term of this contract is for twelve (12) months, from January 1, 2019 through December 31, 2019; and

WHEREAS, the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable disqualifying 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

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Mayor is hereby authorized to enter into a contract with Angelo Cifelli, Jr. Esq. of the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo as a Professional Service.

BE IT FURTHER RESOLVED that a copy of this Resolution, as well as the Contract shall be placed on file with the Clerk of the Township of Nutley; and a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the Nutley Sun.

. . .

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 March 5, 2019

<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:* March 5, 2019
Seconded by: Commissioner Mauro G. Tucci *No.* 68-19

WHEREAS, the Mandatory Source Separation and Recycling Act, P.L.1987, c.102, has established a recycling fund from which tonnage grants may be made to municipalities in order to encourage local source separation and recycling programs; and

WHEREAS, it is the intent and the spirit of the Mandatory Source Separation and Recycling Act to use the tonnage grants to develop new municipal recycling programs and to continue and to expand existing programs; and

WHEREAS, such a resolution should designate the individual authorized to ensure that the application is properly completed and timely filed;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township of Nutley hereby endorses the submission of the 2018 Municipal Recycling Tonnage Grant Application to the New Jersey Department of Environmental Protection and designates Salvatore Ferraro, Recycling Coordinator, Township of Nutley, to ensure that the application is properly filed.

. . .

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 March 5, 2019

<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:* _____ March 5, 2019
Seconded by: _____ Commissioner Mauro G. Tucci *No.* _____ 69-19

**RESOLUTION AUTHORIZING THE EXECUTION OF A PROPERTY TAX APPEAL
SETTLEMENT AGREEMENT BETWEEN THE TOWNSHIP OF NUTLEY AND PB
NUTCLIF MASTER, LLC**

WHEREAS, PB Nutclif Master, LLC (the “Taxpayer”) had acquired the property known as the former Hoffmann-La Roche site and upon purchase of the property from Hoffman-La Roche Inc., were assigned the tax appeals filed by Hoffmann-La Roche for the years of 2016 and 2017 and thereafter the Taxpayer continued the prosecution of those tax appeals and filed additional tax appeals in the year 2018 and there remains pending tax appeals under the following docket numbers constituting various block and lots constituting the former Hoffmann-La Roche property:

Docket Nos:

2401-16, 7126-16, 7155-16, 7132-16, 7140-16, 7150-16, 5362-17, 5366-17, 5367-17, 5370-17, 5371-17, 5376-17, 5377-17, 4620-18, 4624-18, 4628-18, 4631-18, 4634-18, 4637-18, 5604.18; and

WHEREAS, the Parties have agreed to simultaneously enter into agreements entitled Settlement Agreement, Financial Agreement for the Long Term Tax Exemption-PB 100 Metro Urban Renewal, LLC and Financial Agreement for the Long Term Exemption-PB 200 Metro Urban Renewal, LLC., for properties owned by PB Nutcliff Master, LLC., c/o Prism Capital Partners, LLC (collectively, the “Agreements”); and

WHEREAS, the Parties agreement to enter into the aforesaid Agreements is contingent and conditioned upon the Taxpayer’s dismissal and withdrawal, with prejudice, of all tax appeals presently pending on the property; and

WHEREAS, Taxpayer has agreed to dismiss and withdraw, with prejudice, all tax appeals presently pending for any of the lots constituting the former Hoffmann-La Roche site located within Nutley, including but not limited to those tax lots now or formerly known as 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 (collectively, the “Property”) and to execute any document(s) to effectuate that purpose; and

WHEREAS, Taxpayer has agreed to forego any future tax appeals on 100 Metro Boulevard (*aka* Block 201, Lot 1.03), 200 Metro Boulevard (*aka* Block 201, Lot 1.02), and the parking garage (*aka* Block 201, Lot 1.01) for so long as the Financial Agreements are in full force and effect, and to execute any document(s) to effectuate that purpose; and

WHEREAS, the Township has agreed that the assessments will be frozen for two (2) years on 100 Metro Boulevard, 200 Metro Boulevard and the parking garage pursuant to the Freeze Act.

Taxpayer acknowledges that freezing assessments does not mean taxes on those lots will not increase since the Township cannot agree to freeze the tax rate; and

WHEREAS, the Board of Commissioners desires to enter into a Settlement Agreement with Taxpayer incorporating the terms described herein concerning the Property described herein.

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

Section 1. A Settlement Agreement by and between the Board of Commissioners of the Township of Nutley and PB Nutclif Master, LLC, concerning the Property described herein, heretofore prepared or to be prepared, in a form and with conditions and revisions as deemed advisable by the Township Attorney, is hereby authorized and approved.

Section 2. The Mayor of the Township is hereby authorized to execute a Settlement Agreement and the Township Clerk is hereby authorized to attest said signature and to affix the seal of the Township unto the same, in a form and with such revisions as deemed satisfactory or necessary by the Township Attorney.

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

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, 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 March 5, 2019

<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:* _____ March 5, 2019
Seconded by: _____ Commissioner Alphonse Petracco *No.* _____ 70-19

WHEREAS, in 1988 the month of March was designated by the United States Congress as “National Women’s History Month”; and

WHEREAS, Women’s History Month promotes the teaching of women’s history and the achievements of women throughout the world; and

WHEREAS, it is important for the residents of the township to recognize the growing contributions and achievements of the women of the Township of Nutley and the State of New Jersey;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley calls upon all citizens of Nutley to observe the month of March as:

National Women’s History Month 2019

Visionary Women: Champions of Peace & Nonviolence

at which time all of the residents may join in commemorating women, past and present, who have rendered a service to our nation, our state and our Township.

BE IT FURTHER RESOLVED that the Board of Commissioners of the Township of Nutley calls upon all citizens of Nutley to observe, **International Women's Day**, Friday, March 8th, a global day celebrating the economic, political and social achievements of women past, present and future since 1911.

. . .

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 _____ March 5, 2019

<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:* March 5, 2019
Seconded by: Commissioner Steven L. Rogers *No.* 71-19

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Kevin Hussey, an employee in the Department of Public Safety, be granted an extension of a medical leave of absence without pay effective February 18, 2019 through April 1, 2019.

. . .

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 March 5, 2019

<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

<i>Introduced by:</i>	Mayor Joseph P. Scarpelli on behalf of the Board of Commissioners	<i>Date:</i>	March 5, 2019
<i>Seconded by:</i>	Commissioner Mauro G. Tucci	<i>No.</i>	72-19

WHEREAS, Norfolk Southern Corp. petitioned the New Jersey Department of Transportation (DOT) for the closure of the Highfield Lane at grade rail crossing to vehicular and pedestrian traffic; and

WHEREAS, the Township of Nutley strongly objects to the arbitrary and capricious selection by Norfolk Southern to the closure of the Highfield Lane at grade rail crossing in Nutley; and

WHEREAS, Highfield Lane is an important and viable roadway within the Township of Nutley serving its citizens as a major connection point between Washington Avenue (State Road Route 7) and Passaic Avenue; and

WHEREAS, there is no justifiable reason for the closing of the Highfield Lane at grade rail crossing; and

WHEREAS, there are currently no train movements on Norfolk Southern's Newark Industrial Track crossing Highfield Lane and there have not been any train movements for several years; and

WHEREAS, the closure of the Highfield Lane at grade rail crossing will divert traffic to adjacent intersections thus increasing the amount of vehicular and pedestrian traffic at those intersections; and

WHEREAS, the closing of Highfield Lane will negatively impact emergency response time for the Township of Nutley Police Department, Fire Department, EMS, EMT's and Paramedics to respond to emergency and life threatening situations in the area of Highfield Lane east of the existing crossing; and


WHEREAS, the County of Passaic will be constructing a new bridge at nearby Kingsland Street in Clifton wherein Kingsland Street will be closed for 12-18 months, thus further impacting traffic patterns in the area of Highfield Lane; and

WHEREAS, in a letter dated January 8, 2019, PRISM Capital Partners, LLC objected to the arbitrary closing by Norfolk Southern Corp. of the Highfield Lane at grade rail crossing in Nutley; and

WHEREAS, in letters dated November 18, 2018 to Norfolk Southern Corp. and New Jersey DOT, the Township of Nutley objected to the closing of the Highfield Lane at grade rail crossing in Nutley and withdrew their support for the conversion of private rail crossing's at the former Hoffman La Roche campus in Clifton into permanent public crossings;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township of Nutley is vehemently opposed to the arbitrary and capricious closure by Norfolk Southern Corp. to the Highfield Lane at grade rail crossing in Nutley New Jersey.

BE IT FURTHER RESOLVED that the Board of Commissioners for the Township of Nutley strongly petitions the New Jersey Department of Transportation to render a decision to not allow for the closure of the Highfield Lane at grade rail crossing in Nutley, New Jersey as it would cause severe and permanent hardship to its residents and taxpayers and negatively impact their health and safety due to the delayed emergency response times.

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 March 5, 2019

<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:* March 5, 2019
Seconded by: Commissioner Alphonse Petracco *No.* 73-19

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 to move into closed executive session to discuss:

1. Contract Negotiations (Redevelopment of the Ciccolini Property)
2. Negotiations
3. Litigation
4. Personnel

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 March 5, 2019

<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>					