

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

*Introduced by:* \_\_\_\_\_ Commissioner John V. Kelly, III \_\_\_\_\_ *Date:* \_\_\_\_\_ October 20, 2020 \_\_\_\_\_  
*Seconded by:* \_\_\_\_\_ \_\_\_\_\_ *No.* \_\_\_\_\_ 235-20 \_\_\_\_\_

**WHEREAS** due to the COVID-19/coronavirus pandemic, the Restaurant and Hospitality industry has been among the hardest hit of industries worldwide; and

**WHEREAS**, due to the COVID-19/coronavirus pandemic, restaurant and food establishments have seen record closures and layoffs since March of 2020; and

**WHEREAS**, many of our own local food establishments are struggling to keep their doors open; and

**WHEREAS**, the Nutley Board of Commissioners is dedicated to assisting the retail food industry; an industry that has long been a part of the rich culture and identity of our town;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that all Retail Food Establishment Fees for 2021 will be waived, due to hardships experienced by the food and hospitality industry since March of 2020, as a result of the COVID-19 Health Pandemic.

. . .

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 20, 2020 \_\_\_\_\_

<i>Record of Vote</i>	<i>Commissioner John V. Kelly, III</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Alphonse Petracco</i>	<i>Commissioner Joseph P. Scarpelli</i>	<i>Mayor Mauro G. Tucci</i>
<i>Yes</i>					
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

*Introduced by:* Commissioner John V. Kelly, III *Date:* October 20, 2020  
*Seconded by:* \_\_\_\_\_ *No.* 237-20

**WHEREAS**, pursuant to N.J.S.A. 40:67-23.1 Seq. Arbor Hills is recognized as a “qualified private community”, and

**WHEREAS**, the Township is responsible to reimburse a qualified Community for certain services including solid waste disposal or to provide said services to the qualified private community in the same fashion as the municipality provides these services on public roads and streets:

**WHEREAS**, the Township has elected to reimburse Arbor Hills for solid waste disposal services, for the 2021 year:

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, in the County of Essex, as follows:

1. The Mayor and Township Clerk are hereby authorized to enter into a Municipal Services Agreement for solid waste collection and disposal with 432 Owners, 1 River Road, Nutley known as Arbor Hills in a form approved by the Township Attorney. Funds in the amount of \$18,144.00 are available from account 1-01-138-275.
2. A copy of this Resolution, as well as the Municipal Services Agreement, shall be placed on file with the Township Clerk and a notice of this action shall be printed once in the Nutley Sun.

. . .

I, \_\_\_\_\_, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the  
 Eleni Pettas  
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<i>Record of Vote</i>	<i>Commissioner John V. Kelly III</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Alphonse Petracco</i>	<i>Commissioner Joseph P. Scarpelli</i>	<i>Mayor Mauro G. Tucci</i>
<i>Yes</i>					
<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 20, 2020

*Seconded by:* \_\_\_\_\_ *No.* 232-20

**WHEREAS**, certain grant fund appropriation balances were lapsed to Current Fund Surplus, as there were no further grant charges foreseen at the time; and

**WHEREAS**, it has been determined that those grant fund balances must be re-established;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners, of the Township of Nutley, County of Essex, New Jersey, that the following Appropriated Grant Fund Reserves balances are hereby re-established:

State of NJ Drunk Driving Enforcement Fund Grant..... \$7,780.25  
Body Armor Replacement Fund.....\$ 95.80

. . .

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<i>Record of Vote</i>	<i>Commissioner John V. Kelly, III</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Alphonse Petracco</i>	<i>Commissioner Joseph P. Scarpelli</i>	<i>Mayor Mauro G. Tucci</i>
<i>Yes</i>					
<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 20, 2020  
on behalf of the Board of Commissioners

*Seconded by:* \_\_\_\_\_ *No.* 236-20

**WHEREAS**, on March 9, 2020, Governor Murphy issued Executive Order 103 declaring a public health state of emergency arising from the dangers of the COVID-19 pandemic health crisis; and

**WHEREAS**, on March 18, 2020, the Township of Nutley declared as well a local emergency consistent with Executive Order 103; and

**WHEREAS**, on March 16 and 21, 2020, Governor Murphy issued Executive Orders 104 and 107 which limited all restaurants, dining establishments and food courts, with or without a liquor license, all bars and other holders of a liquor license with retail consumption privileges, to offering food delivery and/or take-out services only; and

**WHEREAS**, given the decrease in the rate of reported new cases of COVID-19 cases in New Jersey and in the Township of Nutley, the State of New Jersey has relaxed certain restrictions related to restaurants, bar and food establishments by allowing outdoor dining as long as businesses comply with COVID-19 guidelines; and

**WHEREAS**, the New Jersey Department of Health, Executive Directive 20-014, and the Department of Law and Public Safety Division of Alcoholic Beverage Control, SR 2020-10, have issued compliance guidance which must be followed by restaurants, bars and dining establishments which enables them to conduct business with customers; and

**WHEREAS**, the Board of Commissioners are desirous of continuing to support businesses consistent with the orders herein, and now wishes to extend the prevision relief of certain provisions contained in Chapter 700.41 of the Zoning Code of the Township of Nutley, through March 2021 as may be modified by the State of New Jersey; and

**WHEREAS**, the Board of Commissioners, in support of business reopening efforts and in recognition of the financial hardship our local businesses have sustained as a result of this Pandemic crisis, are willing to temporarily allow restaurants to utilize our public parking lots and public walkways for outdoor dining on a limited basis; and

**NOW, THEREFORE, BE IT RESOLVED** that the **TOWNSHIP OF NUTLEY** in the County of Essex, State of New Jersey does hereby extend the temporary relief through March 2021 as follows:

1. Chapter 700.41 is modified to allow both contiguous and non-contiguous outdoor seating consistent with State executive orders as long as the business owner provides evidence of a legal right to use non-contiguous property for their business.
2. Chapter 700.91A which requires, in certain cases, onsite parking is now modified to allow the use of parking lots for outdoor seating as long as the safety requirements of the Nutley Code Enforcement and Police Department are met.
3. Chapter 700.41-F(5)(b)7 application fee of \$100.00 is waived for 2020 and 2021.
4. Requests to use public property can be made through the single application process established by the Code Enforcement office and does not require a separate approval of the Board of Commissioners.
5. None of the above relieves business owners of the obligation to be compliant with the sanitary and social distancing requirements set out by the State of New Jersey.
6. All businesses requesting an outdoor dining permit and or alcoholic beverage permit must continue to provide bodily injury and property damages insurance coverage consistent with our ordinance naming the Township of Nutley and/or County of Essex as a covered party.
7. All businesses requesting an outdoor dining permit and/or alcoholic beverage permit must continue to sign an indemnification/hold harmless agreement with the Township of Nutley and/or County of Essex which also includes their agreement to comply with COVID-19 sanitary and social distancing requirements.

. . .

I, \_\_\_\_\_, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the  
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<i>Record of Vote</i>	<i>Commissioner John V. Kelly, III</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Alphonse Petracco</i>	<i>Commissioner Joseph P. Scarpelli</i>	<i>Mayor Mauro G. Tucci</i>
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<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

**BOARD OF COMMISSIONERS**  
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## Resolution

*Introduced by:* Mayor Mauro G. Tucci *Date:* October 20, 2020  
*Seconded by:* \_\_\_\_\_ *No.* 233-20

**WHEREAS**, the Township of Nutley Department of Parks and Public Property has determined the need to dispose of certain municipal vehicles and equipment that are no longer useful and/or have come to the end of their practical term of services; and

**WHEREAS**, the Township of Nutley Department of Parks and Public Property has identified the following as not practical to continue in service with the Township; and

1. 1992 GMC 3500, mileage 64,729, utility pick-up truck

**WHEREAS**, the Nutley Department of Parks and Public Property has made a determination to scrap said equipment at Bibb’s Auto Recycling, 54 Stover Avenue, Kearney NJ 07032 in the amount of \$300.00;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey will scrap said equipment at Bibb’s Auto Recycling, 54 Stover Avenue, Kearney NJ 07032 in the amount of \$300.00.

. . .

I, \_\_\_\_\_, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the  
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<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

*Introduced by:* Mayor Mauro G. Tucci *Date:* October 20, 2020

*Seconded by:* \_\_\_\_\_ *No.* 234-20

**WHEREAS**, the Township of Nutley has a need to acquire specialized professional services as a Fair and Open contract pursuant to the provision of N.J.S.A. 19:44A-20.5; and

**WHEREAS**, the Requests for Qualification for Township Forester were received and opened on Wednesday, October 14, 2020;

**WHEREAS**, the most responsible and responsive Request for Qualifications was from The Shade Tree Department LLC, John Linson, P.O. Box 6089 – WOB, West Orange, NJ 07052; and

**WHEREAS**, The Shade Tree Department LLC, John Linson, NJ Certified Tree Expert #198 has provided these services in the past to the Township of Nutley and is particularly suited to provide continued service; and

**WHEREAS**, the term of this contract is for a one-year period commencing on October 21, 2020 and continue through October 20, 2021; and

**WHEREAS**, the contract is not to exceed \$22,000.00 and funds are available from account 0-01-512-200 in the amount of \$5,505.00 and 1-01-512-200 in the amount of \$16,495.00, 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, Stat of New Jersey, that a contract be awarded to The Shade Tree Department, LLC, John Linson as described herein. The response to the Request for Qualification shall be placed on file with this resolution, and a notice of this action shall be printed once in the Nutley Sun in accordance with the Local Public Contracts Law.

. . .

I, \_\_\_\_\_, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the  
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<i>Absent/Excused</i>					

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

*Introduced by:* Mayor Mauro G. Tucci on behalf of the Board of Commissioners *Date:* October 20, 2020

*Seconded by:* \_\_\_\_\_ *No.* 238-20

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

**WHEREAS**, the Township of Nutley and Kingsland Street Urban Renewal, LLC (the “**Redeveloper**”) are parties to a certain Redevelopment Agreement dated as of September 29, 2016, amended by a certain Amendment to Redevelopment Agreement dated as of April 10, 2018 (collectively, the “**Redevelopment Agreement**”); and

**WHEREAS**, the Redeveloper desires to submit an application to the Planning Board seeking preliminary and final site plan approval to construct an elevated pedestrian walkway (the “**Walkway**”) linking the Clifton Parking Structure to an existing elevated pedestrian walkway; and

**WHEREAS**, as a result of such linkage, the Walkway will allow for pedestrian access between the Clifton Parking Structure and the Hackensack Meridian Health School of Medicine (Buildings 123/123A) (located on Block 300, Lot 1.03 in Nutley and Block 80.02, Lot 4.01 in Clifton) and 111 Ideation Way (Building 102, located on Block 300, Lot 1.05 in Nutley); and

**WHEREAS**, the existing elevated pedestrian walkway traverses Block 300, Lots 1, 1.03, 1.04 and 1.05 in Nutley and Block 80.02, Lots 4.01 and 4.02 in Clifton connecting the School of Medicine and 111 Ideation Way; and

**WHEREAS**, the Walkway will traverse Block 300, Lots 1 and 1.05 in Nutley and Block 80.02, Lots 4.03 and 4.04 in Clifton; and

**WHEREAS**, Redeveloper has obtained site plan approval from the Clifton Planning Board for the segment of the Walkway located in Lot 4.03 in Block 80.02 in Clifton and has a pending, fully compliant application with the Clifton Planning Board for the segment of the Walkway located in Lot 4.04 in Block 80.02 in Clifton; and

**WHEREAS**, the segment of the Walkway to be constructed in Block 300, Lot 1 in Nutley is subject to the Phase III Redevelopment Plan adopted by the Township; and

**WHEREAS**, the segment of the Walkway to be constructed in Block 300, Lot 1.05 in Nutley is subject to the Phase IIA Redevelopment Plan adopted by the Township; and

**WHEREAS**, by action at its meeting of October 6, 2020, the Board of Commissioners determined that the Walkway is permitted by and consistent with both of the above redevelopment plans; and



**WHEREAS**, both of the above redevelopment plans require, as a prerequisite to a hearing by the Planning Board to review a site plan application for property within the area subject thereto, that the applicant be designated as redeveloper in connection with the subject of such application and that the applicant and the Township enter into a redevelopment agreement with respect to the subject of such application; and

**WHEREAS**, the Township and the Redeveloper wish to satisfy such requirements by entering into a Second Amendment to the Redevelopment Agreement (the "**Second Amendment**").

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

**Section 1.** The Second Amendment to the Redevelopment Agreement by and between the Township, as a redevelopment entity, and Kingsland Street Urban Renewal, LLC, concerning the Walkway substantially in the form attached hereto as **Exhibit A** is hereby authorized and approved, subject to any and all conditions contained therein and such revisions as deemed advisable by counsel to the Township.

**Section 2.** The Mayor of the Township is hereby authorized to execute the Second 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 as deemed satisfactory, desirable or necessary by Township counsel.

**Section 3.** Upon the effective date of the Second 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 thereunder 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  
*Eleni Pettas*  
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<i>Record of Vote</i>	<i>Commissioner John V. Kelly III</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Alphonse Petracco</i>	<i>Commissioner Joseph P. Scarpelli</i>	<i>Mayor Mauro G. Tucci</i>
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