

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

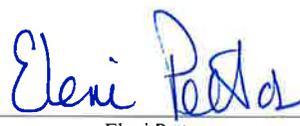
Resolution

Introduced by: Commissioner Steven L. Rogers *Date:* February 4, 2020
Seconded by: Commissioner Alphonse Petracco *No.* 19-20

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A:4-59, the following transfer(s) of **2019 Appropriation Reserves** be and the same are hereby authorized and approved:

DEPARTMENT OF PUBLIC AFFAIRS

FROM:		TO:	
Garbage & Trash Removal		Military & Vet. Affairs S/W	
9-01-138-200	\$1,000.00	9-01-112-100	\$1,000.00
Total:	\$ 1,000.00	Total:	\$ 1,000.00

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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Steven L. Rogers *Date:* February 4, 2020
Seconded by: Commissioner Alphonse Petracco *No.* 20-20

WHEREAS, Heart disease is the leading cause of death for men, women, and people of most racial and ethnic groups in the United States; and

WHEREAS, heart disease is a killer that strikes more women than men, and is more deadly than all forms of cancer combined. Heart disease claims the lives of one in three women, which translates to roughly one death each minute; and

WHEREAS, one person dies every 37 seconds in the United States from cardiovascular disease; and

WHEREAS, about 647,000 Americans die from heart disease each year—that’s 1 in every 4 deaths; and

WHEREAS, ninety percent of women have one or more risk factors for developing heart disease; and

WHEREAS, a combination of heart healthy nutrition, living a healthy lifestyle and following your healthcare professional’s recommendations are all part of reducing an individual’s risk for heart disease, heart attack and stroke; and

WHEREAS, February is National Heart Health Month, and Friday, February 7, 2020, has been designated as National Wear Red Day, at which time residents are encouraged to Wear Red to inspire women to take charge of their heart health; and

WHEREAS, the Township of Nutley Department of Public Affairs, through its Health Department, and the American Heart Association are committed to preventing heart disease through public and professional education about the risk factors; and

NOW, THEREFORE, BE IT RESOLVED BY the Board of Commissioners, Township of Nutley, County of Essex, that in recognition of the importance of the ongoing effort to prevent heart disease, we do hereby proclaim February 2020 as

National Heart Health Month

and urge all citizens in Nutley, NJ to show their support for preventing heart disease by learning more about their heart health, eating a healthy diet and maintaining an active lifestyle.

. . .

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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Alphonse Petracco *Date:* February 4, 2020
Seconded by: Commissioner Steven L. Rogers *No.* 21-20

WHEREAS, Nicolette Auto Body Works and Twin Inc. t/a Twin Towing have been contracted as towing companies for the Township of Nutley; and

WHEREAS, Nicolette Auto Body Works and Twin Towing will use the following schedule beginning February 1, 2020 through July 31, 2021. The schedule will begin on the first of each month at 12:00 A.M.:

Nicolette Auto Body Works

February 1-29, 2020
 April 1-30, 2020
 June 1-30, 2020
 August 1-31, 2020
 October 1-31, 2020
 December 1-31, 2020
 February 1-28, 2021
 April 1-30, 2021
 June 1-30, 2020

Twin Inc. t/a Twin Towing

March 1-31, 2020
 May 1-31, 2020
 July 1-31, 2020
 September 1-30, 2020
 November 1-30, 2020
 January 1-31, 2021
 March 1-31, 2021
 May 1-31, 2021
 July 1-31, 2021

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that contracts for towing in the Township of Nutley are hereby awarded to Nicolette Auto Body Works located at 177 Passaic Avenue, Belleville, NJ and Twin Inc. t/a Twin Towing located at 35 Mill Street, Belleville, 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 February 4, 2020

. . .

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* February 4, 2020
Read by Commissioner Thomas J. Evans

Seconded by: Commissioner Alphonse Petracco *No.* 22-20

WHEREAS, sealed bids were received for recreation uniforms, equipment, and supplies on December 27, 2019 in the Township of Nutley; and

WHEREAS, the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey, that a contract for recreation uniforms, equipment, and supplies be awarded to Dot Designing, LLC, 242 Possum Hollow Road, Monroe Township, NJ 08831 as per the attached sheet, not to exceed \$21,000.00; and

WHEREAS, funds are available from accounts T-24-909-901 through T-24-909-915 and have been certified by the Chief Financial Officer; and

NOW, THEREFORE, BE IT RESOLVED, that the Mayor and the Township Clerk be and they are hereby authorized to enter into and sign said contract for the Township of Nutley, County of Essex, State of New Jersey.

* * *

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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* February 4, 2020
Read by Commissioner Thomas J. Evans

Seconded by: Commissioner Steven L. Rogers *No.* 24-20

WHEREAS, the Essex County Recreation and Open Space Trust Fund (“County Trust Fund”), provides grants to municipal governments for assistance in the development or redevelopment of municipal recreation facilities; and,

WHEREAS, the Township of Nutley desires to further the public interest by obtaining a grant from the County Trust Fund for a bandshell at Glotzbach Park; and,

WHEREAS, the Township of Nutley is respectfully requesting \$148,452.00 from the County Trust Fund for the express purpose of demolition of the current baseball field, site preparation and installation of a bandshell; and,

WHEREAS, the Board of Commissioners have reviewed the County Trust Fund Program Statement, and the Trust Fund Municipal Program Park Improvement application and instructions and desires to make an application for said grant by providing an application and furnishing such documents as may be required; and,

WHEREAS, the County of Essex shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund; and,

WHEREAS, the Township of Nutley is willing to use the County Trust Fund in accordance with such rules, regulations and applicable statutes, and is willing to enter into an agreement with the County of Essex for this project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley:

1. That it is hereby authorized to submit the above completed project application to the County of Essex by the deadline of February 6, 2020, as established by the County; and,
2. That the Township of Nutley agrees to comply with all applicable federal, state and local laws, rules and regulations in its performance of the project; and,
3. That this resolution shall take effect immediately.

. . .

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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* February 4, 2020
Read by Commissioner Thomas J. Evans

Seconded by: Commissioner Alphonse Petracco *No.* 25-20

WHEREAS, sealed bids were received for Tree Removal Service on December 27, 2019 in the Township of Nutley; and

WHEREAS, Dujets Tree Experts, 54 Notch Rd. Woodland Park, NJ 07424 was the lowest bidder at:

Item No.	Tree size	Option 1	Option 2	Awarded
1	9-15"	\$325.00	\$325.00	DUJETS
2	16-23"	\$405.00	\$405.00	DUJETS
3	24-35"	\$1,285.00	\$1,285.00	DUJETS
4	36" +	\$2,795.00	\$2,795.00	DUJETS

WHEREAS, the contract is not to exceed \$50,000 from Account # 0-01-512-200, and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW THEREFORE, BE IT RESOLVED, but the board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract for Tree Removal be awarded to Dujets Tree Experts, Inc.

. . .

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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans Date: February 4, 2020
 Seconded by: Mayor Joseph P. Scarpelli No. 26-20

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A:4-59, the following transfer(s) of **2019 Appropriation Reserves** be and the same are hereby authorized and approved:

DEPARTMENT OF REVENUE & FINANCE

FROM:	TO:
Construct Code Official O/E \$5,000.00 9-01-325-100	Construct Code Official S/W \$25,000.00 9-01-218-100
Admin. Of Twp. Ordin. O/E 20,000.00 9-01-219-100	
Treasurer's Office O/E 600.00 9-01-208-200	Treasurer's Office S/W 600.00 9-01-208-100
Total: \$ 25,600.00	Total: \$ 25,600.00

. . .

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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* February 4, 2020
Seconded by: Mayor Joseph P. Scarpelli *No.* 27-20

WHEREAS, the Planning Board received an escrow deposit in the amount of \$4,000.00 from 432 Owners, Inc., for the property located at 1 River Road, Nutley, New Jersey 07110; and

WHEREAS, the escrow fee of \$4,000.00 was collected and deposited in account number T-15-911-970; and

WHEREAS, the Planning Board has reviewed and determined that the balance of the escrow account of \$1,639.50 is due to 432 Owners, Inc.;

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 Treasurer be and she is hereby authorized to refund the escrow fee in the amount of \$1,639.50 to 432 Owners, Inc.

...

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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* February 4, 2020
Seconded by: Commissioner Alphonse Petracco *No.* 28-20

WHEREAS, the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo, 360 Passaic Avenue, Nutley, New Jersey, 07110 has been awarded a non-fair and open contract as a professional service as pursuant to the provisions of N.J.S.A. 19:44A-20.5 to provide legal counsel services concerning “Municipal Tax Appeals”; and

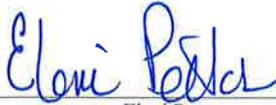
WHEREAS, such services will exceed the contract amount of \$50,000.00, and the following change order is needed:

CHANGE ORDER NO. 1: Provide legal services not to exceed \$3,062.65

WHEREAS, funds are available from account # 9-01-204-205 and have been certified by the Chief Financial Officer, said certification being attached to this resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Change Order No. 1, in the amount of \$3,062.65 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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Alphonse Petracco Date: February 4, 2020
 Seconded by: Commissioner Steven L. Rogers No. 29-20

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A:4-59, the following transfer(s) of **2019 Appropriation Reserves** be and the same are hereby authorized and approved:

DEPARTMENT OF PUBLIC SAFETY

FROM:		TO:	
Munic. Court S/W 9-01-325-100	\$1,000.00	Public Defender S/W 9-01-324-100	\$1,000.00
Total:	\$ 1,000.00	Total:	\$ 1,000.00

. . .

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 February 4, 2020

<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>
Yes	X		X	X	X
No					
Not Voting					
Absent/Excused		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joseph P. Scarpelli Date: February 4, 2020
 Seconded by: Commissioner Alphonse Petracco No. 30-20

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

St. Mary's Catholic Church	License No. 1-20 On-Premise 50/50 Cash Raffle	Friday, May 29, 2020
Knight of Columbus # 14712 Holy Family Council	License No. 2-20 Off-Premise Merchandise Raffle	Sunday, April 26, 2020
Lincoln School PTO	License No. 3-20 On-Premise 50/50 Cash Raffle	Saturday, March 21, 2020
Lincoln School PTO	License No. 4-20 On-Premise Merchandise Raffle	Saturday, March 21, 2020
HSA Good Shepherd Academy	License No. 5-20 On-Premise Merchandise Raffle	Sunday, March 29, 2020
HSA Good Shepherd Academy	License No. 6-20 On-Premise 50/50 Cash Raffle	Sunday, March 29, 2020
Friends of the Phoenix Center	License No. 7-20 On-Premise 50/50 Cash Raffle	Friday, May 1, 2020
Friends of the Phoenix Center	License No. 8-20 Casino Night	Friday, May 1, 2020

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 the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joseph P. Scarpelli Date: February 4, 2020
 Seconded by: Commissioner Alphonse Petracco No. 31-20

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A:4-59, the following transfer(s) of **2019 Appropriation Reserves** be and the same are hereby authorized and approved:

DEPARTMENT OF PUBLIC WORKS & WATER

<u>FROM:</u>		<u>TO:</u>	
Munic. Prosecutor O/E 9-01-013-200	\$ 900.00	Munic. Prosecutor S/W 9-01-013-100	\$ 900.00
Rent Leveling O/E 9-01-016-200	300.00	Rent Leveling S/W 9-01-016-100	300.00
Total:	\$ 1,200.00	Total:	\$ 1,200.00

. . .

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 February 4, 2020

<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>
Yes	X		X	X	X
No					
Not Voting					
Absent/Excused		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joseph P. Scarpelli *Date:* February 4, 2020
Seconded by: Commissioner Alphonse Petracco *No.* 32-20

“National African American History Month”

WHEREAS, the Board of Commissioners of the Township of Nutley honors the heritage of African Americans and acknowledge their many contributions to our Nation, our State and our Township, in particular the contributions by the late John H. Walker, Nutley educator and school principal; and

WHEREAS, Dr. Carter Godwin Woodson established Black History Week in February, of 1926, choosing a month that marks the birthdays of two important men who greatly impacted the African American population, Abraham Lincoln and Frederick Douglass; and

WHEREAS, in the year 1976, the observance was expanded to Black History Month, celebrating freedom, equality, and opportunity and in 1996 renamed “National African American History Month”;

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley celebrate National African American History Month 2020 and honor the many achievements and contributions made by African Americans to our economic, cultural and spiritual development in our Nation, our State and our Township.

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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Steven L. Rogers *Date:* February 4, 2020
Seconded by: Commissioner Thomas J. Evans *No.* 33-20

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. Legal Advice
2. Contract Negotiations
3. 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, , 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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joseph P. Scarpelli *Date:* February 4, 2020
Seconded by: Commissioner Alphonse Petracco *No.* 34-20

WHEREAS, the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo, 360 Passaic Avenue, Nutley, New Jersey 07110 has been awarded a non-fair and open contract as a professional service as pursuant to the provisions of N.J.S.A. 19:44A-20.5, for the services of an attorney who specializes in Municipal Land Use Law in connection with the Township's Land Use Policies and Litigation in the Township of Nutley on March 5, 2019 by resolution 67-19; and

WHEREAS, such services have exceeded the original contract in the amount of \$17,000.00; and

WHEREAS, Mayor Scarpelli on behalf of the Board of Commissioners has recommended the following change order from said contract:

CHANGE ORDER NO. 1: Provide Professional Legal Services, primarily related to the Diamond Spring v. Township of Nutley case, in the amount of **\$114.98**.

WHEREAS, funds are available from account #9-01-012-205 and have been certified by the Chief Financial Officer, said certification being attached to this resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Change Order No. 1, in the amount of **\$114.98** 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 February 4, 2020

...

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joseph P. Scarpelli *Date:* February 4, 2020
On behalf of the Board of Commissioners

Seconded by: Commissioner Thomas J. Evans *No.* 35-20

RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE REDEVELOPMENT AGREEMENT BY AND BETWEEN THE TOWNSHIP OF NUTLEY AND PB NUTCLIF MASTER, LLC COVERING THE PHASE IIA REDEVELOPMENT PLAN

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-La Roche 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 Nutley Township Planning Board (the “Planning Board”) adopted a Resolution recommending that portions of the Study Area designated 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 (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 the Planning Board’s recommendation, as supported by the reasons stated in the Planning Board’s 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, among other things, authorizes 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, on August 7, 2018 the Board of Commissioners adopted the Nutley Phase IIA Redevelopment Plan (the “Phase IIA Redevelopment Plan”), which contains a detailed subdivision and development program and design criteria for an approximately fourteen (14) acre portion of the Redevelopment Area and the existing structures thereon (the “Phase IIA Project”) located within portions of Block 201, Lot 1 and Block 300, Lots 1 and 20 (which lots have been subdivided and/or consolidated into four (4) separate lots)(the “Phase IIA Redevelopment Area”), while maintaining the existing zoning in the remainder of the larger Redevelopment Area (including the planning/zoning criteria under the existing Redevelopment Plan – Nutley HLR/Phase 1, adopted by the Board of Commissioners on July 19, 2016 (the “Phase I Redevelopment Plan”), with an understanding that the Phase IIA Redevelopment Plan would be amended, and/or additional redevelopment plan(s) would be adopted in the future to encourage and permit uses in the Redevelopment Area complimentary to and consistent with the Phase IIA Redevelopment Plan; and

WHEREAS, in furtherance of the redevelopment of the Redevelopment Area, the Board of Commissioners entered into a Redevelopment Agreement by and between the Township and PB Nutclif Master, LLC, as Redeveloper, dated March 5, 2019, pursuant to Resolution No. 278-18 adopted on November 20, 2018 (the “Redevelopment Agreement”); and

WHEREAS, on February 4, 2020, the Board of Commissioners adopted Ordinance No. 3436 amending the previously approved Phase IIA Redevelopment Plan to permit the occupants and visitors of Building 123 and Building 123A (as defined the Phase I Redevelopment Plan) to utilize and access the parking garage/structure located on Block 201, Lot V (as defined in the Phase IIA Redevelopment Plan now Lot 1.01 in Block 201) for vehicular parking on a temporary basis up to and until September 30, 2020, and not thereafter, subject and pursuant to the terms set forth in a redevelopment agreement by and between the Township and PB Nutclif Master, LLC, all as set forth in the amendment to the Phase IIA Redevelopment Plan, prepared by Topology NJ, LLC, entitled “First Amendment to Phase IIA Redevelopment Plan”, dated January 14, 2020 (the “First Amendment to Phase IIA Redevelopment Plan”); and

WHEREAS, the Board of Commissioners desires to make certain modifications to the Redevelopment Agreement to incorporate the above-referenced amendments to the First Amendment to Phase IIA Redevelopment Plan, and has determined to enter into an Amendment to the Redevelopment Agreement to incorporate the same; and

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 LRHL and all other applicable law; and

WHEREAS, the Board of Commissioners of the Township of Nutley desire to enter into a First Amendment to 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 First Amendment to Redevelopment Agreement by and between the Board of Commissioners of the Township of Nutley, as a redevelopment entity, and PB Nutclif Master, LLC, concerning a portion of the Phase IIA Redevelopment Area, heretofore prepared or to be prepared in connection with the Phase IIA Project, 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 First 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 First Amendment to Redevelopment Agreement from the attached form as deemed satisfactory, desirable or necessary by Township counsel.

Section 3. Upon the effective date of the First 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 First Amendment to Redevelopment Agreement so executed in a manner consistent therewith and with the LRHL.

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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joseph P. Scarpelli *Date:* February 4, 2020
On behalf of the Board of Commissioners

Seconded by: Commissioner Thomas J. Evans *No.* 36-20

**RESOLUTION OF THE TOWNSHIP COMMISSIONERS OF THE TOWNSHIP OF NUTLEY
AUTHORIZING THE TOWNSHIP TO CONSENT TO THE PARTIAL ASSIGNMENT AND
ASSUMPTION OF REDEVELOPMENT AGREEMENT AND THE ASSIGNMENT AND
ASSUMPTION OF FINANCIAL AGREEMENT RELATING TO THE TRANSFER OF
BUILDING 100 LOCATED WITHIN PHASE IIA OF THE HOFFMAN-LA ROCHE
REDEVELOPMENT AREA**

WHEREAS, at the direction of the Township Board of Commissioners (“Board of Commissioners”), Maser Consulting, P.A. prepared 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 (the “Preliminary Investigation”), concerning the Property (as defined herein) in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”); and

WHEREAS, on March 3, 2015, the Board of Commissioners adopted a resolution declaring 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, also known as a portion of the former Hoffman-La Roche campus located at 340 Kingsland Street, Nutley, New Jersey, containing approximately fifty two (52) acres located in the Township of Nutley (collectively, the “Property”) to be a condemnation “area in need of redevelopment” in accordance with the LRHL (the “Redevelopment Area”); and

WHEREAS, the Board of Commissioners adopted the redevelopment plan entitled “Redevelopment Plan – Nutley HLR/Phase I” for a portion of the Redevelopment Area comprised of Block 2.01, Lot 1.01; Block 2.01, Lot 1.02; Block 2.01, Lot 1.03; and Block 2.01, Lot 1.04 as shown on the Subdivision (as defined herein) containing approximately 10.98 acres (collectively, the “Phase I Premises”); and

WHEREAS, on September 17, 2015, Hoffman-La Roche, Inc. (“HLR”) submitted an application to the Planning Board seeking preliminary and final subdivision approval (the “Subdivision”), which Subdivision as approved by the Planning Board, inter alia (a) permits the subdivision of the Phase I Premises into a total of four (4) separately identifiable lots and creates certain private roads as shown on the Subdivision; (b) creates one (1) lot of the four 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

(b) creates three (3) lots of the four to accommodate surface parking and open space (the “Phase I Project”); and

WHEREAS, on August 7, 2018, after conducting the requisite hearings therefor, the Board of Commissioners, via Ordinance No. 3392, adopted the plan entitled “Nutley Phase IIA Redevelopment Plan” (the “Phase IIA Redevelopment Plan”) for an approximately 11.88 acre portion of the Property shown and described as Lot V (proposed Lot 1.01, in Block 201), Lot W (proposed Lot 1.02, in Block 201), Lot X (proposed Lot 1.03, in Block 201) and Lot Y (proposed Lot 1.05, in Block 300) in the Phase IIA Redevelopment Plan created from a portion of Block 201, Lot 1, and Block 300, Lots 1 and 20 (to be consolidated and subdivided into up to four (4) new tax lots)(the “Phase IIA Premises”) in accordance with the provisions of the Redevelopment Law; and

WHEREAS, as of the date hereof, the Owner has received preliminary and final major subdivision approval pursuant to Planning Board Resolution No. PB-18-00003 adopted on September 19, 2018 and preliminary site plan approval pursuant to Planning Board Resolution No. PB-18-00003 adopted on September 19, 2018 to permit (a) that the Phase IIA Premises will be consolidated, in part, and subdivided, in part, to create four (4) new tax lots and two (2) remainder lots, which remainder lots are not part of the Phase IIA Premises, with each of the existing three (3) buildings within the Phase IIA Redevelopment Area (i.e., Building 76 (now known as 200 Metro Boulevard, which is a 15-story building containing approximately 306,471 gross square feet of building area), Building 1 (now known as 100 Metro Boulevard, which is a seven-story building containing approximately 255,018 gross square feet of building area) (“Building 100”) and Building 102 (now known as 111 Ideation Way, which is a six-story building containing approximately 153,482 gross square feet of building area) to be located on separate lots, and (b) the construction of a structured parking garage to be utilized exclusively by the occupants (including guests, invitees, visitors, contractors, etc.) of Building 76 (now known as 200 Metro Boulevard), and Building 1 (now known as 100 Metro Boulevard)(collectively, the “Phase IIA Project”); and

WHEREAS, at the time of adoption of the Phase IIA Redevelopment Plan, it was contemplated (a) that the requirements with regard to the private roadways excluded from the Phase IIA Project would be dealt with in a subsequent redevelopment plan or redevelopment plan amendment, which plan would provide standards with regard to said private roads, including the dimensions and design thereof, and (b) that signage, including facade, ground and wayfinding ground signs, within the Phase IIA Premises would also be included in a subsequent or further redevelopment plan (collectively, the “Phase IIB Project”); and

WHEREAS, the Parties have determined that the redevelopment of the remainder of the Redevelopment Area (i.e., excluding the Phase I Premises and the Phase IIA Premises, all as defined herein)(the “Phase III Premises”), including but not limited to the buildings, signage, roadways, utilities, infrastructure and any other related improvements or off-site issues related to the Phase III Premises (i.e., excluding the Phase I Project, the Phase IIA Project, and the Phase IIB Project, all as defined herein)(collectively, the “Phase III Project”) will be addressed in a separate redevelopment plan or redevelopment plan amendment; and

WHEREAS, the Township and the PB Nutclif Master, LLC entered into a Redevelopment Agreement, dated March 5, 2017, covering the Phase IIA Project, including but not limited to Building 100; and

WHEREAS, the Township and the PB Nutclif Master, LLC entered into a Redevelopment Agreement, dated March 5, 2017, covering the redevelopment of the Phase IIA Project, including but not limited to Building 100 (the “Phase IIA Redevelopment Agreement”); and

WHEREAS, the Township and the PB-100 Metro Urban Renewal, LLC, an affiliate of Nutclif Master, LLC, entered into a Financial Agreement, dated March 5, 2017, concerning the long term tax abatement on Building 100 (the “Building 100 Financial Agreement”); and

WHEREAS, PB Nutclif Master, LLC has requested, and the Township has agreed, to consent to the partial transfer, assignment and assumption of the Phase IIA Redevelopment Agreement to LCI 100 Metro Urban Renewal, LLC, and the sale of Building 100 to LCI 100 Metro Urban Renewal, LLC related thereto, all subject to the conditions set forth herein; and

WHEREAS, PB-100 Metro Urban Renewal, LLC has requested, and the Township has agreed, to consent to the transfer, assignment and assumption of the Building 100 Financial Agreement to LCI 100 Metro Urban Renewal, LLC, and the sale of Building 100 to LCI 100 Metro Urban Renewal, LLC related thereto, subject to the conditions set forth herein; and

WHEREAS, PB Nutclif Master, LLC and the Township desire to enter into an Escrow Agreement (Phase IIB 2020), an Escrow Agreement (Phase III) and any other related escrow agreement to provide for the PB Nutclif Master, LLC’s payment and/or reimbursement to the Township of the Phase IIB and Phase III Reimbursable Township Costs (collectively, the “Escrow Agreements”).

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley that the Board hereby authorizes and consents to the partial transfer, assignment and assumption of the Phase IIA Redevelopment Agreement to LCI 100 Metro Urban Renewal, LLC, and the sale of Building 100 to LCI 100 Metro Urban Renewal, LLC related thereto, subject to the conditions set forth herein; and be it

FURTHER RESOLVED, by the Board of Commissioners of the Township of Nutley that the Board hereby authorizes and consents to the transfer, assignment and assumption of the Building 100 Financial Agreement to LCI 100 Metro Urban Renewal, LLC, and the sale of Building 100 to LCI 100 Metro Urban Renewal, LLC related thereto, subject to the conditions set forth herein; and be it

FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute, seal and deliver a written consent to the partial transfer assignment and assumption of the Phase IIA Redevelopment Agreement; the transfer, assignment and assumption of the Building 100 Financial Agreement; and the sale of Building 100 related thereto, with such revisions as

deemed advisable by the Township Attorney or Special Redevelopment Counsel, on behalf of and in the name of the Township; and be it

FURTHER RESOLVED, that the consent authorization and consent set forth herein are subject to PB Nutclif Master, LLC and/or PB-100 Metro Urban Renewal, LLC, as the case may be (a) entering into to the Escrow Agreements with the Township and timely paying, when due, any and all amounts due thereunder; and (b) payment to the Township of any and all fees required under the Phase IIA Redevelopment Agreement and/or the Building 100 Financial Agreement in connection with the Township’s authorization and consent set forth herein.

FURTHER RESOLVED, that a copy of this Resolution shall be published as required by 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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joseph P. Scarpelli *Date:* February 4, 2020
On behalf of the Board of Commissioners

Seconded by: Commissioner Thomas J. Evans *No.* 37-20

RESOLUTION OF THE TOWNSHIP COMMISSIONERS OF THE TOWNSHIP OF NUTLEY AUTHORIZING ESCROW AGREEMENTS WITH PB NUTCLIF MASTER, LLC PROVIDING FOR PAYMENT/REIMBURSEMENT OF TOWNSHIP EXPENSES RELATING TO THE REDEVELOPMENT OF PORTIONS OF THE HOFFMAN-LA ROCHE REDEVELOPMENT AREA

WHEREAS, at the direction of the Township Board of Commissioners (“Board of Commissioners”), Maser Consulting, P.A. prepared 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 (the “Preliminary Investigation”), concerning the Property (as defined herein) in accordance with the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”); and

WHEREAS, on March 3, 2015, the Board of Commissioners adopted a resolution declaring 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, also known as a portion of the former Hoffman-La Roche campus located at 340 Kingsland Street, Nutley, New Jersey, containing approximately fifty two (52) acres located in the Township of Nutley (collectively, the “Property”) to be a condemnation “area in need of redevelopment” in accordance with the LRHL (the “Redevelopment Area”); and

WHEREAS, the Board of Commissioners adopted the redevelopment plan entitled “Redevelopment Plan – Nutley HLR/Phase I” for a portion of the Redevelopment Area comprised of Block 2.01, Lot 1.01; Block 2.01, Lot 1.02; Block 2.01, Lot 1.03; and Block 2.01, Lot 1.04 as shown on the Subdivision (as defined herein) containing approximately 10.98 acres (collectively, the “Phase I Premises”); and

WHEREAS, on September 17, 2015, Hoffman-La Roche, Inc. (“HLR”) submitted an application to the Planning Board seeking preliminary and final subdivision approval (the “Subdivision”), which Subdivision as approved by the Planning Board, inter alia (a) permits the subdivision of the Phase I Premises into a total of four (4) separately identifiable lots and creates certain private roads as shown on the Subdivision; (b) creates one (1) lot of the four 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 (b) creates three (3) lots of the four to accommodate surface parking and open space (the “Phase I Project”); and

WHEREAS, on August 7, 2018, after conducting the requisite hearings therefor, the Board of Commissioners, via Ordinance No. 3392, adopted the plan entitled “Nutley Phase IIA Redevelopment Plan” (the “Phase IIA Redevelopment Plan”) for an approximately 11.88 acre portion of the Property shown and described as Lot V (proposed Lot 1.01, in Block 201), Lot W (proposed Lot 1.02, in Block 201), Lot X (proposed Lot 1.03, in Block 201) and Lot Y (proposed Lot 1.05, in Block 300) in the Phase IIA Redevelopment Plan created from a portion of Block 201, Lot 1, and Block 300, Lots 1 and 20 (to be consolidated and subdivided into up to four (4) new tax lots)(the “Phase IIA Premises”) in accordance with the provisions of the Redevelopment Law; and

WHEREAS, as of the date hereof, the Owner has received preliminary and final major subdivision approval pursuant to Planning Board Resolution No. PB-18-00003 adopted on September 19, 2018 and preliminary site plan approval pursuant to Planning Board Resolution No. PB-18-00003 adopted on September 19, 2018 to permit (a) that the Phase IIA Premises will be consolidated, in part, and subdivided, in part, to create four (4) new tax lots and two (2) remainder lots, which remainder lots are not part of the Phase IIA Premises, with each of the existing three (3) buildings within the Phase IIA Redevelopment Area (*i.e.*, Building 76 (now known as 200 Metro Boulevard, which is a 15-story building containing approximately 306,471 gross square feet of building area), Building 1 (now known as 100 Metro Boulevard, which is a seven-story building containing approximately 255,018 gross square feet of building area) and Building 102 (now known as 111 Ideation Way, which is a six-story building containing approximately 153,482 gross square feet of building area) to be located on separate lots, and (b) the construction of a structured parking garage to be utilized exclusively by the occupants (including guests, invitees, visitors, contractors, etc.) of Building 76 (now known as 200 Metro Boulevard), and Building 1 (now known as 100 Metro Boulevard)(collectively, the “Phase IIA Project”); and

WHEREAS, the Township and the PB Nutclif Master, LLC entered into a Redevelopment Agreement, dated March 5, 2017 (the “Redevelopment Agreement”), covering the Phase IIA Project (and excluding the Phase I Premises, Phase I Project and the balance of the Redevelopment Area), including the PB Nutclif Master, LLC’s payment to the Township of the Reimbursable Township Costs (as defined in the Redevelopment Agreement) related to the Phase IIA Project; and

WHEREAS, at the time of adoption of the Phase IIA Redevelopment Plan, it was contemplated (a) that the requirements with regard to the private roadways excluded from the Phase IIA Project would be dealt with in a subsequent redevelopment plan or redevelopment plan amendment, which plan would provide standards with regard to said private roads, including the dimensions and design thereof, and (b) that signage, including facade, ground and wayfinding ground signs, within the Phase IIA Premises would also be included in a subsequent or further redevelopment plan (collectively, the “Phase IIB Project”); and

WHEREAS, the Parties have determined that the redevelopment of the remainder of the Redevelopment Area (*i.e.*, excluding the Phase I Premises and the Phase IIA Premises, all as defined herein)(the “Phase III Premises”), including but not limited to the buildings, signage, roadways, utilities, infrastructure and any other related improvements or off-site issues related to

the Phase III Premises (i.e., excluding the Phase I Project, the Phase IIA Project, and the Phase IIB Project, all as defined herein)(collectively, the “Phase III Project”) will be addressed in a separate redevelopment plan or redevelopment plan amendment; and

WHEREAS, PB Nutclif Master, LLC and the Township desire to enter into an Escrow Agreement (Phase IIB 2020) or any related escrow agreement (the “Phase IIB Escrow Agreement”) to provide for the PB Nutclif Master, LLC’s payment and/or reimbursement to the Township of the Phase IIB Reimbursable Township Costs (as defined in the Phase IIB Escrow Agreement) related to the Phase IIB Project; and

WHEREAS, PB Nutclif Master, LLC and the Township desire to enter into an Escrow Agreement (Phase III 2020) or any related escrow agreement (the “Phase III Escrow Agreement”) to provide for the PB Nutclif Master, LLC’s payment and/or reimbursement to the Township of the Phase III Reimbursable Township Costs (as defined in the Phase III Escrow Agreement) related to the Phase III Project.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley that the Board hereby authorizes and approves the Phase IIB Escrow Agreement and the Phase III Escrow Agreement with PB Nutclif Master, LLC, the owner of the Phase IIA Premises and the Phase III Premises, providing for the payment for or reimbursement to the Township of all out-of-pocket costs incurred by the Township in connection with the redevelopment of the Phase IIA Premises and the Phase III Premises as described herein; and be it

FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute, seal and deliver said Phase IIB Escrow Agreement and the Phase III Escrow Agreement, with such revisions as deemed advisable by the Township Attorney or Special Redevelopment Counsel, on behalf of and in the name of the Township; and be it

FURTHER RESOLVED, that a copy of this Resolution shall be published as required by 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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Alphonse Petracco *Date:* February 4, 2020
Seconded by: Commissioner Steven L. Rogers *No.* 38-20

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

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, , 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 February 4, 2020

<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
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>		X			