BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by:	Commissioner Mauro G. Tucci	*Date:*	July 19, 2016
Seconded by:	Commissioner Thomas J. Evans	*No.*	*184-16*

WHEREAS, New York SMSA Limited Partnership d/b/a Verizon Wireless, ("Verizon Wireless"), is a provider of commercial mobile service subject to regulation by the Federal Communications Commission; and

WHEREAS, Verizon Wireless has entered into agreements with parties that have the lawful right to maintain poles in the public right-of-way pursuant to which Verizon Wireless may jointly use such poles erected within the public right-of-way in the Township of Nutley; and

WHEREAS, New Jersey law permits such joint use provided that there is the consent of the relevant municipality; and

NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY THAT:

1. Permission and authority are hereby granted to Verizon Wireless and its successors and assigns, to jointly use poles erected by parties that have the lawful right to maintain poles within the public right-of-way in the Township of Nutley, subject to the following:

   A. Verizon Wireless, and its successors and assigns, shall adhere to all applicable Federal, State, and Local laws regarding safety requirements related to the use of the public right-of-way.

   B. Verizon Wireless, and its successors and assigns, shall comply with all applicable Federal, State, and Local laws requiring permits prior to beginning construction, and shall obtain any applicable permits that may be required by the Township of Nutley.

   C. Such permission be and is hereby given upon the condition and provision that Verizon Wireless, and its successors and assigns, shall indemnify, defend and hold harmless the Township of Nutley, its officers, agents, and servants, from any claim of liability or loss or bodily injury or property damage resulting from or arising out of the acts or omissions of Verizon Wireless or its agents in connection with the use and occupancy poles located within the public right-of-way, except to the extent resulting from the acts or omissions of the Township of Nutley.

D. Verizon Wireless shall, at its own cost and expense, maintain commercial general liability insurance with limits not less than $1,000,000 for injury to or death of one or more persons in any one occurrence and $500,000 for damage or destruction to property in any one occurrence. Verizon Wireless shall include the Township of Nutley as an additional insured.

E. Verizon Wireless shall be responsible for the repair of any damage to paving, existing utility lines, or any surface or subsurface installations, arising from its construction, installation or maintenance of its facilities.

F. Notwithstanding any provision contained herein, neither the Township of Nutley nor Verizon Wireless shall be liable to the other for consequential, incidental, exemplary, or punitive damages on account of any activity pursuant to this instrument.

G. This instrument shall be adopted on behalf of the Township of Nutley by the Board of Commissioners of the Township of Nutley and attested to by the Township of Nutley Clerk who shall affix the Township of Nutley Seal thereto.

H. The permission and authority hereby granted shall continue for the same period of time as the grant to parties whose poles Verizon Wireless is jointly using.

STATEMENT

This resolution authorizes Verizon Wireless to jointly use poles erected within the public right-of-way of the Township of Nutley by parties that have the lawful right to maintain such poles.

. . .

I, Eleni Pettas emb, 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 July 19, 2016

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
No					
Not Voting					
Absent/Excused	X				

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* July 19, 2016

Seconded by: Commissioner Thomas J. Evans *No.* *185-16*

WHEREAS, The Township of Nutley heretofore entered into a contract with Cablevision Lightpath, Inc. 200 Jericho Quadrangle, Jericho, NY 11753, for telephone and television services; and

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

CHANGE ORDER NO. 1 Telephone and Television services in the amount of $358.63

The money is available from Account 5-01-510-237 and has been certified by the Chief Financial Officer and said certification is attached to this resolution.

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that Change Order No. 1, for Cablevision Lightpath, Inc. 200 Jericho Quadrangle, Jericho, NY 11753 in the amount of $358.63 be and is hereby approved.

• • •

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 July 19, 2016

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
No					
Not Voting					
Absent/Excused	X				

A16-32

AFFIDAVIT

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

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

Purpose: **Change Order-Cablevision/Lightpath**

Account: **5-01-510-237**

Fund: **Current Fund**

Amount: **$358.63**

Date: **July 19, 2016**

Rosemary Costa
Treasurer, C.F.O.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* July 19, 2016

Seconded by: Commissioner Thomas J. Evans *No.* *186-16*

WHEREAS, the Township has the need for internet and long distance phone service; and

WHEREAS, N.J.S.A. 40A:II-5 (f) permits the award of a contract without bidding for the supply of any service which is a public utility subject to the jurisdiction of the BPU; and

WHEREAS, the Director of Parks & Recreation has determined and certified in writing that the value of the aggregate services provided by the vendor for the year will exceed $17,500; and

WHEREAS, the proposal from Cablevision Lightpath, Inc., 200 Jericho Quadrangle, Jericho, NY 11753, has submitted a proposal in the amount of $2,925.00 per month ($35,010.00 yearly); and

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

WHEREAS, Funds are available from Account # 6-01-510-237, and have been certified by the Chief Financial Officer, and said certification is attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley authorizes the Mayor to enter into a three (3) year contract with Cablevision Lightpath, Inc. for the provision of internet and long distance phone service.

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

• • •

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 July 19, 2016

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
No					
Not Voting					
Absent/Excused	X				

A16-33

AFFIDAVIT

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

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

Purpose: **Long Distance/Internet-Cablevision LightPath**

Account: **6-01-510-237**

Fund: **Current Fund**

Amount: **$17,550.00 ($2925/mon/6 months. July-Dec)**

Date: **July 19, 2016**

Rosemary Costa
Treasurer, C.F.O.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* July 19, 2016

Seconded by: Commissioner Thomas J. Evans *No.* *187-16*

WHEREAS, the Township of Nutley has the need to acquire support and maintenance of the Township Avaya Communication Manager 6.0 IP Phone System; and

WHEREAS, N.J.S.A. 40A: 11-5(t) permits the award of Contract without bidding for the supply of any services which is public utility subject to the jurisdiction of the BPU; and

WHEREAS, the proposal from Strategic Products and Services, in the amount of $17,354.04 per year, will provide mandatory 24/7/365 Emergency Support and Maintenance and is recommended by the Township's Information Technology Administrator; and

WHEREAS, the anticipated term of this contract is for a (3) three year agreement; and

WHEREAS, funds are available from Account # 6-01-510-237, and have been certified by the Chief Financial Officer, and said certification is attached to this resolution;

NOW THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Mayor and Township Clerk be and they are hereby authorized to enter into a contract with Strategic Products and Services for the Township's Avaya Phone System Maintenance.

• • •

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 July 19, 2016

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
No					
Not Voting					
Absent/Excused	X				

A16-34

AFFIDAVIT

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

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

Purpose: **IP Phone System Support/Maintenance-Strategic Products and Services**

Account: **6-01-510-237**

Fund: **Current Fund**

Amount: **$8,677.02 (July-Dec, 2016)**

Date: **July 19, 2016**

Rosemary Costa
Treasurer, C.F.O.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* July 19, 2016

Seconded by: Commissioner Mauro G. Tucci *No.* *188-16*

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 **$438.22** for the following account.

Block & Lot/Qual.	Address	Amount/Year
5503 - 2	656 CENTRE ST.	$438.22/2015

. . .

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 July 19, 2016

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
No					
Not Voting					
Absent/Excused	X			X (8:54 P.M.)	

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

I hereby certify that this is a true copy of an resolution adopted by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey on 7/19/16
Eleni Pettas
Eleni Pettas, RMC
Municipal Clerk

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* July 19, 2016

Seconded by: Commissioner Mauro G. Tucci *No.* *189-16*

CAPITAL BUDGET AMENDMENT

WHEREAS, the local capital budget for the year 2016 was adopted on the 17th day of May; and

WHEREAS, it is desired to amend said approved capital budget section;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the following amendments to the approved capital budget section be made:

FROM
CAPITAL BUDGET (CURRENT YEAR ACTION)
PLANNED FUNDING SERVICES FOR CURRENT YEAR-2016

Project	Estimated Total Cost	Capital Improvement Fund	Debt Authorization
Improvement/Equipment to Buildings	$ 250,000.00	$ 12,500.00	$ 237,500.00
Purchase of Vehicles and Equipment	$ 75,000.00	$ 3,750.00	$ 71,250.00
Purchase of Sewer Camera	$ 40,000.00	$ 2,000.00	$ 38,000.00
Reconstruct of Roadways and Sidewalks	$ 400,000.00	$ 20,000.00	$ 80,000.00

6-YEAR CAPITAL PROGRAM 2016-2021
Anticipated Project Schedule and Funding Requirements

Project	Estimated Total Cost	Estimated Completion Time	Funding Amounts Per Year Budget Year 2016
Improvement/Equipment to Buildings	$ 250,000.00	1 Year	$ 250,000.00
Purchase of Vehicles and Equipment	$ 75,000.00	1 Year	$ 75,000.00
Purchase of Sewer Camera	$ 40,000.00	1 Year	$ 40,000.00
Reconstruct of Roadways and Sidewalks	$ 400,000.00	1 Year	$ 400,000.00

YEAR CAPITAL PROGRAM 2016-2021
PLANNED FUNDING SOURCES FOR CURRENT YEAR AND AMOUNTS

Project	Estimated Total Cost	Capital Improvement Fund	Debt Authorized
Improvement/Equipment to Buildings	$ 250,000.00	$ 12,500.00	$ 237,500.00
Purchase of Vehicles and Equipment	$ 75,000.00	$ 3,750.00	$ 71,250.00
Purchase of Sewer Camera	$ 40,000.00	$ 2,000.00	$ 38,000.00
Reconstruct of Roadways and Sidewalks	$ 400,000.00	$ 20,000.00	$ 380,000.00

CAPITAL BUDGET (CURRENT YEAR ACTION)
TO
PLANNED FUNDING SERVICES FOR CURRENT YEAR-2016

	Estimated	Capital	Debt
Improvement/Equipment to Buildings	$ 200,000.00	$10,000.00	$ 190,000.00
Purchase of Vehicles and Equipment	$ 125,000.00	$ 6,250.00	$ 118,750.00
Reconstruct of Roadways and Sidewalks	$ 440,000.00	$ 22,000.00	$ 418,000.00
Purchase/Planting of Trees	$ 75,000.00	$ 3,750.00	$ 71,250.00

6-YEAR CAPITAL PROGRAM 2016-2021
Anticipated Project Schedule and Funding Requirements

Project	Estimated Total Cost	Estimated Completion Time	Funding Amounts Per Year Budget Year 2016
Improvement/Equipment to Buildings	$ 200,000.00	1 Year	$ 200,000.00
Purchase Vehicles & Equipment	$ 125,000.00	1 Year	$ 125,000.00
Reconstruct of Roadways and Sidewalks	$ 440,000.00	1 Year	$ 440,000.00
Purchase/Planting of Trees	$ 75,000.00	1 Year	$ 75,000.00

YEAR CAPITAL PROGRAM 2016-2021
PLANNED FUNDING SOURCES FOR CURRENT YEAR AND AMOUNTS

Project	Estimated Total Cost	Capital Improvement Fund	Debt Authorized
Improvement/Equipment to Buildings	$ 200,000.00	$10,000.00	$ 190,000.00
Purchase Vehicles & Equipment	$ 125,000.00	$ 6,250.00	$ 118,750.00
Reconstruct of Roadways and Sidewalks	$ 440,000.00	$22,000.00	$ 418,000.00
Purchase/Planting of Trees	$ 75,000.00	$ 3,750.00	$ 71,250.00

BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

APPROVED _____

_____
Director, Division of Local Government Serv.

• • •

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 July 19, 2016

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
No					
Not Voting					
Absent/Excused	X				

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* July 19, 2016

Seconded by: Commissioner Mauro G. Tucci *No.* *190-16*

WHEREAS, The Township of Nutley entered into a Professional Services Contract with Impact Environmental, 1000 Page Avenue, Lyndhurst, New Jersey 07071 to perform environmental investigation and testing at 307-309 Franklin Avenue, Block 6001, Lot 10 and 529 Franklin Avenue, Block 3100, Lot 28, 29 and 30; and

WHEREAS, The Township of Nutley had a need for additional professional service in order to meet the Preliminary Assessment Standard to secure Innocent Purchasers Defenses in N.J. Pursuant to N.J.S.A. 58:1023 et seq; and

WHEREAS, **Change Order No. 1** has been authorized for an increase in the amount of $7,500 to complete the environmental investigation and testing at 529 Franklin Ave., Lot, 28, 29, and 30; and

WHEREAS, funds are available from Account Number 6-01-226-205 and have been certified by the Chief Financial Officer, said certification is attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that Change Order No. 1, in the amount of $7,500 be and is hereby approved in order to establish Innocent Landowner Status pursuant to42 U.S.C. 9607(b).

. . .

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 July 19, 2016

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
No					
Not Voting					
Absent/Excused	X				

A16-35

AFFIDAVIT

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

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

Purpose: Change Order #1-Impact Environmental

Account: 6-01-226-205

Fund: General Capital Fund

Amount: $7,500.00

Date: July 19, 2016

Rosemary Costa
Treasurer, C.F.O.

I hereby certify that this is a true copy of an resolution adopted by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey on 7/19/16

Eleni Pettas

Eleni Pettas, RMC
Municipal Clerk

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans on Behalf of the Board of Commissioners

Date: July 19, 2016

Seconded by: Commissioner Mauro G. Tucci

No. *191-16*

RESOLUTION OF THE TOWNSHIP OF NUTLEY MAKING APPLICATION TO THE LOCAL FINANCE BOARD SEEKING AUTHORIZATION FOR NOT TO EXCEED $1,000,000 REDEVELOPMENT AREA BONDS TO FINANCE THE CONSTRUCTION AND INSTALLATION OF CERTAIN IMPROVEMENTS WITHIN THE HOFFMANN LA ROCHE REDEVELOPMENT AREA PURSUANT TO N.J.S.A. 40A:12A-29(A)(3) AND N.J.S.A. 40A:12A-67

WHEREAS, the Board of Commissioners (the "**Board of Commissioners**") of the Township of Nutley (the "**Township**"), in the County of Essex, State of New Jersey identified certain properties in the Township designated as follows on the official Tax Map of the Township (collectively, the "**Study Area**"):

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

also known as the "Hoffmann La Roche Site," to be considered for designation as a condemnation "area in need of redevelopment" under the Local Redevelopment and Housing Law, **N.J.S.A. 40A:12A-1 et seq.** (the "**LRHL**"); and

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

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

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

WHEREAS, N.J.S.A. 40A-12A-6(b)(4)-(5) of the LRHL provides in pertinent part relative to the Planning Board's public hearing on the Preliminary Investigation and whether the Study Area should be considered for designation as a condemnation "area in need of redevelopment":

"(4) At the hearing, which may be adjourned from time to time, the planning board shall hear all persons who are interested in or would be affected by a determination that the delineated area is a redevelopment area. All objections to such a determination and evidence in support of those objections, given orally or in writing, shall be received and considered and made part of the public record.

(5) (a) After completing its hearing on this matter, the planning board shall recommend that the delineated area, or any part thereof, be determined, or not be determined, by the municipal governing body to be a redevelopment area"; and

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

WHEREAS, the Planning Board concurred and agreed with the reasons stated in the Preliminary Investigation that portions (excluding Block 102, Lot 9; Block 2100, Lot 9; and Block 2304, Lot 18) of the Study Area constitutes and meets the criteria under the LRHL supporting the recommendation that portions of the Study Area be determined a condemnation "area in need of redevelopment"; and

WHEREAS, on February 24, 2015, the Planning Board adopted a Resolution recommending that Block 102, Lot 2; Block 200, Lots 1, 2, 3, 4, 5, 6 and 24; Block 201, Lot 1; Block 300, Lots 1 and 20; Block 2000, Lots 1, 4 and 5; Block 2101, Lot 1, and Block 2304, Lot 17, as shown on the official Tax Map of the Township (the "**Property**") 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 Preliminary Investigation, that the Property constitutes and meets the criteria under the LRHL and that the Property should be determined and declared a condemnation "area in need of redevelopment", which determination shall, among other things, authorize the Township to exercise the power of eminent domain to acquire all or any portion of such Property; and

WHEREAS, on March 3, 2015, the Board of Commissioners adopted a Resolution declaring the Property a condemnation "area in need of redevelopment" under the LRHL; and

WHEREAS, after conducting the requisite hearings therefor, the Board of Commissioners adopted the redevelopment plan entitled "Redevelopment Plan – Nutley HLR/Phase I" for a portion of the Property 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 Proposed Subdivision (as defined herein) as more particularly described on Exhibit A attached to the hereinafter defined Special Assessment Agreement (collectively, the "**Phase I Project Premises**") in accordance with the provisions of the LRHL; and

WHEREAS, on September 17, 2015, Hoffmann-LaRoche, Inc., the present owner of the Phase I Project Premises, submitted an application to the Planning Board seeking preliminary and final subdivision approval (the "**Proposed Subdivision**"), which Proposed Subdivision was granted approval by the Planning Board, which, inter alia (a) permitted the subdivision of the Phase I Project Premises into a total of four (4) separately identifiable lots and create certain private roads as shown on the Proposed Subdivision; (b) created one (1) lot 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 Proposed Subdivision (collectively, the "Existing Buildings"); (c) created three (3) lots to

accommodate surface parking and open space for the Existing Buildings and/or the possible future redevelopment of same consistent and in accordance with the Phase I Redevelopment Plan (collectively, the "**Phase I Project**"); and

WHEREAS, Hoffmann-LaRoche, Inc. shall, simultaneous with the issuance of the hereinafter defined RAB Bonds, transfer ownership of the Phase I Project Premises to PB Nutcliff Med, LLC, a Delaware limited liability company, pursuant to a purchase and sale agreement by and between such parties (the "**Purchase and Sale Agreement**"); and

WHEREAS, upon acquisition of the Phase I Project Premises by PB Nutcliff Med, LLC pursuant to the Purchase and Sale Agreement, a lease agreement by and between PB Nutcliff Med, LLC and Kingsland Street Urban Renewal, LLC (the "**Redeveloper**") shall become effective, pursuant to which Redeveloper shall lease the Phase I Project Premises; and

WHEREAS, the Board of Commissioners intends to (a) designate Kingsland as the redeveloper of the Phase I Project Premises, and (b) authorize the Township to enter into a redevelopment agreement, subject to certain conditions stated in such resolution; and

WHEREAS, the Redeveloper was formed pursuant to the Long Term Tax Exemption Law, **N.J.S.A. 40A:20-1** ***et seq.***, as amended and supplemented (the "**Exemption Law**"), to redevelop the Phase I Project and occupy the Phase I Project Premises; and

WHEREAS, the Township and the Redeveloper intend to enter into a redevelopment agreement which sets forth the terms and conditions by which Redeveloper will redevelop the Phase I Project Premises for the construction and operation of the Phase I Project (the "**Phase I Redevelopment Agreement**"); and

WHEREAS, pursuant to and in accordance with the provisions of the Redevelopment Area Bond Financing Law, constituting Chapter 310 of the Pamphlet Laws of 2001 of the State, and the acts amendatory thereof and supplemental thereto (the "**Redevelopment Bond Law**", as codified in **N.J.S.A. 40A:12A-64** ***et seq.***, and together with the LRHL and the Exemption Law, the "**Acts**"), specifically **N.J.S.A. 40A:12A-66(a)**, the Township is authorized to provide for such tax exemption and payments in lieu of taxes in accordance with the Exemption Law, except that the provisions of the Exemption law: (i) establishing a minimum or maximum annual service charge and requiring staged increased in annual service charges over the term of the exemption period, and (ii) permitting the an urban renewal entity to relinquish its status under the Exemption Law, shall not apply to redevelopment projects financed with bonds issued in accordance with the Redevelopment Bond Law; and

WHEREAS, the Board of Commissioners plans to adopt an ordinance (the "**Exemption Ordinance**"), granting the long term tax exemption requested by Redeveloper and authorizing the execution of that certain Financial Agreement and other applicable documents related to the issuance of the RAB Bonds (the "**Financial Agreement**"); and

WHEREAS, those certain improvements enumerated at Exhibit C attached to the Special Assessment Agreement and by this reference incorporated herein (the "**Local Improvements**") constitute a portion of the Phase I Project and also constitute qualified improvements under the Local Improvements Law, **N.J.S.A. 40:56-1, *et seq.*** (the "**Local Improvements Law**") and the Redevelopment Bond Law; and

WHEREAS, the Township and the Redeveloper are presently negotiating the possibility of the Township issuing bonds, notes or other obligations (collectively, the "RAB Bonds") pursuant to the Redevelopment Law, which RAB Bonds, if issued by the Township, shall be sold to an affiliate of the Redeveloper, and shall be secured first pursuant to certain pledged PILOT payments to be made pursuant to the Financial Agreement (which pledged

PILOT may be further secured by a subordinate mortgage), and if the Financial Agreement is no longer in effect, for whatever reason, in the second instance pursuant to a special assessment agreement (the "Special Assessment Agreement") to be negotiated and entered into by and between the Township, the Redeveloper and PB Nutclif Med, LLC; and

WHEREAS, in addition to the documents securing the RAB Bonds, the Redeveloper and the Township intend to enter into a redeveloper contribution agreement (the "Redeveloper Contribution Agreement") pursuant to which the Redeveloper shall pay to the Township an amount equal to the unpledged portion of the Annual Service Charge (as defined in the Financial Agreement) under the Financial Agreement, subject to applicable credits, if any;

WHEREAS, the Township desires to make application to the Local Finance Board with respect to a proposed bond resolution authorizing the issuance of not to exceed $1,000,000 RAB Bonds, which RAB Bonds shall be used to finance the construction and installation of certain improvements within a portion of the Hoffmann La Roche Redevelopment Area; and

WHEREAS, any financial instrument such as the RAB Bonds proposed herein which are secured in whole or in part by payments of PILOT payments and special assessments shall be subject to the review and approval of the Local Finance Board within the New Jersey Department of Community Affairs (the "**Board**") pursuant to the Redevelopment Bond Law; and

WHEREAS, the Township believes that:

(a) it is in the public interest to accomplish such purpose; and

(b) said purpose or improvements are for the health, welfare, convenience or betterment of the inhabitants of the local unit or units; and

(c) the amounts to be expended for said purpose or improvements are not unreasonable or exorbitant; and

(d) the proposal is an efficient and feasible means of providing services for the needs of the inhabitants of the local unit or units and will not create an undue financial burden to be placed upon the local unit or units; and

(e) the implementation of the Phase I Project is in the best interests of the Township and its residents,

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

I. GENERAL

The aforementioned recitals are incorporated herein as though fully set forth at length.

II. APPLICATION TO LOCAL FINANCE BOARD APPROVED

(a) The application to the Local Finance Board is hereby approved, and the Township's bond counsel, Pearlman & Miranda, LLC, as subcontractor to Inglesino, Webster, Wyciskala & Taylor, LLC, along with other representatives of the Township, are hereby authorized to prepare and submit the above-referenced application.

(b) The Local Finance Board is hereby respectfully requested to consider such application and to record its findings, recommendations and/or approvals as the same may be required by law.

III. SEVERABILITY

If any part of this Resolution shall be deemed invalid, such parts shall be severed and the invalidity thereby shall not affect the remaining parts of this Resolution.

IV. AVAILABILITY OF THE RESOLUTION

A copy of this resolution shall be available for public inspection at the offices of the Township.

V. EFFECTIVE DATE

This Resolution shall take effect upon final passage.

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 July 19, 2016

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
No					
Not Voting					
Absent/Excused	X			X (8:54 P.M.)	

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joseph P. Scarpelli *Date:* July 19, 2016

Seconded by: Commissioner Mauro G. Tucci *No.* *192-16*

WHEREAS, a Person-to-Person Plenary Retail Consumption License **No. 0716-33-017-009** for **F and S Maintenance, LLC**, was approved by the Board of Commissioners on July 5, 2016 via Resolution No. 180-16; and

WHEREAS, said Resolution No. 180-16 is correct in all respects except for the effective date of transfer; and

NOW, THEREFORE, BE IT RESOLVED, the Nutley Board of Commissioners does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to **"F and S Maintenance, LLC,"** effective June 30, 2016.

. . .

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 July 19, 2016

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
No					
Not Voting					
Absent/Excused	X			X (8:54 P.M.)	

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joseph P. Scarpelli *Date:* July 19, 2016

Seconded by: Commissioner Mauro G. Tucci *No.* *193-16*

WHEREAS, the New Jersey Department of the Treasury, Division of Taxation, has provided Tax Clearance Certificates for each establishment listed below for this renewal period; and

WHEREAS, these establishments have been inspected by the Board of Health, Fire Department, Code Enforcement Department and the Police Department of the Township of Nutley and are in satisfactory condition;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the renewal of the Person to Person Pocket Liquor License be granted to the following licensee effective July 1, 2016 through June 30, 2017.

BE IT FURTHER RESOLVED that the Municipal Clerk be and she is hereby directed and authorized to issue said Pocket License for the licensing period of July 1, 2016 through June 30, 2017.

Liquor License No.	Establishment Name	Business Address	Type of License
0716-33-017-009	**F & S Maintenance, LLC**	**N/A**	**Pocket License**

. . .

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 July 19, 2016

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
No					
Not Voting					
Absent/Excused	X			X (8:54 P.M.)	

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Joseph P. Scarpelli *Date:* July 19, 2016
Seconded by: Commissioner Mauro G. Tucci *No.* *194-16*

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for the **2016 Purchase of Curbside Recycling Bins** for the Township of Nutley, to be received on behalf of the Board of Commissioners, in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, NJ, 07110, on **Wednesday, August 10, 2016 at 3:00** P.M. prevailing time, at which time they will be opened and read.

. . .

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 July 19, 2016

Record of Vote	*Commissioner Steven L. Rogers*	*Commissioner Thomas J. Evans*	*Commissioner Mauro G. Tucci*	*Commissioner Alphonse Petracco*	*Mayor Joseph P. Scarpelli*
Yes		X	X		X
No					
Not Voting					
Absent/Excused	X			X (8:54 P.M.)	

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci *Date:* July 19, 2016

Seconded by: Commissioner Alphonse Petracco *No.* *195-16*

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

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

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

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

1. Contract Negotiations
2. 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 the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held July 19, 2016

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
No					
Not Voting					
Absent/Excused	X				