Minutes

Mayor and Municipal Council Special Meeting
of the Township of Belleville at Council Chambers - Town Hall,
152 Washington Avenue, Belleville, New Jersey, Wednesday, October 15, 2025,
at 12:30 p.m.

Call to Order: By Mayor Michael Melham 12:30 p.m.

Members Present: Councilmember Vincent Cozzarelli, Naomy DePeña, (via phone at 12:33pm) Thomas Graziano, (via phone) Diane S. Guardabasco, Frank Velez, Tracy J. Muldrow, (via phone) and Mayor Michael Melham Absent: None

Also Present: Steven J. Martino, Township Attorney, Brian Banda, Township Manager, Mark Minichini, Chief of Police, Frank DiMaria Chief Financial Officer, Alberto Cabrera, Township Clerk

Pledge of Allegiance: By Mayor Michael Melham

Councilwoman Naomy DePeña, (via phone logged on at 12:33pm)

Sunshine Law: Pursuant to the requirements of the Open Public Meetings Act (Chapter 231, P.L. 1975) known as the Sunshine Law, notice of this Special meeting was published on Friday, October 10, 2025, edition of the *Star Ledger*. The Sunshine Law was complied with by adopting and forwarding to press, posting, and filling with the Municipal Clerk the special meeting notice showing the date, time, and place of each meeting.

A copy of the annual meeting notice has been posted on the Township website and Town Hall Bulletin Board.

Ordinances:

Ordinance#61-25
Ordinance for Introduction

ORDINANCE APPROVING THE AGREEMENT BETWEEN THE TOWNSHIP OF BELLEVILLE AND 11 FRANKLIN REDEVELOPER URBAN RENEWAL II, LLC UNDER N.J.S.A. 40A:20-1 ET SEQ. (PORTION OF LOT 1.05)

WHEREAS, 11 Franklin Redeveloper Urban Renewal II, LLC (the "Entity") has been formed pursuant to Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. (the "LTTE Law") with the intention that the Entity own and redevelop the PILOT Project and PILOT Property (as such terms are defined herein); and

WHEREAS, TFJ Belleville LLC and LERP Belleville, LLC (affiliates of the Entity) (collectively, the "Fee Owner"), is the fee simple owner of the following land, located in the Township shown as Block 2301, Lot 1.05 on the official tax map of the Township, which contains in the aggregate approximately 8.834 acres of real property (the "Property"); and

WHEREAS, the Township adopted the "Roche Diagnostic Redevelopment Plan, Block: 2301, Lots 1.01, 1.02, 1.03, 1.04 and 1.05 (formerly known as Lot 1), 11 Franklin Avenue", prepared by CME Associates and dated January 2017, and amended through December 1, 2023 (as amended, the "Redevelopment Plan") establishing the Roche Diagnostic Redevelopment Area, adopted pursuant to Ordinance No. 45-23 on February 27, 2024, and concerning, inter alia, the Property; and

WHEREAS, the Fee Owner, 11 Franklin Redeveloper, LLC (an affiliate of the Entity) and the Township entered that certain Redevelopment Agreement, dated on or about July 16, 2024 concerning, inter alia, the Property, as may be further amended (the "Redevelopment Agreement"); and

WHEREAS, on or about May 8, 2025, the Planning Board granted preliminary and final site plan and subdivision approval in Planning Board Resolution PB 2025 (the "Site Plan/Subdivision Resolution") permitting, inter alia, subdivision of existing Lot 1.05 into two (2) new lots to be designated as Lot 1.05, which will contain approximately 5.51 acres (the "PILOT Property"), and Lot 1.06, which will contain approximately 3.32 acres, and the development on PILOT Property of a mixed-use project containing a total of 175 residential units (75 of which shall be restricted for use as housing for older persons) and a total of approximately 39,000 square feet of commercial space on the ground floor, and associated outdoor promenade and amphitheater, amenity space as more specifically set forth in the Site Plan/Subdivision Resolution (collectively, the "PILOT Project"); and

WHEREAS, the Entity filed, or will file in accordance with the Redevelopment Agreement, in the land records of the Property, that certain map entitled "Preliminary and Final Minor Subdivision Plat, Block 2301, Existing Lot 1.05, Proposed Lots 1.05 & 1.06", prepared by Control Pint Associates, LLC (containing two (2) sheets) so as to subdivide the Property in accordance with the Site Plan/Subdivision Resolution and create and perfect the creation of the PILOT Property as a separately identifiable tax parcel (the "Plat"); and

WHEREAS, on or about October 1, 2025, the Entity filed an Application for a Financial Agreement with the Township (the "Exemption Application"), in accordance with N.J.S.A. 40A:20-8, pursuant to the LTTE Law seeking approval of a Financial Agreement providing for exemption from municipal taxation for the PILOT Project as aforesaid, for a period of thirty (30) years from "Substantial Completion", and for payment in lieu of taxes of an Annual Service Charge; and

WHEREAS, the chief executive officer of the Township submitted the Exemption Application to the Township Council for consideration of approval; and

WHEREAS, the Entity also submitted as part of the Exemption Application, a form of financial agreement (the "Financial Agreement"), establishing the rights, responsibilities and obligations of the Entity under a long-term tax exemption for the PILOT Project; and

WHEREAS, the relative stability and predictability of the payments and service charges to be paid by the Entity to the Township under the Financial Agreement will allow stabilization of the PILOT Project operating budget, allowing a high level of urban design, aesthetics and amenities as well as the use of high-quality materials which will maintain the appearance of the buildings over the life of the PILOT Project, which will ensure the likelihood of the success of the PILOT Project and insure that it will have a positive impact on the surrounding area; and

WHEREAS, the Township Council has reviewed the information provided in the Application and Financial Agreement and has deemed approval of same warranted and acceptable under the LTTE Law and further finds that the Financial Agreement will provide significant and long-term benefits to the Town.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Belleville in the County of Essex, New Jersey, as follows:

Section 1. The Financial Agreement concerning 11 Franklin Redeveloper Urban Renewal II, LLC and the Long Term Tax Exemption of the PILOT Project under the LTTE Law is hereby approved substantially in the form attached hereto, and the Mayor is hereby authorized to execute such Financial Agreement, subject to such modifications or revisions, as deemed necessary and appropriate after consultation with counsel, and to perform and enforce the rights and obligations set forth therein.

Section 2. The Exemption Application concerning 11 Franklin Redeveloper Urban Renewal II, LLC and the Long Term Tax Exemption of the PILOT Project under the LTTE Law is hereby approved, and the Mayor and Township Council find that the PILOT Project represents an undertaking permitted by the LTTE Law, and constitutes improvements made for the purposes of clearance, replanning, development or redevelopment of an area in need of redevelopment within the Township, as authorized by the Redevelopment Law and the LTTE Law.

Section 3. The Clerk of the Township is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon such document.

Section 4. The executed copy of the Financial Agreement shall be certified by and be filed with the Office of the Township Clerk. Further, the Clerk of the Township shall file certified

copies of this ordinance and the Financial Agreement with the Tax Assessor of the Township and the Director of the Division of Local Government Services with the Department of Community Affairs, in accordance with Section 12 of the LTTE Law.

Section 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 6. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby rescinded.

Section 7. This ordinance shall take effect in accordance with applicable law.

Motion to introduce by Councilmember Cozzarelli seconded by Councilmember Guardabasco
Ayes: Cozzarelli, DePeña, Graziano, Guardabasco and Mayor Melham Nays: None
Absent: None Abstain: Muldrow and Velez

Ordinance#62-25
Ordinance for Introduction

ORDINANCE APPROVING THE AGREEMENT BETWEEN THE TOWNSHIP OF BELLEVILLE AND 11 FRANKLIN REDEVELOPER URBAN RENEWAL I, LLC UNDER N.J.S.A. 40A:20-1 ET SEQ. (PORTION OF LOT 1.04)

WHEREAS, 11 Franklin Redeveloper Urban Renewal I, LLC (the "Entity") has been formed pursuant to Long Term Tax Exemption Law of 1992, as amended and supplemented, N.J.S.A. 40A:20-1 et seq. (the "LTTE Law") with the intention that the Entity own and redevelop the PILOT Project and PILOT Property (as such terms are defined herein); and

WHEREAS, TFJ Belleville LLC and LERP Belleville, LLC (affiliates of the Entity)(collectively, the "Fee Owner"), is the fee simple owner of the following land, located in the Township shown as Block 2301, Lot 1.04 on the official tax map of the Township, which contains in the aggregate approximately 2.5 acres of real property (the "Property"); and

WHEREAS, the Township adopted the "Roche Diagnostic Redevelopment Plan, Block: 2301, Lots 1.01, 1.02, 1.03, 1.04 and 1.05 (formerly known as Lot 1). 11 Franklin Avenue", prepared by CME Associates and dated January 2017, and amended through December 1, 2023 (as amended, the "Redevelopment Plan") establishing the Roche Diagnostic Redevelopment Area, adopted pursuant to Ordinance No. 45-23 on February 27, 2024, and concerning, inter alia, the Property; and

WHEREAS, the Fee Owner, 11 Franklin Redeveloper, LLC (an affiliate of the Entity) and the Township entered that certain Redevelopment Agreement, dated on or about July 16, 2024 concerning, inter alia, the Property, as may be further amended, (the "Redevelopment Agreement"); and

WHEREAS, on or about May 8, 2025, the Planning Board granted preliminary and final site plan and subdivision approval in Planning Board Resolution PB 2025 (the "Site Plan/Subdivision Resolution") permitting inter alia, the development on the PILOT Property (as defined herein) of a retail project containing a total of three (3) retail units (and a drive-through for one (1) unit) in one (1) building containing a total of approximately 7,300 square feet of retail space as more specifically set forth in the Site Plan/Subdivision Resolution (collectively, "PILOT Project"); and

WHEREAS, on or about August 25, 2025, the Fee Owner filed in the land records of Lot 1.04 at Instrument Number 2025053653 that certain master deed entitled "Master Deed for 11 Franklin Avenue Retail Condominium", dated May 5, 2025, which created on Lot 1.04 two (2) condominium units designated as "Condo A" and "Condo B" (containing approximately 0.606 acres), and associated "Common Areas", all as illustrated on plan entitled "Condominium Plan, Retail" prepared by L2A Land Design, LLC, dated April 2, 2025 (the "Condo Plan") attached hereto and made a part hereof at Exhibit 8 (Condo B is hereinafter referred to as the "PILOT Property"); and

WHEREAS, on or about October 1, 2025, the Entity filed an Application for a Financial Agreement with the Township (the "Exemption Application"), in accordance with N.J.S.A. 40A:20-8, pursuant to the LTTE Law seeking approval of a Financial Agreement providing for exemption from municipal taxation for the PILOT Project as aforesaid, for a period of thirty (30) years from "Substantial Completion", and for payment in lieu of taxes of an Annual Service Charge; and

WHEREAS, the chief executive officer of the Township submitted the Exemption Application to the Township Council for consideration of approval; and

WHEREAS, the Entity also submitted as part of the Exemption Application, a form of financial agreement (the "Financial Agreement"), establishing the rights, responsibilities and obligations of the Entity under a long-term tax exemption for the PILOT Project; and

WHEREAS, the relative stability and predictability of the payments and service charges to be paid by the Entity to the Township under the Financial Agreement will allow stabilization of the PILOT Project operating budget, allowing a high level of urban design, aesthetics and amenities as well as the use of high-quality materials which will maintain the appearance of the buildings over the life of the PILOT Project, which will ensure the likelihood of the success of the PILOT Project and insure that it will have a positive impact on the surrounding area; and

WHEREAS, the Township Council has reviewed the information provided in the Application and Financial Agreement and has deemed approval of same warranted and acceptable under the LTTE Law and further finds that the Financial Agreement will provide significant and long-term benefits to the Town.

NOW, THEREFORE, BE IT ORDAINED, by the Mayor and Council of the Township of Belleville in the County of Essex, New Jersey, as follows:

Section 1. The Financial Agreement concerning 11 Franklin Redeveloper Urban Renewal I, LLC and the Long Term Tax Exemption of the PILOT Project under the LTTE Law is hereby approved substantially in the form attached hereto, and the Mayor is hereby authorized to execute such Financial Agreement, subject to such modifications or revisions, as deemed necessary and appropriate after consultation with counsel, and to perform and enforce the rights and obligations set forth therein.

Section 2. The Exemption Application concerning 11 Franklin Redeveloper Urban Renewal I, LLC and the Long Term Tax Exemption of the PILOT Project under the LTTE Law is hereby approved, and the Mayor and Township Council find that the PILOT Project represents an undertaking permitted by the LTTE Law, and constitutes improvements made for the purposes of clearance, replanning, development or redevelopment of an area in need of redevelopment within the Township, as authorized by the Redevelopment Law and the LTTE Law.

Section 3. The Clerk of the Township is hereby authorized and directed, upon execution of the Financial Agreement by the Mayor, to attest to the signature of the Mayor and to affix the corporate seal of the Township upon such document.

Section 4. The executed copy of the Financial Agreement shall be certified by and be filed with the Office of the Township Clerk. Further, the Clerk of the Township shall file certified copies of this ordinance and the Financial Agreement with the Tax Assessor of the Township and the Director of the Division of Local Government Services with the Department of Community Affairs, in accordance with Section 12 of the LTTE Law.

Section 5. If any part(s) of this ordinance shall be deemed invalid, such part(s) shall be severed and the invalidity thereby shall not affect the remaining parts of this ordinance.

Section 6. All ordinances and resolutions or parts thereof inconsistent with this Ordinance are hereby rescinded.

Section 7. This ordinance shall take effect in accordance with applicable law.

Motion to introduce by Councilmember Cozzarelli seconded by Councilmember Guardabasco
Ayes: Cozzarelli, DePeña, Graziano, Guardabasco and Mayor Melham Nays: None
Absent: None Abstain: Muldrow and Velez

Ordinance#63-25
Ordinance for Introduction

AN ORDINANCE TO AMEND THE REVISED GENERAL ORDINANCES OF THE TOWNSHIP OF BELLEVILLE, COUNTY OF ESSEX, NEW JERSEY CHAPTER 12-1.3. FEES

Add:

a. 6. Elevator subcode fees shall be 35% of the fee schedule established by the Department of Community Affairs N.J.A.C. 5:23-4.20

Motion to introduce by Councilmember Cozzarelli seconded by Councilmember Velez
Ayes: Cozzarelli, DePeña, Graziano, Guardabasco, Muldrow, Velez and Mayor Melham
Nays: None Absent: None Abstain: None

Public Portion:

Motion to open public comments by Councilmember Velez seconded by Councilmember Guardabasco Ayes: Cozzarelli, DePeña, Graziano, Guardabasco, Muldrow, Velez and Mayor Melham Nays: None Absent: None Abstain: None

Gary Higgins
307 Fairway Ave

- 30-year abatement
- What's the breakdown

Mayor Melham

- We will have the breakdown at the next council meeting

Gary Higgins

- On Ordinance#63-25
- What's the breakdown on the fees

Frank DiMaria

- 85% - company who handle the billing for us
- 35% reimbursement for the Township

Gary Higgins

- Thank you to Brian and Bobby for all the work being done around Fairway Avenue

Vincent Frantantoni
129 Mt. Prospect Ave

- This is another special meeting
- This proves that we need to go back to two meetings a month
- In regard to the councilmembers that abstain on ordinance#61 and number 62, have the guts to state on record the reason for abstaining
- I gave previous pictures to Township Manager pictures of garbage receptacles on the streets and the sweeper swings by and not being able to clean streets
- You have a contract with the company; we fine them back them
- We should be enforcing the contract
- The handicapped parking spaces are painted white instead of blue, how are people supposed to know that it's a handicapped parking space

Mayor Melham

- I'm being told that we are enforcing the contract

Chief Minichini:

- There's no law that requires the spaces to be painted blue

No members of the public on the phone for public comments

Motion to close public comments by Councilmember Cozzarelli seconded by Councilmember Guardabasco Ayes: Cozzarelli, DePeña, Graziano, Guardabasco, Muldrow, Velez and Mayor Melham Nays: None Absent: None Abstain: None

Executive Session: (12:48pm)

Motion to enter executive session by Councilmember Cozzarelli seconded by Councilmember Velez Ayes: Cozzarelli, DePeña, Graziano, Guardabasco, Muldrow, Velez and Mayor Melham Nays: None Absent: None Abstain: None

- Mayor Michael Melham was excused from the executive discussion

WHEREAS, N.J.S.A. 10:4-12 allows for a Public Body to go into closed session during a Public Meeting, and

WHEREAS, the Governing Body of Township of Belleville has deemed it necessary to go into closed session to discuss certain matters which are exempted from the Public; and

WHEREAS, the regular meeting of this Governing Body will reconvene;

NOW, THEREFORE, BE IT RESOLVED that the Township of Belleville will go into closed session for the following reason(s) as outlined in N.J.S.A. 10:4-12:

Any matter which, by express provision of Federal Law, State Statute or Rule of Court shall be rendered confidential or excluded from discussion in public;

Any matter in which the release of information would impair a right to receive funds from the federal government;

Any matter the disclosure of which constitutes an unwarranted invasion of individual privacy;

Any collective bargaining agreement, or the terms and conditions of which are proposed for inclusion in any collective bargaining agreement, including the negotiation of terms and conditions with employees or representatives of employees of the public body;

Any matter involving the purpose, lease or acquisition of real property with public funds, the setting of bank rates or investment of public funds where it could adversely affect the public interest if discussion of such matters were disclosed;

Any tactics and techniques utilized in protecting the safety and property of the public, provided that their disclosure could impair such protection.

Any investigations of violations or possible violations of the law;

Any pending or anticipated litigation or contract negotiation in which the public body is or may become a party.

Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer;

Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting;

Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

Any matter involving the employment, appointment, termination of employment, disciplinary action unless individual in writing requests a public meeting;

Any deliberations of the public body occurring after a public hearing that may result in the imposition of specific civil penalty.

The Executive Session shall be to discuss litigation, negotiations and/or personnel, including but not limited to the following:

Any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer.

Any matter involving the employment, appointment, termination of employment, terms and conditions of employment, evaluation of the performance, promotion or disciplining of any specific prospective public officer or employee or current public officer or employee employed or appointed by the public body, unless all individual employees or appointees whose rights could be adversely affected request in writing that such matter or matters be discussed at a public meeting;

Any deliberation of a public body occurring after a public hearing that may result in the imposition of a specific civil penalty upon the responding party or the suspension or loss of a license or permit belonging to the responding party as a result of an act of omission for which the responding party bears responsibility;

Any matter involving the employment, appointment, termination of employment, disciplinary action unless individual in writing requests a public meeting;

Any deliberations of the public body occurring after a public hearing that may result in the imposition of specific civil penalty.

The Executive Session shall be to discuss litigation, negotiations and/or personnel, including but not limited to the following.

- Personnel Matter

- The minutes were redacted due to ongoing litigation not settled

Brian Banda:

- Attorneys could not be present at today's meeting; however, they are available at the October 28th council meeting

Steve Martino:

- I did not handle this case
- I believe it's best that the attorneys be present at the October 28th council meeting
- You do not need a resolution to accept the settlement
- This personnel matter should not be discussed outside this room
- Councilmembers request attorneys to be present
- This item is carried to the October 28th council meeting

Motion to close executive session by Councilmember DePeña seconded by Councilmember Velez Ayes: Cozzarelli, DePeña, Graziano, Guardabasco, Muldrow, and Velez Nays: None Absent: None Abstain: None

- Mayor Michael Melham was excused from executive session discussion

Adjournment:

Motion to adjourn by Councilmember Velez seconded by Councilmember DePeña Ayes: Cozzarelli, DePeña, Graziano, Guardabasco, Muldrow and Velez Nays: None Absent: Mayor Melham

The meeting was adjourned at 1:02p.m.

Respectfully Submitted,

Alberto Cabrera, R.M.C.
Township Clerk

The next regular meeting is scheduled for Tuesday, October 28, 2025, at 6pm.