Minutes

Mayor and Municipal Council Special Meeting
of Township of Belleville at Council Chambers - Town Hall,
152 Washington Avenue, Belleville, New Jersey, Tuesday, November 10, 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) Diane S. Guardabasco, Tracy J. Muldrow, (via phone) Frank Velez III and Mayor Michael Melham
Absent: Thomas Graziano

Also Present: Steven J. Martino, Township Attorney, (via phone) Brian Banda, Township Manager, Frank DiMaria Chief Financial Officer, Dean Donatelli, Esq. (via phone) and Alberto Cabrera, Township Clerk Absent: Mark Minichini

Pledge of Allegiance: By Mayor Michael Melham

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 in the Monday, November 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.

Ordinance:

Ordinance#65-25
Ordinance for Introduction:

ORDINANCE OF THE MAYOR AND COUNCIL OF THE TOWNSHIP OF BELLEVILLE CONSENTING TO THE ASSIGNMENT, ASSUMPTION AND MODIFICATION OF A FINANCIAL AGREEMENT CONCERNING PROPERTY IN THE TOWNSHIP FROM 78-102 WASHINGTON AVE. URBAN RENEWAL LLC TO THE ESSEX NJ URBAN RENEWAL, LLC

AND AUTHORIZING THE EXECUTION OF AN ESCROW AGREEMENT WITH THE ESSEX NJ URBAN RENEWAL, LLC

BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE TOWNSHIP OF BELLEVILLE, NEW JERSEY:

WHEREAS, the New Jersey Local Redevelopment and Housing Law, N.J.S.A. 40A21A-1, et seq. (the "Redevelopment Law") authorizes the governing body of any municipality, by resolution, to declare properties within the municipality to be "in need of redevelopment" pursuant to the criteria contained in N.J.S.A. 40A:12A-5; and

WHEREAS, based on its review of the criteria contained in the Redevelopment Law, the Township Council of the Township of Belleville (the "Governing Body") believed that the property located at 74 Washington Avenue (designated as Block 8503, Lot 4 and additional Lot 5 on the official tax map of the Township), 78-102 Washington Avenue (designated as Block 8503, Lot 6 and additional Lots 7, 8, 9 and 10), and 75-77 William Street (designated as Block 8503, Lot 11 on the official tax map of the Township of Belleville (the "Project Premises") should be declared to be an "area in need of redevelopment" in accordance with N.J.S.A. 40A:12A-5; and

WHEREAS, on January 22, 2019, by the adoption of Resolution No. 19-30, the Governing Body declared the Project Premises as a non-condemnation area in need of redevelopment; and

WHEREAS, CME Associates prepared a redevelopment plan for the Project Premises entitled "74-102 Washington Avenue Redevelopment Plan", dated April 9, 2019 (the "Redevelopment Plan"); and on or about May 14, 2019, the Township Governing Body adopted Ordinance No. 3525 approving and adopting the Redevelopment Plan; and

WHEREAS, the Governing Body, on or about October 22, 2019, adopted Ordinance No. 3552 (a) approving the application of 78-102 Washington Ave. Urban Renewal LLC ("78-102 Washington") concerning a long term tax exception under the New Jersey Long Term Tax Exemption Law, N.J.S.A. 40A:20-1 et seq., concerning a five-story residential development and associated commercial/retail space on the ground floor with structured parking and other associated improvements to be developed on the Project Premises (the "Project"), and (b) authorizing the Township to enter into a Financial Agreement with 78-102 Washington concerning the Project and the Project Premises, subject to certain conditions stated in such Ordinance; and

WHEREAS, the Township and 78-102 Washington entered into that certain Financial Agreement dated on or about April 14, 2020 concerning the Project and the Project Premises (the "Financial Agreement"); and

WHEREAS, Section 7.1.1 of the Financial Agreement requires the Township to consent to the assignment of the Financial Agreement to another urban renewal entity, subject to certain conditions set forth therein:

"As permitted by N.J.S.A. 40A:20-10(a), it is understood and agreed that the Township will consent to the Transfer of this Agreement to another urban renewal entity, as such term is defined in the LTTEL, and the tax exemption of the improvements shall continue and inure to the Transferee entity without any further action by the Township Mayor and Council of the Township provided: (i) the Transferee entity does not own any other project at the time of transfer; (ii) the Transferee entity is formed and eligible to operate under the Law; (iii) the Entity is not then in Default of this Agreement or the Law; (iv) the Entity's obligations under this Agreement are fully assumed by the Transferee entity; and (v) the Transfer is disclosed to the municipal governing body no less than thirty (30) days prior to such

Transfer. Pursuant to N.J.S.A. 40A: 20-10(d), the Township shall be entitled to charge an administrative fee of two percent (2.0%) of the Annual Service Charge due in the year that the Transfer is requested for processing any such application for Transfer by the Entity."

WHEREAS, The Essex NJ Urban Renewal, LLC ("The Essex") is a special purpose urban renewal entity that was formed for the purpose of operating the Project and the Project Premises under the Redevelopment Law; and

WHEREAS, The Essex NJ PropCo LLC ("PropCo"), an affiliate of The Essex; and

WHEREAS, PropCo is taking title to the Project Premises, and The Essex will be PropCo's ground tenant of Project Premises subject to a ground lease between such parties to The Essex; and

WHEREAS, PropCo and The Essex have requested that the Township confirm its consent to the sale of the Project Premises and the assignment of the Financial Agreement, and the Township, after reviewing the experience, financial capacity and organization of PropCo and The Essex, has agreed to consent to same; and

WHEREAS, 78-102 Washington, as assignor, is currently the fee owner/URE of the Project Premises under the Financial Agreement: and

WHEREAS, The Essex, as assignee, will be the ground tenant/URE under the Financial Agreement after the assignment; and

WHEREAS, The Essex and 78-102 Washington have requested, and the Township has agreed, to modify the Financial Agreement to conform the status of The Essex as the ground tenant/URE under the terms of the Financial Agreement; and

WHEREAS, 78-102 Washington has given notice of its intent to undertake the sale of the Project Premises to PropCo and the assignment of the Financial Agreement to The Essex; and

WHEREAS, in connection with the sale of the Project Premises to PropCo and assignment of the Financial Agreement to The Essex, 78-102 Washington and The Essex have agreed to enter into an Assignment, Assumption and Modification of Financial Agreement with the Town, whereby 78-102 Washington shall assign all of 78-102 Washington's right, title and interest in and to the Financial Agreement (the "Assignment and Assumption Agreement"), to The Essex, and The Essex shall accept such assignment, and assume the obligations of 78-102 Washington under the Financial Agreement as provided for in the Assignment and Assumption Agreement; and

WHEREAS, in connection with the sale of the Project Premises to PropCo and assignment of the Financial Agreement to The Essex and the redevelopment and occupancy of same, and at the closing of the purchase of the Project Premises, The Essex and the Township have agreed to enter into an Escrow Agreement, to cover any and all costs incurred by the Township related to the implementation of the assignment set forth herein and the furtherance of the redevelopment of the and Project Premises and the occupancy of same (the "Escrow Agreement"); and

WHEREAS, the Mayor and Township Council desire to consent to the sale pf the Project premises to PropCo, the assignment of the Financial Agreement and the Assignment and Assumption Agreement between 78-102 Washington and The Essex, and authorize the Escrow Agreement.

NOW, THEREFORE, BE IT ORDAINED, that the Mayor and Township Council of the Township of Belleville in the County of Essex, New Jersey, hereby consent to the sale of the Project Premises to The Essex NJ PropCo LLC and the assignment of the Financial Agreement to The Essex NJ Urban Renewal, LLC, concerning the Project Premises located at 74 Washington Avenue (designated as Block 8503, Lot 4 and additional Lot 5 on the official tax map of the Township), 78-

102 Washington Avenue (designated as Block 8503, Lot 6 and additional Lots 7, 8, 9 and 10), and 75-77 William Street (designated as Block 8503, Lot 11 on the official tax map of the Township of Belleville; and

BE IT FURTHER ORDAINED, that the Mayor and Township Council hereby authorize the Assignment, Assumption and Modification Agreement by and between the Township, 78-102 Washington Ave. Urban Renewal LLC, as URE and The Essex NJ Urban Renewal, LLC, as the new URE; and

BE IT FURTHER ORDAINED, that the Mayor and Township Council hereby authorize the Escrow Agreement by and between the Township and The Essex NJ Urban Renewal, LLC; and

BE IT FURTHER ORDAINED, that the Mayor and Clerk are hereby authorized to execute the Escrow Agreement and the Assignment, Assumption and Modification Agreement, with such revisions as deemed advisable by the Township Attorney or Redevelopment Counsel, on behalf of the Township of Belleville and to perform the obligations of the Township and enforce its rights thereunder; and

BE IT FURTHER ORDAINED, that said consent to the sale of the Project Premises to The Essex NJ PropCo LLC and the assignment of the Financial Agreement to, and authorization of execution of an Assignment, Assumption and Modification Agreement and Escrow Agreement, are subject to and contingent upon The Essex NJ Urban Renewal, LLC: (1) entering into an Assignment, Assumption and Modification Agreement with 78-102 Washington concerning the Financial Agreement and an Escrow Agreement in a form reasonably acceptable to the Township and with such revisions as deemed advisable by the Township Attorney or Redevelopment Counsel within sixty (60) days of this Ordinance; (2) paying any and all costs incurred by the Township related to the implementation of the assignment set forth herein and in furtherance of the operation of the Project Premises and the occupancy of same; and (3) satisfying any other terms and conditions contained within the Assignment and Assumption Agreement and as required under Section 7.1.1 of the Financial Agreement; and

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and, if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, that a copy of this Ordinance shall be published as and if required by law.

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

Public Portion:

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

Gary Higgins,
307 Fairway Ave

- You have one address in one document and another address in the other documents

Dean Donatelli, Esq.

- This property shows up with several addresses

Vincent Frantantoni
129 Mt. Prospect Ave

- Is this a new buyer for this project?
- What's an Estoppel Certificate
- The parade was an embarrassment
- Can we get the high school marching band

Dean Donatelli, Esq.

- It's a standard certificate – Township notices lender if there's a default in payments

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

Resolutions

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

RESOLUTION# 264-2025
AUTHORIZING THE TOWNSHIP OF BELLEVILLE TO SEEK FAIR AND OPEN PROCESS IN COMPLIANCE WITH THE PAY TO PLAY STATUTES FOR THE RECEIPT OF REQUESTS FOR PROPOSALS "RFP'S" FOR THE BELOW LISTED SERVICE FROM FRIDAY, NOVEMBER 14, 2025 AND RETURNABLE ON TUESDAY, DECEMBER 2, 2025, AT 11:00 A.M., 2ND OCCASION

RESOLVED BY THE MUNICIPAL COUNCIL OF BELLEVILLE, N.J.

WHEREAS, N.J.S.A. 19:44A-20.4 et seq. mandates a municipality to comply with Pay to Play requirements; and

WHEREAS, the Mayor and Municipal Council of the Township of Belleville wish to receive and consider proposals for services as may be needed by the Township, including but not limited to the below listed Request for Proposals services as follows:

Animal Control Services (2ND Occasion) December 2, 2025 at 11:00 a.m.

WHEREAS, the Township of Belleville has previously committed itself to utilizing a Fair and Open Process for the solicitation and review of Request for Proposals and for extraordinary unspecifiable services.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Municipal Council of the Township of Belleville, County of Essex, and State of New Jersey as follows:
The aforesaid recitals are incorporated herein as though fully set forth at length; The Township Clerk is authorized and directed to publish and advertise a Request for Proposals for the various services as may be needed by the Township, for each separate board or entity requiring separate legal/professional services, including but not limited to:
Such Request for Proposals (s) shall be published and advertised in accordance with a Fair and Open Process at least ten (10) days in advance, of the opening of the responses to the Requests for Proposals received such opening to take place on or before the next regularly scheduled meeting of the Mayor and Municipal Council, on or before which time all Statements of Proposals must be submitted by interested parties, for consideration by the Review Committee herein established; and The Procurement Committee, consisting of Township Manager, Township Chief Financial Officer and Deputy Township Manager all in an advisory capacity, will review all Statements of Proposals and to make recommendations to the Mayor and Municipal Council of the Township of Belleville prior to its next regularly scheduled meeting.

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

RESOLUTION# 265-2025
RESOLUTION AUTHORIZING THE EXECUTION OF AN ESTOPPEL CERTIFICATE FOR THE FINANCIAL AGREEMENT CONCERNING 74-102 WASHINGTON AVENUE AND 75-77 WILLIAM STREET (THE ESSEX)

WHEREAS, 78-102 Washington Ave. Urban Renewal LLC ("78-102 Washington") is the owner of certain real property located at 74 Washington Avenue (designated as Block 8503, Lot 4 and additional Lot 5 on the official tax map of the Township), 78-102 Washington Avenue (designated as Block 8503, Lot 6 and additional Lots 7, 8, 9 and 10), and 75-77 William Street (designated as Block 8503, Lot 11 on the official tax map of the Township of Belleville (collectively, the "Property"); and

WHEREAS, the Township and 78-102 Washington entered into that certain Financial Agreement, dated on or about April 14, 2020, concerning the Property (the "Financial Agreement"); and

WHEREAS, 78-102 Washington has requested that the Township issue an estoppel certificate relating to the Financial Agreement in connection with 78-102 Washington's sale of the Property to The Essex NJ PropCo LLC and the assignment and assumption of the Financial Agreement to The Essex NJ Urban Renewal, LLC in the form attached hereto (the "Estoppel Certificate"); and

WHEREAS, the Mayor and Township Council have determined that the information contained in the proposed Estoppel Certificate is true and correct to the extent set forth and as qualified therein.

NOW, THEREFORE, BE IT RESOLVED, by the Mayor and Council of the Township of Belleville in the County of Essex, New Jersey, that the form of Estoppel Certificate, is approved, subject to any and all conditions contained herein and such revisions as deemed advisable by the Township Attorney or Redevelopment Counsel; and

BE IT FURTHER RESOLVED that the Mayor and Clerk are hereby authorized to execute the Estoppel Certificate, with such revisions as deemed advisable by the Township Attorney or Redevelopment Counsel, on behalf of the Township of Belleville and to perform the obligations of the Township and enforce its rights thereunder; and

BE IT FURTHER RESOLVED that a copy of this Resolution or a summary of thereof shall be published within ten (10) days of its adoption or as otherwise as required by law; and

BE IT FURTHER RESOLVED that this Resolution shall take effect immediately but no sooner than as permitted by law.

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

New/Old Business:

None to report

Adjournment:

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

The meeting was adjourned at 12:45p.m.

Respectfully Submitted,

Alberto Cabrera, R.M.C.
Township Clerk

The next regular meeting is scheduled for Tuesday, November 25, 2025 at 6pm.