

RESOLUTION

WHEREAS, on March 7, 2017, the West Orange Township Council (the “Council”) adopted Resolution 74-17 which authorized the Mayor to execute an Interim Redevelopment Agreement between the Township of West Orange (the “Township”) and the Alpert Group, LLC (“Alpert”); and

WHEREAS, on March 7, 2017, the Township and Alpert entered into the Interim Redevelopment Agreement (the “Agreement”) wherein Alpert was designated the Interim Redeveloper and also agreed to perform demolition services as part of a redevelopment; and

WHEREAS, on September 4, 2018, the Council adopted Resolution 192-18 which authorized the Mayor to execute a First Amendment to Interim Redevelopment Agreement between Township of West Orange and the Alpert Group, LLC (the “First Amendment”) related to an assignment as to the sale of another property as part of a redevelopment; and

WHEREAS, on September 4, 2018, the Township and Alpert executed the Agreement to incorporate the First Amendment; and

WHEREAS, the Agreement and First Amendment involve certain Parcels as defined in the Interim Redevelopment Agreement, including the vacant lot known as Block 7, Lot 22 (the “Selecto-Flash Vacant Lot”), and Block 9, Lot 36 (the “Selecto-Flash Building Property”) (collectively the “Selecto-Flash Property”); and

WHEREAS, Section 2.05 of the Agreement, captioned “Reimbursement of Demolition Costs” provides that the Alpert shall be entitled to reimbursement of all Demolition Costs from any subsequent designated redeveloper or any subsequent owner of the Selecto-Flash Building Property in the event that the Agreement is terminated by either Party; and

WHEREAS, Section 2.07 of the Agreement, captioned “Environmental

Remediation” references the Township’s ongoing efforts to remediate the Selecto-Flash Building Property, including the Township’s pursuit of funding from the New Jersey Department of Environment Protection (the “NJDEP”) under the Hazardous Discharge Site Remediation Program (the “HDSRP”); and

WHEREAS, Section 2.09 of the Agreement, captioned “Redevelopment Proposal” includes a provision that provides Alpert a right to purchase the Select-Flash Building Property; and

WHEREAS, the Township has retained and designated Matrix New World (“Matrix”) as its Licensed Site Remediation Professional (“LSRP”) ; and

WHEREAS, Matrix, as LSRP, is preparing a supplemental grant application with the NJDEP through the HDSRP to partially fund its proposed Remedial Action Workplan (“RAWP”); and

WHEREAS, the HDSRP provides 75% funding of costs for a municipality’s RAWP and requires that the municipality fund the remaining 25% of costs for the RAWP; and

WHEREAS, the HDSRP requires affirmative confirmation that the Township will fund the remaining 25% of the costs for the RAWP; and

WHEREAS, the Township and Alpert have negotiated a Second Amendment to the Agreement (the “Second Amendment”) annexed hereto as Exhibit “A”; and

WHEREAS, the Second Amendment provides that the Alpert will fund the remaining 25% of the costs for the RAWP with the ability for reimbursement or credit towards the purchase of the Selecto Flash Building Property; and

NOW, THEREFORE, BE IT RESOLVED by the Township Council of the Township of West Orange that the Mayor be and is hereby authorized to execute the annexed Second Amendment to Interim Redevelopment Agreement between the Township of West Orange and The Alpert Group, LLC;

IT FURTHER RESOLVED that notice of the approval and execution of this Agreement shall be made in accordance with law and a copy of the Second Amendment shall be maintained by the Municipal Clerk for the Township of West Orange.

Approval of this Resolution is acceptable to the Law Department based upon the facts and circumstances provided.

Karen J. Carnevale, R.M.C.
Municipal Clerk

Susan McCartney
Council President

Adopted: December 11, 2018

Approval of this Resolution is acceptable to the Law Department based upon the facts and circumstances provided.

Richard D. Trenk
Township Attorney