| | Page 1 |
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| 1 | TOWNSHIP OF NUTLEY, NEW JERSEY |
| 2 | BOARD OF COMMISSIONERS |
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| 4 |) |
| 5 | CONFERENCE SESSION) TRANSCRIPT OF |
| 6 |) PROCEEDINGS: |
| 7 |) |
| 8 | |
| 9 | December 20, 2016 |
| 10 | 7:03 p.m. |
| 11 | |
| 12 | BEFORE: |
| 13 | Commissioner Rogers |
| 14 | Commissioner Evans (TELEPHONICALLY) |
| 15 | Commissioner Petracco |
| 16 | Mayor Joseph P. Scarpelli |
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| 24 | Job No. NJ2511006 |
| 25 | Transcribed by: Nicole Yawn |

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| 1 | PROCEEDINGS |
| 2 | MADAM CLERK: Township of Nutley Board of |
| 3 | Commissioners public meeting Tuesday, December 20th, 2016. |
| 4 | The time is now 7:03. |
| 5 | Pursuant to the requirement of the Open Public |
| 6 | Meeting Act, Chapter 231, notice of this meeting was |
| 7 | published in the December 24th, 2015 issues of the Nutley |
| 8 | Sun, the Star Ledger, and the Herald News. A copy of this |
| 9 | notice has been posted on the Nutley Town Hall bulletin |
| 10 | board, and a copy is on file in the municipal clerk's |
| 11 | office. |
| 12 | Commissioner Rogers? |
| 13 | COMMISSIONER ROGERS: Here. |
| 14 | MADAM CLERK: Commissioner Tucci is |
| 15 | absent/excused. |
| 16 | Commissioner Evans? |
| 17 | COMMISSIONER EVANS: Here. |
| 18 | MADAM CLERK: Via phone. |
| 19 | Commissioner Petracco? |
| 20 | COMMISSIONER PETRACCO: Here. |
| 21 | MADAM CLERK: Mayor Scarpelli? |
| 22 | MAYOR SCARPELLI: Here. |
| 23 | MADAM CLERK: All present, Mayor, except for |
| 24 | Commissioner Tucci. |
| 25 | MAYOR SCARPELLI: All right. |

Commissioner Petracco, would you let me know what you have on the agenda tonight?

COMMISSIONER PETRACCO: If I can find it, I sure will.

(Pause)

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COMMISSIONER PETRACCO: I have a --

COMMISSIONER EVANS: Sorry. It's probably hard hard for you to find Al, you only have one resolution.

COMMISSIONER PETRACCO: That's a blessing, Tom.

Trust me.

11 COMMISSIONER EVANS: Yeah.

COMMISSIONER PETRACCO: Two? My reading skills aren't so quick these days.

I have an authorization of a -- authorize the purchase agent to purchase federal ammunition. Okay, ammunition. This is the \$1,276.81. And then I have a budget transfer of the amount of 50,000. And that's all I have.

MAYOR SCARPELLI: Commissioner Rogers?

COMMISSIONER ROGERS: I have none, but I'll read Commissioner Tucci's. One of them is supporting legislature and the adoption of S-2663 and A-4234 to permit JIFS to join together and create a joint investment and cash management program. Another one's to authorize budget transfer in the amount of 14,500.

Another one to authorize Change Order 2 for \$4,066.70 to Viridian Environmental Consultants. Another one to authorize a Change Order No. 3 for \$23,259.23 to Sal Electric for electrical services. And the final one's to authorize to enter into a contract with Premier Vision Care in the amount of \$1,836. That's it.

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MAYOR SCARPELLI: Thank you, Commissioner.

COMMISSIONER ROGERS: You're welcome.

MAYOR SCARPELLI: Commissioner Evans?

MADAM CLERK: Commissioner Evans, can you hear us?

COMMISSIONER EVANS: Yes, I -- yes, I have several resolutions tonight. That's all I have on the agenda. But they are important.

The first resolution is this resolution authorizing the signing of the memorandum of agreement for our state aid of \$5.5 million for 2016. There is no waiting with the state. I've already worked it out. As soon as we release this resolution tomorrow and with the signed memorandum, we will receive our check for the full 5.5 million.

So everything went smoothly on that. This is just the last piece of paperwork to reimburse (indiscernible).

It is generally late in December they give us that check.

So there's no change in timing. It's just it's a matter of the work.

Page 5

The next resolution is for Nisivoccia & Company, which has been appointing our auditors for 2017. Their fee is the same, except it reflects a one percent increase. They were looking for two. We settled on one, which is great.

The next one is for Hendricks Appraisal Services which helps us on tax appeals in town. And some of them were complex, added assessments that we do each year. This resolution is the same. There's no change in fee related to that.

I also have the -- a need for an appraiser to --I'm sorry -- a need to have a change order with the Banker Group related to the Phase I pilot agreement negotiations in the amount of \$5,700. This money is reimbursable out of the trust monies that were set up. It does not affect the operating budget at all.

I have the next resolution, which is 338-16. There was grants that supported the work that we did in town. All of the work has been completed. This resolution simply wipes away the estimated balances.

We received exactly what we were supposed to receive. There was no change, even those these numbers would suggest maybe there's a \$14,000 difference. That's just paperwork and estimates. But the actual amounts we were supposed to receive we received 100 percent of it.

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My next one is for the advertise for an RFP for a grant writer. Grant writing services do not qualify as professional service, and we're required to do an RFP each year regarding the renewal of that.

There's also refunds of property tax overpayments for \$14,000.

There was another resolution I think was added later this afternoon a budget transfer resolution was added. I don't have that in front of me. But if you can refer to that, that would complete my resolutions.

MADAM CLERK: The transfer is in the amount of \$15,000. Maybe somebody could read it for Commissioner Evans, because we didn't have that on 'til late.

MAYOR SCARPELLI: Okay.

MADAM CLERK: Okay.

MAYOR SCARPELLI: Thank you, Commissioner.

I have an authorization to submit an electronic grant application to NJDOT for the Harrison Street Roadway improvement, authorize to amend the contract with RicciPlanning for supplemental professional planning services not to exceed \$20,000 and an authorization to purchase a Xerox 7845 Copier System. And also, I have a budget transfer in the amount of \$38,000. I also have monthly progress reports, as does Commissioner Tucci. I'll take care of them.

WHEREAS, the public body is of the opinion that such circumstances exist; and

WHEREAS, the board of commissioners of the township of Nutley in the county of Essex, 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 will move into closed executive session to discuss potential litigation and personnel;

BE IT FURTHER RESOLVED that the time when such discussion may be disclosed at public shall be when and that such disclosure may be made without adversely affecting the township of Nutley pending and/or anticipated legal personnel, contractual matters, and other matters within exceptions provided for by statute.

Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 MADAM CLERK: Okay. Just hold on one moment.

(Recessed to executive session)

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| 1 | TOWNSHIP OF NUTLEY, NEW JERSEY |
| 2 | BOARD OF COMMISSIONERS |
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| 5 | PUBLIC MEETING) TRANSCRIPT OF |
| 6 |) PROCEEDINGS: |
| 7 |) |
| 8 | |
| 9 | December 20, 2016 |
| 10 | 7:42 p.m. |
| 11 | |
| 12 | BEFORE: |
| 13 | Commissioner Rogers |
| 14 | Commissioner Evans (TELEPHONICALLY) |
| 15 | Commissioner Petracco |
| 16 | Mayor Joseph P. Scarpelli |
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| 25 | Transcribed by: Nicole Yawn |

I need a motion, please.

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| | Page 13 |
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| 1 | COMMISSIONER ROGERS: Make a motion. |
| 2 | COMMISSIONER PETRACCO: Second. |
| 3 | MADAM CLERK: Commissioner Rogers? |
| 4 | COMMISSIONER ROGERS: Aye. |
| 5 | MADAM CLERK: Commissioner Evans? |
| 6 | COMMISSIONER EVANS: Aye. |
| 7 | MADAM CLERK: Commissioner Petracco? |
| 8 | COMMISSIONER PETRACCO: Aye. |
| 9 | MADAM CLERK: Mayor Scarpelli? |
| 10 | MAYOR SCARPELLI: Aye. |
| 11 | MADAM CLERK: And that's it for communication. |
| 12 | MAYOR SCARPELLI: Reports I have various |
| 13 | reports, and Commissioner Tucci has a shade tree report for |
| 14 | the month of November 2016. |
| 15 | Bills? |
| 16 | MADAM CLERK: Bill list for Tuesday, December |
| 17 | 20th, 2016. Public Affairs, \$123,166.13; Revenue and |
| 18 | Finance, \$2,495,212.92; Public Safety, \$56,650.89; Public |
| 19 | Works, \$365,023.82; Parks and Public Property, \$107,296.20, |
| 20 | for a total payroll of \$809,634.14, for a grand total of |
| 21 | \$3,956,984.10. |
| 22 | I need a motion. |
| 23 | COMMISSIONER EVANS: Motion to move the bills. |
| 24 | COMMISSIONER PETRACCO: Second. |
| 25 | MADAM CLERK: Commissioner Rogers? |

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and/or the expeditious conduct of municipal business are

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| | Page 16 |
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| 1 | MAYOR SCARPELLI: We'll take the resolutions a |
| 2 | little out of order. |
| 3 | COMMISSIONER EVANS: (Indiscernible). |
| 4 | MAYOR SCARPELLI: Commissioner Evans? |
| 5 | COMMISSIONER EVANS: Yes. |
| 6 | (Pause) |
| 7 | MAYOR SCARPELLI: Commissioner Evans, do you want |
| 8 | to read your resolutions? |
| 9 | COMMISSIONER EVANS: I appreciate the courtesy, |
| LO | Mayor. Thank you. |
| 11 | I have several resolutions for this evening. The |
| 12 | first of which is 334-16. This is the memorandum of |
| 13 | agreement for our receipt of our 2016 calendar year |
| 14 | transitional aid from the Division of Local Government and |
| 15 | Services. |
| 16 | WHEREAS, P.L. 2015,c63 extends transitional aid to |
| L7 | localities to those localities experiencing financial |
| 18 | distress caused by the destruction or loss of a major |
| 19 | business ratable; and |
| 20 | WHEREAS, after reviewing an application submitted |
| 21 | by the Township of Nutley, the director has determined that |
| 22 | the municipality meets the necessary criterion for the |
| 23 | transitional aid program and that an award of \$5.5 million |
| 24 | of aid is appropriate. |

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NOW THEREFORE, BE IT RESOLVED that in addition

MADAM CLERK: Commissioner Petracco

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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COMMISSIONER EVANS: My 336-16 is the township has a need to acquire the services of a professional real estate appraiser to assist with real estate appraisals and appeals

and tax court appearances for ongoing improvement to the township. Hendricks Appraisal Systems has been awarded the service for 2017 in the amount not to exceed \$75,000. They have met the requirements of the business disclosure certification.

NOW, THEREFORE, BE IT RESOLVED that the board of commissioners of New Jersey authorize the Mayor to enter into a contract for appraisal systems in the amount not to exceed \$75,000.

So move.

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COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: The 335-16 -- WHEREAS, the township has a need to acquire the services of a registered municipal accountant to conduct the audit of the township books and accounts to the five-month period after the close of the fiscal year in a non-fair and open contract pursuant to 19:44 A-20.4 or 20.5;

WHEREAS, Nisivoccia, certified public accountants, meet this criteria to do so. They have met the requirements of the business entity disclosure for its total fee of \$152,805.83. This reflects the one percent increase over last year.

NOW, THEREFORE, BE IT RESOLVED that the board of commissioners of the township of Nutley, county of Essex, state of New Jersey authorizes the mayor to enter into a contract with Nisivoccia, LLP to conduct such services.

So move.

MAYOR SCARPELLI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: WHEREAS, The Banker Group of West Caldwell has been awarded a non-fair and open contract as a professional services pursuant to the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, with regard to the Hoffmann LaRoche Redevelopment Project, Phase I.

WHEREAS, such services have exceeded the original

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It's necessary to formally cancel these balances.

NOW, THEREFORE, BE IT RESOLVED, by the board of

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| 1 | COMMISSIONER EVANS: Aye. |
| 2 | MADAM CLERK: Commissioner Petracco? |
| 3 | COMMISSIONER PETRACCO: Aye. |
| 4 | MADAM CLERK: Mayor Scarpelli? |
| 5 | MAYOR SCARPELLI: Aye. |
| 6 | COMMISSIONER EVANS: BE IT RESOLVED by the Board |
| 7 | of Commissioners of the county of Essex, state of New |
| 8 | Jersey, that the municipal clerk be and is hereby authorized |
| 9 | and directed to advertise for a request for proposals for |
| 10 | grant consulting services. |
| 11 | BE IT RESOLVED, that the request for proposals |
| 12 | shall be due Wednesday, January 11, 2017 at 3:00 P.M. |
| 13 | addressed to the municipal clerk, Township Hall, One Kennedy |
| 14 | Drive, New Jersey. |
| 15 | So move. |
| 16 | COMMISSIONER ROGERS: Second. |
| 17 | MADAM CLERK: Commissioner Rogers? |
| 18 | COMMISSIONER ROGERS: Aye. |
| 19 | MADAM CLERK: Commissioner Evans? |
| 20 | COMMISSIONER EVANS: Aye. |
| 21 | MADAM CLERK: Commissioner Petracco? |
| 22 | COMMISSIONER PETRACCO: Aye. |
| 23 | MADAM CLERK: Mayor Scarpelli? |
| 24 | MAYOR SCARPELLI: Aye. |
| 25 | COMMISSIONER EVANS: Mayor, I have the last, |

- which is a budget transfer. As a courtesy, if someone will read that. I don't have it in front of me.
- MAYOR SCARPELLI: I'll take that, Commissioner,

 later on. Thank you, Commissioner.
- 5 Commissioner Rogers, will you read Commissioner 6 Tucci's resolutions?
- 7 COMMISSIONER ROGERS: Yes, Mayor.
 - Resolution No. 330-16. This is a resolution supporting S2663 and A-4234.
 - WHEREAS, almost all local units of government and boards of education in New Jersey including the township of Nutley, secure insurance through governmental entities known as joint insurance funds (hereinafter JIFs); and
 - NOW THEREFORE BE IT RESOLVED , by the board of commissioners, township of Nutley, county of Essex, state of New Jersey, that:
 - 1. Legislature is urged to adopt S-2663 and A-4234 and
 - 2. A copy of this resolution shall be sent to all area legislators as well as the governor, commissioner of the Department of Banking and Insurance and the commissioner of the Department of Community Affairs or the Department of Education as appropriate.
- 24 So move.

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25 COMMISSIONER PETRACCO: Second.

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| 1 | MADAM CLERK: Commissioner Rogers? |
| 2 | COMMISSIONER ROGERS: Aye. |
| 3 | MADAM CLERK: Commissioner Evans? |
| 4 | COMMISSIONER EVANS: Aye. Now, just a note that I |
| 5 | have a (indiscernible) commitment meeting at (indiscernible) |
| 6 | and request the commission to leave the meeting at this time. |
| 7 | MAYOR SCARPELLI: No problem, Commissioner. |
| 8 | MADAM CLERK: Commissioner Petracco? |
| 9 | COMMISSIONER PETRACCO: Aye. |
| 10 | MADAM CLERK: Mayor Scarpelli? |
| 11 | MAYOR SCARPELLI: Aye. |
| 12 | COMMISSIONER ROGERS: Resolution No. 331-16 |
| 13 | BE IT RESOLVED, by the board of commissioners of |
| 14 | the township of Nutley, county of Essex, state of New Jersey |
| 15 | that in accordance with the provisions of R.S. 40A 4-58, the |
| 16 | following transfers of appropriations in the 2016 budget be |
| 17 | and the same are hereby authorized and approved. |
| 18 | From Group Insurance \$14,500 to Debris Removal and |
| 19 | shade tree, totaling \$14,500. |
| 20 | So move. |
| 21 | COMMISSIONER PETRACCO: Second. |
| 22 | MADAM CLERK: Commissioner Rogers? |
| 23 | COMMISSIONER ROGERS: Aye. |
| 24 | MADAM CLERK: Commissioner Petracco? |
| 25 | COMMISSIONER PETRACCO: Aye. |

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| 1 | MADAM CLERK: Commissioner Petracco? |
| 2 | COMMISSIONER PETRACCO: Aye. |
| 3 | MADAM CLERK: Mayor Scarpelli? |
| 4 | MAYOR SCARPELLI: Aye. |
| 5 | COMMISSIONER ROGERS: Resolution 333-16 |
| 6 | WHEREAS, the township of Nutley entered into a |
| 7 | contract with Sal Electric, 83 Fleet Street, Jersey City, |
| 8 | New Jersey for electrical services; and |
| 9 | WHEREAS, the director of Parks and Public Property |
| 10 | has recommended the following change order from said |
| 11 | contract: |
| 12 | CHANGE ORDER NO. 3: Electrical Services |
| 13 | \$23,259.23. The money is available from Capital Ordinance |
| 14 | #3323K and has been certified by the chief financial officer |
| 15 | and said certification is attached to this resolution. |
| 16 | NOW THEREFORE, BE IT RESOLVED by the board of |
| 17 | commissioners in the township of Nutley, county of Essex, |
| 18 | state of New Jersey, that Change Order #3, in the amount |
| 19 | of \$23,259.23 be and is hereby approved. |
| 20 | So move. |
| 21 | COMMISSIONER PETRACCO: Second. |
| 22 | MADAM CLERK: Commissioner Rogers? |
| 23 | COMMISSIONER ROGERS: Aye. |
| 24 | MADAM CLERK: Commissioner Petracco? |
| 25 | COMMISSIONER PETRACCO: Aye. |

| | Page 28 |
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| 1 | COMMISSIONER ROGERS: Aye. |
| 2 | MADAM CLERK: Commissioner Petracco? |
| 3 | COMMISSIONER PETRACCO: Aye. |
| 4 | MADAM CLERK: Mayor Scarpelli? |
| 5 | MAYOR SCARPELLI: Aye. |
| 6 | COMMISSIONER ROGERS: That's all I have, |
| 7 | Mr. Mayor. Thank you. |
| 8 | MAYOR SCARPELLI: Thank you, Commissioner. |
| 9 | Commissioner Petracco? |
| 10 | COMMISSIONER PETRACCO: Yes, sir. |
| 11 | (Pause) |
| 12 | COMMISSIONER PETRACCO: Okay. |
| 13 | BE IT RESOLVED, by the board of commissioners of |
| 14 | the township of Nutley, county of Essex, state of New Jersey |
| 15 | that in accordance with the provisions of R.S. 40A 4-58, the |
| 16 | following transfers of appropriations into the 2016 budget |
| 17 | be and the same are hereby authorized and approved. |
| 18 | From fire salary and wage, 50,000 to fire O & E, |
| 19 | account number 6-01-314-100. |
| 20 | Move the resolution. |
| 21 | COMMISSIONER ROGERS: Second. |
| 22 | MADAM CLERK: Commissioner Rogers? |
| 23 | COMMISSIONER ROGERS: Aye. |
| 24 | MADAM CLERK: Commissioner Petracco? |
| 25 | COMMISSIONER PETRACCO: Aye. |

| 1 | MADAM CLERK: Mayor Scarpelli? |
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| 2 | MAYOR SCARPELLI: Aye. |
| 3 | COMMISSIONER PETRACCO: Okay. I think I have one |
| 4 | more only. |
| 5 | WHEREAS, the police department, township of |
| 6 | Nutley, county of Essex, state of New Jersey, wishes to |
| 7 | purchase ammunition from an authorized vendor under the |
| 8 | State of New Jersey Cooperative Purchasing Program; and |
| 9 | WHEREAS, the purchase of goods and services by |
| 10 | local contracting units is authorized by the Local Public |
| 11 | Contracts Law, N.J.S.A.40A:11-12; and |
| 12 | WHEREAS, Eagle Point Gun Shop, 1707 Third Street, |
| 13 | Thorofare, New Jersey 08086, has been awarded New Jersey |
| 14 | State Contract #81296 for federal ammunition, all calibers |
| 15 | and types, for the period of $5/01/2012$ to $4/30/2017$; and |
| 16 | WHEREAS, the total cost for the purchase of |
| 17 | ammunition is \$18,276.81; and |
| 18 | WHEREAS, the utilization of this contract is |
| 19 | recommended on the grounds that it represents the best |
| 20 | price available; and |
| 21 | WHEREAS, the funds are available in the amount of |
| 22 | \$18,276.81 from Account Number 6-01-308-213 and have been |
| 23 | certified by the chief financial officer, said certification |
| 24 | being attached to this resolution; and |
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NOW, THEREFORE, BE IT RESOLVED, by the board of

commissioners, of the township of Nutley, county of Essex, state of New Jersey, that the purchasing agent is hereby authorized to purchase federal ammunition in the amount of \$18,276.81 from Eagle Point Gun Shop in accordance with New Jersey State Contract #81296.

I move the resolution.

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COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: That's all I have.

MAYOR SCARPELLI: Thank you, Commissioner.

COMMISSIONER PETRACCO: Thank you.

MAYOR SCARPELLI: This first resolution is

18 | Commissioner Evans' resolution.

BE IT RESOLVED BY THE Board of Commissioners of the township of Nutley, county of Essex, New Jersey that in accordance with the provisions of R.S. 40A-4-58, the following transfers of appropriations in the 2016 budget be and the same are authorized and approved. From tax collector salary and wage, \$15,000 to the township clerk other expenses, \$15,000.

Veritext Legal Solutions 800-227-8440 973-410-4040 grant agreement and approves the execution of the grant agreement.

I move the resolution.

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COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

WHEREAS, the Township of Nutley has filed a declaratory judgment action in the Superior Court of New Jersey, in furtherance of the Supreme Court's March 10, 2015 decision captioned Adoption of N.J.A.C. 5:96 & 5:97 by the New Jersey Council on Affordable Housing;

WHEREAS, as set forth in the Supreme Court decision, municipalities, including the township, were directed to undertake and draft supplemental housing elements and fair share plans to address their current and future affordable housing obligations; and

WHEREAS, Paul Ricci, P.P., of RicciPlanning, the designated planner for the township, had previously been authorized to assist the township's designated affordable housing attorney in the preparation and filing of the declaratory judgment action; and

WHEREAS, the board of commissioners of the township of Nutley wishes to supplement the contract of RicciPlanning, and authorize RicciPlanning to prepare a supplemental housing element and fair share plan in accordance with the Supreme Court decision; two, to prepare a vacant land analysis and adjustment, as may be deemed necessary; three, amend the township's spending plan, if deemed necessary; four, attend the meetings of the board of commissioners, planning board, and relevant subcommittees, as may be formed; and five, such other action related to the prosecution and/or defense of the township's declaratory judgment action; and

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WHEREAS, the amendment of this contract of RicciPlanning for supplemental planning services is not to exceed \$20,000, and funds are available from account T-26-909-902 and have been certified by the chief financial officer, said certification being attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED that the board of commissioners of the township of Nutley, county of Essex, state of New Jersey, amend the contract of RicciPlanning, as described herein; and

BE IT FURTHER RESOLVED that this resolution will take effect immediately.

I move the resolution.

Veritext Legal Solutions 800-227-8440

attached to this resolution; and

NOW, THEREFORE, BE IT RESOLVED by the board of commissioners of the township of Nutley that Stewart Xerox be awarded a contract for the purchase of a Xerox Work Centre 7845 Color Digital Copier System in accordance with New Jersey State Contract #64041.

I move the resolution.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

BE IT RESOLVED, by the board of commissioners of the township of Nutley, county of Essex, state of New Jersey that in accordance with the provision of R.S. 40A 4-58, the following transfers of appropriations in the 2016 budget be and the same are hereby authorized and approved.

From road repair and maintenance salary and wage, 18,000 and snow removal, other expenses, \$20,000 to parking lot and meter maintenance, 18,000 and snow removal salary and wage, 20,000, for a grand total of \$38,000.

I move the resolution.

MADAM CLERK: Need a motion -- second.

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1 COMMISSIONER ROGERS: Motion.

2 MADAM CLERK: I'm sorry. I need a second.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

That concludes the business portion of our

11 meeting.

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12 Madam Clerk, will you read the notice?

MADAM CLERK: Yes, Mayor.

All persons addressing the board of commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the board, each person shall limit their address to five minutes. All remarks to the board and its individual members must be addressed to the mayor.

The mayor may defer citizens' comments to the appropriate member of the board. Dialogue between citizens and others addressing the board shall be allowed, unless the mayor or presiding officer or the majority of the membership of the board shall determine that the interests of decorum

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and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

MAYOR SCARPELLI: Would anybody like to address the board of commissioners this evening?

MR. MOORE: Rory Moore (ph), 462 Chestnut Street.

Mr. Scarpelli, moving forward -- I had to ask the town clerk tonight, and she gave it to me -- was a copy of the bill list. Can that be available, or do you want to have that under an OPRA? The actual -- it's just the bill list.

MAYOR SCARPELLI: It is available, Mr. Moore.

MR. MOORE: No, I had to ask. That's my only reason, rather than me have to bother (inaudible).

MAYOR SCARPELLI: Okay. We'll take it under advisement, Mr. Moore.

MR. MOORE: I'll be happy to OPRA it.

On the back of the very last page of the bill list, they used to list the overtime. They're showing the salaries. They're (indiscernible) department. But the additional overtime that was paid was also included. Would that be included in the future? I don't know if it's not --

MAYOR SCARPELLI: I'll take your question under advisement, Mr. Moore.

MR. MOORE: I don't know if it was an oversight.

It used to be there.

On your full report letters -- this is about the revenues for the parking lots. My only concern -- my only question was I understand that Nutley is thinking about putting a new parking lot meter system in. (Inaudible).

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MAYOR SCARPELLI: (Inaudible) get your answer later.

MR. MOORE: No, no, I just wanted to know if there's one that's planned. If a car pulls up, if it pulls away, it automatically turns (inaudible). Same one they had before (indiscernible) problems with it. New York City just went to one where if your car pulls away, (inaudible) back on your card.

And I wanted to know how much money that was going to cost compared to what -- how much money you make on it.

Apparently, you're running about \$10,000 a month for parking meters. Is it worth putting in another parking system in?

That's all the money we're going to get. Most of the money you receive (inaudible) not through the parking meters.

MAYOR SCARPELLI: You will receive your answer at a later time.

MR. MOORE: Okay. No problem.

MAYOR SCARPELLI: Would anybody else like to address the board of commissioners this evening?

MS. LANDRY: Pennie Landry, 135 Lakeside. On November 9th, 2016, I sent you an email, Mayor Scarpelli,

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that the -- a couple of lines from our township code concerning a housing officer. Our code states, "It is hereby established the position of housing officer of Nutley." They are responsible for administering the affordable housing program, including liaison to contracting agencies, developers of low and moderate income housing.

apartments at Centre in Bloomfield, 15 percent of which they have stated will be designated as low income housing to help Nutley fill its COAH obligation. In that same email, I asked you if the township of Nutley had contracted with an administrative agent for our housing, if we had a current housing officer, and what was the name of the officer, and if you knew the number of affordable housing units in Nutley. I did not get a reply to that email. So I called your office.

You did call me back. Thank you. At that time, during our conversation, you said that you thought Jack Barry might be the Nutley housing officer. So you said you would get back to me.

On December 6th, I sent you an email. "Hello,

Mayor. Have you been able to determine if Mr. Barry is our

current housing officer?" I received no reply until

December 6th. Sorry, you did reply.

And you said, "Pennie, still working on the housing

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officer designation. Dr. Joe." December 12th, I sent you another email stating, "Any update on the housing officer designation or the number of affordable housing units in Nutley?" There was no reply.

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Yesterday I sent you another email, which said,

"Hello, Mayor. Have you had the time to find out the name

of our housing officer and the number of affordable housing

units in Nutley? As I have said before, I would prefer to

communicate directly to you versus addressing issues such as

this in the public comments segment of board of

commissioners meetings."

"You have stated that all citizens are welcome to meet with you and the other commissioners. I am available to meet before tomorrow's meeting," which is tonight. "If you are unavailable, please email me and let me know. And I respectfully request to meet with you." And there was no reply.

All of these emails also Mr. Genitempo was cc'd. So I understand that Commissioner Petracco is unable to answer emails because of his health issues. But I'm wondering if there is a reason why you are unable to answer emails and also if you would be willing to provide answers to the questions tonight.

MAYOR SCARPELLI: I suggest you put in an OPRA for those --

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| 1 | MS. LANDRY: I did OPRA it, and I did not receive |
| 2 | a response. |
| 3 | MAYOR SCARPELLI: Then wait for those responses |
| 4 | from |
| 5 | MS. LANDRY: So you're saying that I have to OPRA |
| 6 | the name of the Nutley housing officer? |
| 7 | MAYOR SCARPELLI: That's what I'm telling you. |
| 8 | MS. LANDRY: Okay. And that all issues have to be |
| 9 | OPRA'd? |
| LO | MAYOR SCARPELLI: Correct. |
| 11 | MS. LANDRY: You will not allow any questions to |
| 12 | be answered from citizens who appear here in public comment |
| 13 | dealing with public information? |
| L 4 | MAYOR SCARPELLI: If the commissioner wants to |
| 15 | answer the question, he's certainly welcome to answer the |
| 16 | question. |
| L7 | MS. LANDRY: Well, who which commissioner does |
| 18 | the housing officer fall under? |
| 19 | MAYOR SCARPELLI: I'm just telling you, in |
| 20 | general, if a commissioner wants to answer a question, they |
| 21 | can. |
| 22 | MS. LANDRY: Okay. Well, I asked specific |
| 23 | MAYOR SCARPELLI: But I'm telling you for that |
| 24 | information |
| 25 | MS. LANDRY: questions. I asked specific |

| | Page 42 |
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| 1 | questions to Commissioner Petracco. |
| 2 | MAYOR SCARPELLI: Let me let me speak, |
| 3 | Ms. Landry. |
| 4 | MS. LANDRY: So wait. |
| 5 | MAYOR SCARPELLI: Let me speak. |
| 6 | MS. LANDRY: I've got my five minutes. I asked |
| 7 | Commissioner Petracco a specific question. |
| 8 | MAYOR SCARPELLI: Ms. Landry, are you going to let |
| 9 | me speak or no? |
| LO | MS. LANDRY: And you told him you told him he |
| 11 | could not answer. |
| 12 | MAYOR SCARPELLI: You going to filibuster? Is |
| 13 | that it? |
| L 4 | MS. LANDRY: He could not answer. |
| 15 | MAYOR SCARPELLI: Let me speak. I told you that |
| 16 | information you just requested to put in an OPRA for it. So |
| L7 | for that question, you have your answer. |
| 18 | MS. LANDRY: Okay. So I have to place an OPRA to |
| 19 | find out if Jack Barry is the Nutley housing official? |
| 20 | MAYOR SCARPELLI: Correct. |
| 21 | MS. LANDRY: Okay. Do I need an OPRA for what is |
| 22 | the status of the Nutley co-litigation with the township |
| 23 | with the state of New Jersey? |
| 24 | MAYOR SCARPELLI: Absolutely. |
| 25 | MS. LANDRY: Okay. Do I need, after six emails to |

since then.

MR. ALESSIO: It's not from the moon or Mars.

Anyway, according to a published article in the Star Ledger

August 15th, 1979 -- I would like to read this article to

you. It pertains to me. "Three Jersians indicted in bank

fraud scheme. A surgeon, an attorney, and businessman were

indicted yesterday on federal charges of taking part in 3.8

million bank fraud conspiracy involving a complex real

estate rental project."

"The charges filed by the U.S. Grand Jury in Newark was leveled against three men. One was Thomas S. DiBiasi (ph) of Washington Township at the time, a criminal defense lawyer. One man was charged in the case -- was a man reputedly associated in New Jersey with the mob boss. The three were accused of taking part in a scheme to submit phantom real estate rental documents to two North Jersey banks in order to secure millions of dollars in loans over the past three years."

"According to the federal authorities, the scheme centered on the rental operations of three-story office buildings, buildings which were owned in part by both men. I've been one of five persons, including mob boss, who had been convicted in 1971 on state charges for bribing former — a former mayor to gain protection for gambling operations. The third defendants in the case, Mr. DiBiasi,

was identified as a lawyer who assisted in several of the transactions. The attorney recently represented a key codefendant in the federal racketeering trial of former New Jersey boss."

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"The charges filed yesterday stemming from intensive investigation coordinated by the U.S. Attorney with the aid of the FBI, who said the trio was charged with conspiring to submit false statements -- continue from page 1, U.S. indictments, 3 Jersians in bank plot. Statements to banks to obtain loans. The U.S. Attorney said the defendants were accused of using phony rental agreements for the property as collateral for loans from the Federal Savings and Loan for 1.7 million in the Savings and Loan Association in Fairlawn for 2.1 million."

"U.S. Attorney both loans were issued as mortgages on the property. The loan has fallen into default, authorities said. The citizens group from Union City is negotiating to purchase the property for use as municipal offices. The federal indictment outlined a series of allegedly falsified statements prepared by the defendants, which included listing hundreds of thousands of dollars of rental income from unoccupied office space."

"Authorities revealed the only active space in the building occupied by the State National Bank was housed on the ground floor. The original rental plans had indicated

- the upper stories were to have been rented as medical
 clinics, which were expected to service patients from nearby
 senior citizens complexes as well as several union locals.

 One of the upper floors was never completed for occupancy,
 while space was never fully occupied."
 - the case deliberately over-valued the true financial value of the building in order to obtain the mortgage loans. Federal prosecutor of the Fraud and Public Protection Division of the U.S. Attorney's Office said DiBiasi faced up to 21 years in jail and fines of 50,000 each. If convicted, the other party faced 13 years in jail and 30,000 in fines if convicted."

"According to the indictment, the defendants in

- MAYOR SCARPELLI: Mr. Alessio, your time is up.

 Thank you.
- MR. ALESSIO: Can I wind this up now?

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- MAYOR SCARPELLI: No, that's it tonight. You're done.
- MR. ALESSIO: I'll have to come back next time and finish this off. Thank you.
- 21 MAYOR SCARPELLI: Is there a motion to close the 22 public portion of the meeting?
- 23 | COMMISSIONER ROGERS: I make a motion to close.
- 24 COMMISSIONER PETRACCO: Second.
- 25 MADAM CLERK: Commissioner Rogers?

especially -- I'll tell you. A lot of citizens that are unable to get to these meetings have the opportunity now to watch us. And one thing that -- you know, I've been getting around this state. I've got to tell you I'm glad I'm here.

I'm glad I'm working with you gentlemen. Some of the things I'm hearing from as far down as Cape May to as far North as our border is incredibly disturbing. But when I think about this township and you gentlemen and the incredible integrity -- that's the word I want to use. The incredible integrity of this board -- it's an honor being with you. And I just want to thank you for being here, all of you.

So thank you all. Merry Christmas, and Happy New Year.

MAYOR SCARPELLI: Thank you all. I would also like to wish everybody a Merry Christmas, Happy Hanukkah, and happy holidays and again, a healthy and happy and prosperous New Year.

COMMISSIONER ROGERS: And, Mayor, one more thing.

Counselor, I never want to forget you. You're part of this team here. And the hard work you do -- and I've said it before, and I'll say it again. You're an extraordinary fellow. You're doing a great job.

And (indiscernible) here, too, you know, I know you put up with a lot. Thank you for all your good

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| 1 | (indiscernible). |
| 2 | MAYOR SCARPELLI: Motion to adjourn? |
| 3 | COMMISSIONER ROGERS: Motion to adjourn. |
| 4 | COMMISSIONER PETRACCO: Move it. |
| 5 | MADAM CLERK: Commissioner Rogers? |
| 6 | COMMISSIONER ROGERS: Aye. |
| 7 | MADAM CLERK: Commissioner Petracco? |
| 8 | COMMISSIONER PETRACCO: Aye. |
| 9 | MADAM CLERK: Mayor Scarpelli? |
| 10 | MAYOR SCARPELLI: Aye. |
| 11 | MADAM CLERK: And the time is now 8:24. |
| 12 | MAYOR SCARPELLI: Happy holidays. |
| 13 | (Whereupon, these proceedings were concluded at 8:24 |
| 14 | PM) |
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