

TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

July 19, 2016

BEFORE:

Commissioner Steven Rogers (Absent/excused)
Mayor Joseph Scarpelli
Commissioner Mauro Tucci
Commissioner Alphonse Petracco
Commissioner Thomas J. Evans

Job No. NJ2355194

1 P R O C E E D I N G S

2 MADAM CLERK: (Indiscernible) July 19th, 2016, the
3 time is now 7:06.

4 Pursuant to the requirements of the Open Public
5 Meeting Act (Chapter 231, Public Law 1975), notice of this
6 meeting was published in the December 24th, 2015 issues of
7 The Nutley Sun, The Star Ledger and The Herald News. A copy
8 of this notice has been posted on the Nutley Town Hall
9 bulletin board and a copy is on file in the Municipal
10 Clerk's Office.

11 Commissioner Rogers is absent this week.
12 Commissioner Tucci?

13 COMMISSIONER TUCCI: Here.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Here.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Here.

18 MADAM CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Here.

20 MADAM CLERK: All present, Mayor, except for
21 Commissioner Rogers is absent this week.

22 COMMISSIONER TUCCI: He's not really absent. He's
23 on T.V. I saw him twice.

24 UNIDENTIFIED SPEAKER: (Indiscernible).

25 COMMISSIONER TUCCI: Let me tell you, that must be

1 like an extra sense that he has.

2 MAYOR SCARPELLI: Goes where the camera is.

3 COMMISSIONER TUCCI: Yeah. It's unbelievable.

4 MAYOR SCARPELLI: All right. Let's go through the
5 agenda. Commissioner Petracco, what do you have on the
6 agenda today?

7 COMMISSIONER PETRACCO: I don't think I have
8 anything.

9 MAYOR SCARPELLI: Are you good?

10 COMMISSIONER PETRACCO: I showed up.

11 MAYOR SCARPELLI: Commissioner Evans.

12 COMMISSIONER EVANS: (Indiscernible).

13 COMMISSIONER PETRACCO: Here here.

14 COMMISSIONER EVANS: I have -- we have the capital
15 ordinances for introduction tonight. We also have the non-
16 union salary ordinance to make some adjustments to. Those
17 are all of the ordinance introductions that I have.

18 And also I have a few resolutions for tonight.
19 Refund of overpayments. An amendment to the capital budget
20 to account for changes that we have made. Resolution for
21 Impact Environmental which is (indiscernible) to the
22 purchases of the (indiscernible). And then where part of the
23 Roche transaction, we are making applications before the
24 Local Finance Board for the issuance of redevelopment area
25 bonds and I have a resolution authorizing that we want to

1 move forward tonight.

2 MAYOR SCARPELLI: Good.

3 COMMISSIONER EVANS: (Indiscernible).

4 MAYOR SCARPELLI: Commissioner Tucci?

5 COMMISSIONER TUCCI: I have -- well, I have a -- I
6 believe I have a Shade Tree report to begin with the party.
7 Yes, I do for the month of June. I also have a resolution
8 with Verizon Wireless for an agreement for them to jointly
9 use the poles that are erected by parties within the public
10 right of way. Which I don't really think we even have a
11 choice. I think it's just like a blessing. We have to
12 allow them. It's -- I guess it's (indiscernible) public
13 utilities regulation.

14 I have a change order to the Lightpath telephone
15 and television services in the amount of \$358.63. Obviously
16 somebody had some pay per view movies. I have a three year
17 award of contract between the Township and Cablevision
18 Lightpath for internet and long distance phone services.
19 And I have a contract with -- or a three year award between
20 the Township and Avaya Communications for support and
21 maintenance of our phone system. And that's all I have. And
22 I need a short executive please.

23 MAYOR SCARPELLI: Okay. I have some monthly
24 progress reports on behalf of the Public Works Department. We
25 have a public hearing on the Hoffmann LaRoche redevelopment

1 plan, phase I. And I have a couple of resolutions. One is a
2 correction of a resolution. The other is the issuance of a
3 pocket liquor license for the same corrected resolution. And
4 advertise for sealed bids for curbside recycling bins.

5 Madam clerk.

6 MADAM CLERK: This evening we have minutes. We have
7 executive session minutes as well. And we have
8 communications, the Thriving Survivors want to hold an
9 annual walk. And that's it.

10 MAYOR SCARPELLI: Okay. Do we have a motion to go
11 into executive session for contract negotiations and
12 Commissioner?

13

14 COMMISSIONER TUCCI: Personnel.

15 MAYOR SCARPELLI: Personnel.

16 COMMISSIONER TUCCI: Move it.

17 COMMISSIONER PETRACCO: Second.

18 MADAM CLERK: (Indiscernible).

19 (Break in audio)

20 MAYOR SCARPELLI: Madam Clerk.

21 MADAM CLERK: Yes, Mayor. Board of Commissioners
22 public meeting, Tuesday, July 19th, 2016. The time is now
23 8:13. Pursuant to the requirements of the Open Public
24 Meeting Act (Chapter 231, Public Law 1975), notice of this
25 meeting was published in the December 24, 2015 issues of The

1 Nutley Sun, The Star Ledger and The Herald News. A copy of
2 this notice has been posted in the Nutley Town Hall bulletin
3 board and a copy is on file in the Municipal Clerk's Office.

4 Commissioner Rogers is absent/excused.

5 Commissioner Tucci?

6 COMMISSIONER TUCCI: Here.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Here.

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Here.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Here.

13 MADAM CLERK: All present, Mayor, except for
14 Commissioner Rogers. He's absent/excused.

15 MAYOR SCARPELLI: Minutes.

16 MADAM CLERK: Minutes. We have June 21st, 2016
17 minutes and July 5th, 2016 minutes. We need a motion.

18 COMMISSIONER TUCCI: Move it.

19 COMMISSIONER EVANS: Second.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 MADAM CLERK: We have executive session minutes
4 for June 8th, 2016, for June 21st, 2016, and for July 5th,
5 2016.

6 COMMISSIONER TUCCI: Move it.

7 COMMISSIONER EVANS: Second.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 MADAM CLERK: And that's it for minutes. We have
17 communications.

18 The Nutley Thriving Survivors has submitted an
19 event application for their annual walk to be held on
20 Friday, October 7th, 2016 from 6:00 p.m. to 9:00 p.m. I
21 need a motion, please.

22 COMMISSIONER TUCCI: Move it.

23 COMMISSIONER EVANS: Second.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 Reports, Commissioner Tucci.

8 COMMISSIONER TUCCI: Yes. I have a Shade Tree
9 report for the month of June 2016.

10 MAYOR SCARPELLI: I have monthly progress reports
11 for the Public Works Department for various months. Bills.

12 MADAM CLERK: Bills for Tuesday, July 19th, 2016.
13 Public affairs, \$112,073.76; Revenue and finance,
14 \$3,437,232.49; Public safety, \$42,877.60; Public works,
15 \$44,964.14; Parks and public property, \$494,020.54; Total
16 payroll, \$825,748.56. For a grand total of \$4,956,917.09.

17 COMMISSIONER EVANS: Move the bills.

18 COMMISSIONER TUCCI: Second.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 MADAM CLERK: That's it for bills, Mayor.

3 MAYOR SCARPELLI: All right --

4 COMMISSIONER PETRACCO: Mayor, excuse me one
5 second. Before we get started, can I just ask a request
6 from the Board of Commissioners? I just want to -- wonder
7 if we could have a moment of silence for the police officers
8 who lost their life in Dallas and in Louisiana. And also
9 I'd just like to commend the Nutley Police Department. We
10 had a few officers that represented the State of New Jersey,
11 along with our own Township and flew there on their own time
12 and went to the wakes and the funerals. And I have to say
13 they were really moved the people of Dallas of our going out
14 there. So I'd just like to commend our police officers.
15 And I feel terrible for the lives that were lost and our
16 prayers are with those families. If we could have a moment
17 of silence, Mayor, I would appreciate it.

18 MAYOR SCARPELLI: Yeah. We all take a moment of
19 silence for the fallen police officers.

20 (Pause)

21 COMMISSIONER PETRACCO: Thank you.

22 MAYOR SCARPELLI: All right. Public comment.
23 Madam Clerk, will you read the notice?

24 MADAM CLERK: Yes, Mayor.

25 All persons addressing the Board of Commissioners

1 regarding community concerns should approach the microphone
2 and provide their name and address for the record. Unless
3 further time is granted by the Board, each person shall
4 limit their address to three minutes. All remarks to the
5 Board and its individual members must be addressed to the
6 Mayor. The Mayor may defer citizens' comments to the
7 appropriate member of the board. Dialogue between citizens
8 and others addressing the Board shall be allowed unless the
9 Mayor or presiding officer, or the majority of the
10 membership of the Board, shall determine that the interest of
11 decorum and/or the expeditious comment that municipal
12 business are being adversely affected by such dialogue.

13 MAYOR SCARPELLI: Would anybody like to address
14 the Board of Commissioners on agenda items only? Seeing
15 none.

16 Board of Commissioners, any announcements?

17 COMMISSIONER TUCCI: I have two. This Thursday at
18 7 o'clock at the Mudhole, we have the Jersey Four
19 performing, our first summer concert of the season. And on
20 August 3rd, we are going to have a night of Pokémon Go in
21 the Mudhole from 7:00 to 9:00 and we will have refreshments.
22 Because if you go by on any given night, if you go by now,
23 you'll see crowds of people walking around with their
24 telephones trying to catch those little Pokémon. But we're
25 going to turn them into an event and we're going to enjoy

1 it.

2 Thank you, Mayor.

3 MAYOR SCARPELLI: Any other announcements?

4 COMMISSIONER EVANS: Yes, Mayor. First off, we've
5 -- I know there's been some disruption for certain
6 residents. We have not issued the third quarter tax bills
7 yet. They will be going out on Friday. We were delayed in
8 issuing them because we were hoping to have the
9 certifications from the state in plenty of time to issue the
10 regular bill. Unfortunately, that's not possible, so
11 instead of sending out the normal bill for August, we'll
12 only be sending out an estimated bill for the third quarter.
13 And once the State resolves their negotiations, we'll send
14 out the final bill for the year.

15 So those bills will be going out on this coming
16 Friday. The normal due date for paying the August bill is
17 10 days. So August 10th, that's been extended to
18 August 22nd.

19 MAYOR SCARPELLI: Okay. Ordinance introductions.
20 Commissioner Evans.

21 COMMISSIONER EVANS: The first ordinance for this
22 evening, 3342 has been tabled for further review and we'll
23 reintroduce it at a later date.

24 The remaining three introductions relate to our
25 capital ordinance, which I'll consolidate with the

1 permission of legal counsel.

2 So Ordinance number 3343, 3344, and 3345, the
3 ordinance is providing for improvements of the water supply
4 and distribution system in the amount of \$178,000. The
5 various improvements to our buildings in the amount of -- in
6 other areas such as computers and such, vehicles, related
7 equipment for 982,500. And also for our roadways and
8 sidewalks, an appropriation for \$460,000.

9 The -- I therefore move and authorize that the
10 issuance of these bonds for each of these three notes for
11 the Township of Nutley and the part of the cost thereof, and
12 I move that this ordinance be passed to a second reading and
13 advertised in the Nutley Sun, together with a notice
14 required by law that further consideration of said ordinance
15 for final passage by the Board of Commissioners be held at
16 its second reading on August 16th, 2016. So moved.

17 COMMISSIONER TUCCI: Second.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 MADAM CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

1 COMMISSIONER EVANS: Thank you, Mayor.

2 MAYOR SCARPELLI: Before we get to the ordinance
3 on public hearing, I got some good news over the past week
4 that Hoffmann-LaRoche and Prism had signed their presale
5 agreement and that the lease was signed by both Hackensack
6 and Seton Hall for the new medical school. And I'd like to
7 thank the Board of Commissioners, all of them, for all of
8 their hard work. Our professionals, Mr. Genitempo,
9 Mr. Inglesino, and Mr. Banker or Mr. Pearlman.

10 But I would like to open this up to the
11 Commissioners to comment because I know all of us did a lot
12 of hard work. Some of us spent their summers over at
13 Hoffmann-LaRoche, Commissioner Tucci and Commissioner
14 Petracco. So I'll open it up. Commissioner Evans, do you
15 want to start?

16 COMMISSIONER EVANS: Just I'm very excited about
17 the opportunity that this now provides our town. Certainly
18 the opportunity to rebrand our community to have a medical
19 and research function, for the first time in New Jersey an
20 integrated private hospital system for doctors, for nurses,
21 for technicians. I think that's all precedent setting and
22 I'm very excited about it. I think -- I'm excited for what
23 it could do for our property values, what it could do for
24 job opportunities for our people. And while this only
25 represents a small piece of this site, it does set the stage

1 for greater opportunities that we'll be learning more about
2 over the coming months. So very much -- very supportive of
3 it, very excited about it.

4 MAYOR SCARPELLI: Commissioner Tucci?

5 COMMISSIONER TUCCI: Yes. Well, obviously this
6 has been a long road traveled. I mean, we started what
7 almost three years ago with the joint repurposing committee,
8 bringing us all the way up to today where I believe it was
9 last week the agreements were signed between Seton Hall and
10 Hackensack and Prism, and that the agreement with Prism and
11 Hoffmann-LaRoche.

12 And while Commissioner Petracco and I attended a
13 lot of those meetings in the early stages, that's not to
14 discount any of the work that any of the other Commissioners
15 did, and what Commissioner Evans is doing now or Mayor
16 Scarpelli has done, and continues to do. And even
17 Commissioner Rogers, who's probably on T.V. right now at the
18 convention, but it was a team effort. I think it's one of
19 the most wonderful things that could have happened to this
20 Town. It's obviously one of the most important things that
21 we have done as a Board, and I'm into my 17th year. Tom, I
22 know you're not --

23 COMMISSIONER EVANS: Going on 14.

24 COMMISSIONER TUCCI: Going on 14, not far behind.
25 And we have these youngsters here who are still coming

1 along, but this is a great day. It's a great time to be
2 here in Nutley. It's a great time to be part of this
3 governing body. And I'm just proud of all of our elected
4 officials, our attorneys, Mr. Genitempo, Mr. Inglesino. And
5 I'm not going to be redundant and mention all of the
6 professionals, but everyone did an outstanding job.

7 And I think -- as I said in the back, what you're
8 going to see in the future is that this pilot agreement and
9 this agreement in general will become the model for all
10 future development. And I'm just proud and very pleased
11 that I was able to be part of it. So thank you all.

12 MAYOR SCARPELLI: Commissioner Petracco?

13 COMMISSIONER PETRACCO: I guess I'll say the same
14 thing that I've been saying for the last four years when I
15 first became the mayor and Roche called me. I really
16 thought they were kidding around that they were leaving.
17 But I have to tell you, not to be redundant, I -- you know,
18 there's always bumps in the roads and we do have our
19 differences at times, all of us, but I would not want to
20 have spent the last four years of my life doing that without
21 all of these gentlemen because everybody had a role in it.
22 And it's an unbelievable site.

23 I think it's going to do a lot for our Town
24 financially, morale-wise. I really think it's going to
25 raise the house values. I have to say -- I think I started

1 this with Kevin Harkens way back when and I'd just like to
2 give a little shout out to his family because Kevin was
3 really a rock at that time because we were all stumbling,
4 you know, when Roche announced that we left. But I have to
5 thank John Inglesino.

6 And I have to say one thing about Alan Genitempo.
7 You know, Alan, when we first started that mission, I don't
8 know how you made the time and there was enough hours in the
9 day because it was really a 24/7 thing for Alan. And I have
10 to say, Alan, you know, you were a true professional through
11 it. And again, I wouldn't have wanted to spend those trying
12 years with anyone else but the five Commissioners that we
13 had at the time. Thank you, Mayor.

14 MAYOR SCARPELLI: Thank you. This is -- I guess
15 it was a little over four years ago that Roche announced
16 they were going to leave. And to get to this point is truly
17 amazing in itself because there are other sites around this
18 state that have been shuttered for a long time. So to get
19 to this point where we have agreements signed, we're looking
20 to close -- they're looking to close on this property at the
21 end of September. So we have a lot of work to do between
22 now and the end of September to get to that final closed
23 deal, which I think will be boost to our local economy. It
24 will be a boost to employment in the area. And I just think
25 that this is great branding for the site and we hope that it

1 will attract other redevelopment and repurposing for the
2 total site.

3 So I want to thank everybody again for all of
4 their hard work in getting us to this point. And at this
5 point, I'm going to open up ordinance number 3341. An
6 ordinance of the Board of Commissioners of the Township of
7 Nutley in the County of Essex adopting the Hoffmann-LaRoche
8 redevelopment plan for phase I.

9 Anybody like to be heard on ordinance number 3341?

10 MS. LANDRY: Good evening. Pennie Landry, 135
11 Lakeside Drive. The first thing I'd like to say is that I
12 had made several requests to have the redevelopment plan
13 posted on the Township website and I did not locate it. So
14 this might be a little lengthy because I want to read the
15 points from the plan, as the plan was not made available to
16 the citizens of Nutley on the Township website.

17 The original draft was prepared by Phillips Preiss
18 Grygiel, LLC, planning and real estate consultants,
19 September 2015, reviewed and revised by Maser Consulting
20 October 16th, 2015.

21 The redevelopment plan, phase I, specifically
22 addresses a 10.9 acre portion of the redevelopment area
23 referred to as phase I project area. And it's specifically
24 intended to address the use of existing building 123 and
25 building 123A as part of a private medical school, with the

1 balance of the phase I project area to be developed for
2 related commercial uses subject to a redevelopment
3 agreement.

4 My first question is, what is the status of the
5 redevelopment agreement and is that the same document as the
6 sales agreement between Roche and Prism or is that a
7 document that outlines the agreement between the Township of
8 Nutley and Prism, the developer?

9 MAYOR SCARPELLI: Mr. Genitempo.

10 MR. GENITEMPO: The agreement between the
11 developer and Roche is a separate agreement they're now
12 calling the PSA, purchase sale agreement.

13 MS. LANDRY: What is it, PSA?

14 MR. GENITEMPO: PSA.

15 MS. LANDRY: PSA. And that's between Roche and
16 Prism.

17 MR. GENITEMPO: Between Roche and Prism. We are
18 not a signatory to that nor are we a signatory to the lease.
19 What we will be a signatory to is the redevelopers
20 agreement, which you just referenced. There will be several
21 other agreements which we're going to be rolling out at the
22 next meeting, including a pilot agreement or what's called a
23 financial agreement.

24 MS. LANDRY: Pilot. Is that pilot in lieu of
25 taxes?

1 MR. GENITEMPO: Payment in lieu of taxes, correct.

2 MS. LANDRY: Payment in lieu of taxes. Okay,
3 thank you.

4 MR. GENITEMPO: We will also -- contribution
5 agreement, a special assessment agreement. There are some
6 ancillary agreements that we are going to be entering into
7 with the developer and with the medical school that we're
8 going to be contracting with.

9 MS. LANDRY: Okay. So to outline it, there will
10 be a redevelopment agreement, a payment in lieu of taxes
11 agreement.

12 MR. GENITEMPO: But it's called the financial
13 agreement.

14 MS. LANDRY: The financial agreement. A special
15 assessment agreement?

16 MR. GENITEMPO: Yeah. Because of the unique
17 nature of this transaction, it's not a typical pilot
18 arrangement type of deal, building a building. We had to
19 develop some additional type of documents to ensure that we
20 would be getting the pilot that we're (indiscernible) and
21 continue to negotiate (indiscernible).

22 MS. LANDRY: Okay. Pilot meaning the payment in
23 lieu of taxes.

24 MR. GENITEMPO: Taxes, right.

25 MS. LANDRY: Okay.

1 MR. GENITEMPO: And that number is still being
2 finalized although it's extremely (indiscernible). That's
3 why we didn't put it on for tonight. It will be on for next
4 week.

5 MS. LANDRY: Okay.

6 MR. GENITEMPO: I mean next meeting, excuse me.

7 MS. LANDRY: And while we're on this, this goes to
8 Commissioner Evans' tax bill announcement. Are we still
9 anticipating the complete \$5 million promised as from the
10 state to offset taxes?

11 COMMISSIONER EVANS: It's actually 5 and a half
12 million dollars, and yes, we are.

13 MS. LANDRY: Yes, we are, but we don't know for
14 sure and we will know approximately when.

15 COMMISSIONER EVANS: I can't answer that because
16 the negotiations were through the governor's office
17 regarding the transportation trust fund. It'll --

18 MS. LANDRY: Right. I'm following it.

19 COMMISSIONER EVANS: You've just got to wait it
20 out.

21 MS. LANDRY: Understand. Okay, thank you. Okay.
22 So that explains the redevelopment agreement.

23 It says, "It is envisioned that a redevelopment
24 parcel of land consisting of portions larger -- consisting
25 of portions of larger existing lots in Nutley will be

1 created and that the phase I project area will be subdivided
2 to create block 80, lots 4.01 and 4.02 in Clifton, and block
3 300, lots 101, 102, 103, 104 in the Township of Nutley.

4 MR. GENITEMPO: That's been done already.

5 MS. LANDRY: Okay. That has been done.

6 MR. GENITEMPO: That was done by the Planning
7 Board.

8 MS. LANDRY: And what are the zoning specifics for
9 that block and lots?

10 MR. GENITEMPO: Well, what happens is the
11 redevelopment plan creates (indiscernible) which will be
12 (indiscernible) and ancillary buildings that they make on
13 that site related to it. There may also be a commercial
14 type building that they build. So it's -- we haven't
15 discussed those details. Right now, the pilot only consists
16 of the building that exists, okay, and the ground under
17 which the rest of the subdivision (indiscernible).

18 MS. LANDRY: Okay. So the zoning right now for
19 the blocks mentioned in phase I is as is in the current
20 master plan.

21 MR. GENITEMPO: No, as the redevelopment plan.

22 MS. LANDRY: In the redevelopment plan --

23 MR. GENITEMPO: That we're --

24 MS. LANDRY: Do you not know what the current
25 zoning is for that in the redevelopment plan?

1 MR. GENITEMPO: I think it's --

2 COMMISSIONER EVANS: The Hoffmann-LaRoche property
3 is --

4 MS. LANDRY: I'm just specifically referring to
5 block 300 lot --

6 MR. GENITEMPO: It's all the same.

7 MS. LANDRY: 101, 3, and 4. What is the zoning
8 for the block?

9 COMMISSIONER EVANS: It's a mixed use on it. So I
10 think it's a B-2 zone.

11 ALAN GENITEMPO: B-2, yeah.

12 MS. LANDRY: Mixed use?

13 COMMISSIONER EVANS: Mixed use.

14 MS. LANDRY: Which includes residential?

15 COMMISSIONER EVANS: Not in that particular piece.
16 Mixed use being it could be a medical center. It could be
17 either an administration building or some other building can
18 go there, looking at commercial use.

19 MS. LANDRY: Okay. Well, here's what it says for
20 permitted uses in phase I area are as follows. "Offices,
21 medical professional, health care services, pharmacies,
22 physical therapy, and related services, restaurants, coffee
23 shops, and bookstores, and structured parking." So is there
24 going to be structured parking in phase I on the Nutley
25 side?

1 ALAN GENITEMPO: Right now there is no plan for
2 structured parking in phase I of the Nutley side. The
3 parking lot -- the parking that was structured was moved to
4 the Clifton side.

5 MS. LANDRY: Okay.

6 COMMISSIONER PETRACCO: It was part of the
7 negotiation.

8 MS. LANDRY: Okay, thank you. It also says, "Uses
9 not listed above are not permitted in the phase I project
10 area." And here's my concern. "However, final
11 determination as to whether a use is permitted as included
12 in the above shall be made by the Board of Commissioners
13 acting as redevelopment entity based on a concept plan
14 reviewed during negotiation of a redevelopment agreement."

15 Commissioners, during your negotiations of the
16 redevelopment agreement, have there been any redevelopment
17 agreement negotiations to date that included the Board of
18 Commissioners?

19 MR. GENITEMPO: Should I answer that, Mayor?

20 All of the Commissioners have been involved in
21 reviewing and providing input into the redevelopers
22 agreement, which will be rolled out next week -- I mean,
23 next meeting. I keep saying next week, I mean next meeting.
24 So they absolutely have been involved. And it provides a
25 lot of detail related to the project.

1 It also -- what you just read is an important part
2 that the Commissioners negotiated which is to have some
3 final say on what happens there. So we don't give up
4 complete control. We have the ability to have a say in
5 what's going to be developed there as long -- if it's not a
6 permitted use that we've already provided in the
7 redevelopment plan.

8 MS. LANDRY: Okay. So what you're saying is in
9 two weeks, the citizens of Nutley will be able to view the
10 redevelopment agreement?

11 MR. GENITEMPO: As long as it's a final draft --
12 final document, yes. Right now it's in draft form.

13 MS. LANDRY: And will it be available on the
14 Nutley, New Jersey.org website?

15 MR. GENITEMPO: That's the decision of the Mayor
16 and Commissioners, not me.

17 MS. LANDRY: Mayor, would you consider making that
18 document available?

19 MAYOR SCARPELLI: As long as it is ready --

20 MS. LANDRY: Well, once it's ready. Once it's a
21 public document, would you consider making it available?
22 Thank you so much.

23 I have a question about building setbacks, page
24 12. None are required from interior lot lines of proposed
25 lots 101 through 104, except that all new buildings that may

1 be built, constructed in phase I project area shall be set
2 back at least 10 feet from an interior private road, and at
3 least 20 feet from Kingsland Street, except if the buildings
4 are higher than -- I don't know, it's messed up here. If
5 they're higher than 50 feet then the setbacks shall be 50
6 feet. It's -- are we intending to build buildings 50 feet
7 from Kingsland Street?

8 MR. GENITEMPO: No, that's not what that means.
9 What that means is there are prior nonconforming uses as a
10 result of the creation of the lots. So the lots are
11 created. There's building 123 and 123A which are within the
12 setbacks of a normal setback provision. Do you understand
13 what I'm talking --

14 MS. LANDRY: Right, but they're way more than 50
15 feet from Kingsland.

16 MR. GENITEMPO: Right. So that was mainly created
17 to allow for that building to be in conformity with the
18 statute or with the ordinance.

19 MS. LANDRY: Okay.

20 MR. GENITEMPO: What we're talking about is any
21 future buildings which may be contemplated, have not been
22 discussed, and are not part of the plan now, we're trying to
23 set some parameters for the setbacks. If they need an
24 exception from that, they would have to go to the Planning
25 Board and/or this board for final approval. So we would

1 have the ability to help determine what setbacks we would
2 actually allow, but we provided some in the redevelopment
3 plan for now.

4 MS. LANDRY: And while we're on the Planning
5 Board, I'd just like to make a request that this -- to date,
6 this year our Planning Board Chairman has missed over 50
7 percent of the Planning Board meetings. And I think it's
8 extremely important for the citizens of Nutley that we have
9 a chairman on the Planning Board that is at least able to
10 make 50 percent of the meetings and right now he's missed
11 over 50 percent of the meetings in 2016.

12 So I'd like for the Board and the Commissioners to
13 consider either having a secondary person. And also, Mayor,
14 I've asked you this before and you haven't made a decision,
15 but I'm going to remake the request that you reenact the
16 Citizens Advisory Committee as we move forward with the
17 redevelopment plan as part of the Planning Board.
18 Particularly in light of the fact that our chairman seems
19 not to be able to make the meetings. So request.

20 MAYOR SCARPELLI: I'll take that under advisement,
21 Ms. Landry.

22 MS. LANDRY: Okay. Thank you.

23 Roads, utilities, and solid waste removal, page
24 15. Does the resolution passed tonight allocating \$187,000
25 in water improvements, does that have anything to do with

1 the Roche property?

2 MAYOR SCARPELLI: No.

3 MS. LANDRY: No? And what is -- is that for --

4 MAYOR SCARPELLI: Bonding for various improvements
5 in the water system.

6 MS. LANDRY: Various improvements in the water
7 system, but it has nothing to do with the lawsuit that the
8 Town is involved in regarding Roche and leakage? Okay,
9 thank you. Is there an update on that lawsuit?

10 MAYOR SCARPELLI: Mr. Genitempo? I'm not sure
11 what lawsuit you're referring to.

12 MS. LANDRY: The environmental lawsuit.

13 ALAN GENITEMPO: Bautista litigation?

14 MS. LANDRY: Yes.

15 MAYOR SCARPELLI: No update on that.

16 MS. LANDRY: No update on the Bautista litigation.
17 Thank you, sir.

18 The Township of Nutley will not be responsible for
19 snow removal, solid waste removal, street cleaning,
20 installation, sewer, stormwater within any portion of phase
21 I that is not owned by the Township of Nutley, as other --
22 except as may otherwise be set forth in one or more
23 redevelopment agreements.

24 The terminology one or more seems to infer that
25 there may be more than one developer. At this time, is more

1 than --

2 MR. GENITEMPO: What that anticipates is a future
3 redevelopment agreement. If another building is built, we
4 would need a new redevelopment agreement to cover that
5 building or any additions to the property. So there will be
6 one redevelopment agreement for the existing (indiscernible)
7 and that will have that encompassed in -- those terms
8 encompassed in it.

9 MS. LANDRY: Okay, great. Thank you.

10 Page 18, properties to be acquired. As the
11 majority of phase I redevelopment plan area is located in
12 Nutley and the ownership of Nutley designated the parcels at
13 phase I redevelopment plan as condemnation redevelopment in
14 area, the Township of Nutley identifies Nutley parcels in
15 the phase I redevelopment area as potentially necessary for
16 acquisition via eminent domain in order to effectuate the
17 redevelopment of the site.

18 Does resolution 128-16, issuance of redevelopment
19 area bonds or RABs, does that have anything to do with
20 potentially necessary acquisition of property in phase I
21 redevelopment via eminent domain?

22 MR. GENITEMPO: No.

23 MS. LANDRY: No? And what are those --

24 MR. GENITEMPO: Nothing to do with it.

25 MS. LANDRY: What are those redevelopment bonds --

1 MR. GENITEMPO: They're tied to the financial
2 arrangement and the pilot agreement that we're going to be
3 doing. And tonight we're introducing a resolution relative
4 to going out to be able to bond -- of the revenue or the RAB
5 bonds, we call them RAB bonds. So we're going to have that
6 tonight. That has to be done so that they can make an
7 application to the State to approve this whole pilot
8 arrangement.

9 MS. LANDRY: We have to get bonding in order for
10 Prism to be able to --

11 MR. GENITEMPO: Right. But they're non-recourse
12 bonds against us. We don't have to pay them back.

13 MS. LANDRY: Non-recourse?

14 MR. GENITEMPO: Non-recourse bonds against the
15 Township.

16 MS. LANDRY: And is there a dollar figure on these
17 bonds?

18 MR. GENITEMPO: It's going to be a million
19 dollars.

20 MS. LANDRY: One million dollars in non-recourse
21 bonds. Would you mind explaining how that works for the
22 taxpayers?

23 MR. GENITEMPO: We don't have enough time.

24 MS. LANDRY: Well, just -- can you give me your
25 best shot.

1 MR. GENITEMPO: Honestly, maybe -- it's hard to
2 explain in this type of setting. We'd have to almost show
3 you. But the bonds are a necessary part of the whole
4 development. It can be used for improvements on the
5 property by the developer. It's a complicated process,
6 Pennie. I could try to explain it to you in more detail if
7 you have more time, but it's a necessary part of this deal.
8 We're not on the hook for them. That's the most important
9 part. It allows the whole --

10 MS. LANDRY: So none of this will be part of the
11 taxpayers' burden?

12 MR. GENITEMPO: No, it's the taxpayer's liability.

13 MS. LANDRY: We bond out a million dollars. That
14 million dollars allows the developer to use some of those
15 for infrastructure improvements, whatever.

16 MR. GENITEMPO: Right. The developer is going to
17 buy the bonds, not --

18 MS. LANDRY: Okay. Yeah, well, the developer is
19 doing the bonds. We're just signing off on it.

20 MR. GENITEMPO: The developer for this part of the
21 phase one is the school.

22 MS. LANDRY: Okay.

23 MR. GENITEMPO: Not the developer for the rest of
24 the site. Make sure that -- that's a big distinction.

25 MS. LANDRY: Okay. All right. So when we move to

1 phase II is the point at which we will begin to negotiate
2 with Prism possibly for some impact fees to deal with --

3 MAYOR SCARPELLI: Ms. Landry, we're not talking
4 about phase II now. We're only talking about phase I.
5 That's -- the public hearing is on phase I.

6 MS. LANDRY: Okay. All right. The final thing is
7 I would hope that the Commissioners would at some point in
8 the near future plan some type of town hall meeting and
9 invite the residents of Nutley to a type of question and
10 answer forum and maybe a Powerpoint presentation, and maybe
11 a little explanation.

12 At one point during this whole redevelopment plan,
13 scenarios over the past couple of years it was discussed,
14 actually, to bring in some type of marketing/PR person to
15 help with this -- with the township people as we have a lot
16 of questions and we're excited about it. We'd just like to
17 have a little more information about it as it goes along.

18 MR. GENITEMPO: The developer has indicated they
19 plan on doing just that.

20 MS. LANDRY: Okay. Prism does plan on doing that?
21 And did they give you any indication when?

22 MR. GENITEMPO: Been hard to get to this point
23 right now. It's been a lot of -- over the last two weeks,
24 there's been so much activity and a lot of the agreements
25 aren't finalized yet. So it really hasn't been on the radar

1 in terms of getting a date down and figuring out when. But
2 I would anticipate, and I don't know what the Mayor or the
3 Commissioners think, probably sometime towards the end of
4 the year when they put together their plan.

5 MS. LANDRY: Right, thank you.

6 Final thing. I know that Kingsland is one of the
7 entrances into the medical school, and that is a county
8 road. I'd like to ask a question about the -- there's
9 nothing mentioned about the traffic plan or traffic flow
10 patterns. And if in phase I, if the gated part that leads
11 into the medical school will remain gated, and if Essex
12 County is involved at all in the traffic flow plan for the
13 medical school phase I.

14 MAYOR SCARPELLI: I think most of what you're
15 asking will be determined in phase II. And I think some of
16 those issues have not been addressed in the phase I plan or
17 contemplated at this point.

18 MS. LANDRY: Okay. So traffic has not been
19 addressed in the phase I development plan for the medical
20 school?

21 MAYOR SCARPELLI: Correct.

22 MS. LANDRY: Okay. Thank you. And thanks for all
23 your hard work. I'm really excited about this project and
24 looking forward to learning more. Thank you.

25 MAYOR SCARPELLI: Anybody else like to be heard on

1 ordinance number 3341? Seeing none, a motion to close the
2 public hearing.

3 COMMISSIONER TUCCI: Move it.

4 COMMISSIONER EVANS: Second.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye. Motion to move the
13 ordinance?

14 COMMISSIONER TUCCI: Move it.

15 COMMISSIONER EVANS: Second.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Just before I vote on
22 that, I'd just like to put on the record at those meetings
23 and I spoke to our counsel about this before I opened my
24 mouth, but I am adamantly against any parking garages being
25 put on the Nutley side. And I know to move the process

1 forward tonight, we kind of had to move this to make
2 everything else fall into place. But I just want to put on
3 the record that I was told only a geological crisis would
4 make those garages move on the Nutley side. And barring
5 that, I would not expect them to come to this Board of
6 Commissioners and bring that issue up to us. I vote yes.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye. Resolutions. Commissioner
9 Tucci.

10 COMMISSIONER TUCCI: Yes.

11 Whereas, New York SMSA Limited Partnership doing
12 business as Verizon Wireless, is a provider of commercial
13 mobile service subject to regulation by the Federal
14 Communications Commission; and

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

20 Whereas, New Jersey law permits such joint use
21 provided that there is the consent of the relevant
22 municipality;

23 Now therefore be it resolved by the Board of
24 Commissioners of the Township of Nutley, County of Essex,
25 State of New Jersey that:

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

6 And there are eight conditions that follow this
7 that are noted on this resolution.

8 I move the resolution.

9 COMMISSIONER EVANS: Second.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER TUCCI: Whereas, The Township of
19 Nutley has entered into a contract with Cablevision
20 Lightpath, Inc. 200 Jericho Quadrangle, Jericho, New York,
21 for telephone and television services; and

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

25 Change order number 1 Telephone and Television

1 services in the amount of \$358.63.

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

5 Now therefore, be it resolved by the Board of
6 Commissioners in the Township of Nutley, County of Essex,
7 State of New Jersey, that Change Order No. 1, for
8 Cablevision Lightpath, in the amount of \$358.63 be and is
9 hereby approved.

10 I move the resolution.

11 COMMISSIONER EVANS: Second.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 COMMISSIONER TUCCI: Whereas, the Township has the
21 need for internet and long distance phone service; and

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

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

5 Whereas, the proposal from Cablevision Lightpath
6 has submitted a proposal in the amount of \$2,925 per month
7 or \$35,010 yearly; and

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

15 Whereas, Funds are available from Account 6-01-
16 510-237, and have been certified by the Chief Financial
17 Officer, and said certification is attached to this
18 resolution.

19 Now, therefore, be it resolved that the Board of
20 Commissioners of the Township of Nutley authorizes the Mayor
21 to enter into a three year contract with Cablevision
22 Lightpath for the provision of internet and long distance
23 phone service.

24 Be it further resolved that the Business
25 Disclosure Entity Certification and the Determination of

1 Value be placed on file with this resolution.

2 I move the resolution.

3 COMMISSIONER EVANS: Second.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 COMMISSIONER TUCCI: Whereas, the Township of
13 Nutley has the need to acquire support and maintenance of
14 the Township Avaya Communication Manager 6.0 IP Phone
15 System; and

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

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

24
25 Whereas, the anticipated term of this contract is

1 for three years; and

2 Whereas, funds are available from Account 6-01-
3 510-237, and have been certified by the Chief Financial
4 Officer, and said certification is attached to this
5 resolution;

6 Now therefore, be it resolved, by the Board of
7 Commissioners of the Township of Nutley, County of Essex,
8 State of New Jersey, that the Mayor and Township Clerk be
9 and they are hereby authorized to enter into a contract with
10 Strategic Products and Services for the Township's Avaya
11 Phone System Maintenance.

12 I move the resolution.

13 COMMISSIONER EVANS: Second.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 COMMISSIONER TUCCI: That's all I have, Mayor.

23 MAYOR SCARPELLI: Commissioner Evans?

24 COMMISSIONER EVANS: Thank you, Mayor. I'll be
25 there in a second.

1 Whereas, the local capital budget for the year
2 2016 was adopted on May 17th; and

3 Whereas, it is desired to amend said approved
4 capital budget;

5 Now, therefore, be it resolved, by the Board of
6 Commissioners of the Township of Nutley, that the following
7 amendments to the approved capital budget section be made:

8 Primarily shifting between accounts and adding
9 \$75,000 related to various actions we have to take on trees
10 regarding our (indiscernible).

11 Be it further resolved, that two certified copies
12 of this resolution be filed forthwith in the Office of the
13 Director of Local Government Services.

14 So moved.

15 COMMISSIONER TUCCI: Second.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 COMMISSIONER EVANS: Whereas, The Township of
25 Nutley entered into a Professional Services Contract with

1 Impact Environmental, 1000 Page Avenue, Lyndhurst, New
2 Jersey to perform environmental investigation and testing at
3 307-309 Franklin Avenue and 529 Franklin Avenue; and

4 Whereas, The Township of Nutley had a need for
5 additional professional service in order to meet the
6 Preliminary Assessment Standard to secure Innocent
7 Purchasers Defenses in New Jersey Pursuant to N.J.S.A.
8 58:1023; and

9 Whereas, Change Order No. 1 has been authorized
10 for an increase in the amount of \$7,500 to complete the
11 environmental investigation and testing at 529 Franklin
12 Ave.; and

13 Whereas, funds are available from Account Number
14 6-01-226-205 and have been certified by the Chief Financial
15 Officer, said certification is attached to this resolution.

16 Now, therefore, be it resolved by the Board of
17 Commissioners in the Township of Nutley that Change Order
18 No. 1, in the amount of \$7,500 be and is hereby approved in
19 order to establish Innocent Landowner Status pursuant to 42
20 U.S.C. 9607(b).

21 So moved.

22 COMMISSIONER TUCCI: Second.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 COMMISSIONER PETRACCO: Mayor, excuse me. I have
7 to be excused. Okay? Thank you.

8 COMMISSIONER EVANS: Resolution 191-16. This
9 resolution is lengthy. I'll read it by its title. I'll ask
10 counsel to summarize all of the whereas and therefore that
11 are included in here.

12 This resolution of the Township of Nutley making
13 application to the local finance board seeking authorization
14 for not to exceed one million dollars in redevelopment area
15 bonds to finance the construction and installation of certain
16 improvements within the Hoffmann LaRoche redevelopment area
17 pursuant to NJSA 40A:12A-29(A)(3) and NJSA 40A:12A-67.

18 Alan, would you summarize?

19 MR. GENITEMPO: Good. Thanks, Commissioner. This
20 is long, but a lot of it involves the history of the site
21 starting with March 18th of 2014 when the Board of
22 Commissioners directed the Planning Board to conduct their
23 preliminary study and investigation. With regard to
24 determining that the area was in need of redevelopment and
25

1 instituting the condemnation as part of that plan.

2 It then takes us through February of '15 and all
3 the way through -- into page 3 where we talk about where we
4 are today. Actually, where we were in September of '15 with
5 regard to the subdivision having been approved for the
6 property, which constitutes the 10.9 acres on the Nutley
7 side developing four separate lots.

8 The actual current name of the phase I project for
9 the medical school temporarily is called PB Nutcliff Med,
10 LLC. We can be assured that will not be the same of the
11 medical school, but that is in here. And this resolution
12 authorizes the Board to be the redevelopment bond law to go
13 ahead and apply for the one million dollars in RAB bonds,
14 which will be submitted to the state in an application
15 before the local finance board.

16 That's the basis for the entirety of this
17 document. It is a very important document with regard to
18 the project, as I stated earlier, and allows the project to
19 help be financed. And this bond can be used for
20 construction on the project. I think that summarizes it.

21 COMMISSIONER EVANS: Thank you. Based on
22 counsel's summary. Now, therefore, be it resolved by the
23 Mayor and the Township council of the Township of Nutley as
24 follows:

25 1. The aforementioned recitals are incorporated

1 herein as though fully set forth at length.

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

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

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

16 A copy of this resolution shall be available for
17 public inspection at the offices of the Township municipal
18 clerk's office. This Resolution shall take effect upon
19 final passage.

20 So moved.

21 COMMISSIONER TUCCI: Second.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 COMMISSIONER EVANS: Finally, be it resolved, by
4 the Board of Commissioners of the Township of Nutley, in the
5 County of Essex, State of New Jersey, that the Treasurer be
6 and she is hereby authorized to refund overpayments of tax
7 charges in the amount of \$438.22 for block 5503 lot 2.

8 So moved.

9 COMMISSIONER TUCCI: Second.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye. Thank you, Commissioner
16 Evans.

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

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

23 Now, therefore, be it resolved, the Nutley Board
24 of Commissioners does hereby direct the Municipal Clerk to
25 endorse the license certificate to the new ownership as

1 follows: "This license, subject to all its terms and
2 conditions, is hereby transferred to "F and S Maintenance,
3 LLC," effective June 30th, 2016.

4 I move the resolution.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

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

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

20 Now, therefore, be it resolved by the Board of
21 Commissioners of the Township of Nutley, County of Essex,
22 State of New Jersey that the renewal of the Person to Person
23 Pocket Liquor License be granted to the following licensee
24 effective July 1st, 2016 through June 30th, 2017.

25 Be it further resolved that the Municipal Clerk be

1 and she is hereby directed and authorized to issue said
2 Pocket License for the licensing period of July 1st, 2016
3 through June 30th, 2017.

4 Liquor license number 0716-33-017-009 to F&S
5 Maintenance, LCC as a pocket license.

6 I move the resolution.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 Be it resolved by the Board of Commissioners of
15 the Township of Nutley, County of Essex, State of New
16 Jersey, that the Township Clerk is hereby authorized to
17 advertise for sealed bids for the 2016 Purchase of Curbside
18 Recycling Bins for the Township of Nutley, to be received on
19 behalf of the Board of Commissioners, in the Commission
20 Chambers, Township Hall, 1 Kennedy Drive, Nutley, New
21 Jersey, on Wednesday, August 10th, 2016 at 3:00 p.m.
22 prevailing time, at which time they will be opened and read.

23 I move the resolution.

24 COMMISSIONER TUCCI: Second.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 That concludes the business portion of our
7 meeting. Mr. Roberts is here. I'd like to recognize him
8 and thank him for all his hard work on the redevelopment
9 plan. Thank you, sir.

10 MR. ROBERTS: I was here earlier and then went to
11 Clifton. They adopted the same plan earlier this evening.
12 And then I came back (indiscernible) I could get to the rest
13 of the public hearings. So I can let the Board of
14 Commissioners know that it was adopted in both towns this
15 evening.

16 MAYOR SCARPELLI: Thank you, sir. Madam Clerk,
17 read the notice.

18 MADAM CLERK: Yes, Mayor.

19 All persons addressing the Board of Commissioners
20 regarding community concerns should approach the microphone
21 and provide their name and address for the record. Unless
22 further time is granted by the Board, each person shall
23 limit their address to five minutes. All remarks to the
24 Board and its individual members must be addressed to the
25 Mayor. The Mayor may defer citizens' comments to the

1 appropriate member of the Board. Dialogue between citizens
2 and others addressing the Board shall be allowed unless the
3 Mayor or presiding officer, or the majority of the
4 membership of the Board, shall determine that the interest of
5 decorum and/or the expeditious conduct of municipal business
6 are being adversely affected by such dialogue.

7 MAYOR SCARPELLI: Would anybody like to address
8 the Board of Commissioners this evening?

9 MS. LANDRY: Pennie Landry, 135 Lakeside. I missed
10 a couple of meetings because I was out of town, but I want to
11 make another request, I think I'm at number 6, that the Board
12 consider having the meetings of the economic development
13 advisory committee open to the public and business members of
14 the community and that the minutes be made available to the
15 citizens and taxpayers of Nutley or that that economic
16 development advisory committee remain a closed group but the
17 Mayor enact another citizen advisory committee specifically
18 directed towards the economic development within our downtown
19 and townwide. Thank you.

20 MAYOR SCARPELLI: Thank you, Ms. Landry. Anybody
21 else like to address the Board of Commissioners? Seeing
22 none.

23 COMMISSIONER TUCCI: Move we adjourn.

24 COMMISSIONER EVANS: Second.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 MADAM CLERK: And the time is now 9:03.

7 MAYOR SCARPELLI: Good night, everybody.

8 (Meeting was adjourned at 9:03 P.M.)

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C E R T I F I C A T I O N

I, Jamie Gallagher, certify that the foregoing transcript is
a true and accurate record of the proceedings.


Jamie Gallagher

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