

In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings

December 18, 2018

Conference Session



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Min-U-Script®

Conference Session

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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS
ONE KENNEDY DRIVE
3RD FLOOR COMMISSION CHAMBERS
NUTLEY, NEW JERSEY 07110

*** CONFERENCE SESSION ***

DATE: December 18, 2018

BOARD OF COMMISSIONERS:

- JOSEPH P. SCARPELLI, MAYOR
- STEVEN L. ROGERS, COMMISSIONER A/E
- MAURO G. TUCCI, COMMISSIONER A/E
- THOMAS J. EVANS, COMMISSIONER
- ALPHONSE PETRACCO, COMMISSIONER

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR SCARPELLI: Madam Clerk?

3 THE CLERK: Yes, Mayor. Board of
4 Commissioners Public Meeting Tuesday, December 18,
5 2018. The time is now 7:01. Pursuant to the
6 requirements of the Open Public Meeting Act, Chapter
7 231, public law in 1975, notice of this meeting was
8 published in a December 14, 2018 issue of the Nutley
9 Sun, the Herald News, and the Star Ledger. A copy of
10 this notice has been posted on the Nutley town hall
11 bulletin board, and a copy is on file in the municipal
12 clerk's office.

13 Commissioner Rogers is absent, excused.

14 Commissioner Tucci is absent and excused.

15 Commissioner Evans.

16 COMMISSIONER EVANS: Here.

17 THE CLERK: Commissioner Petracco.

18 COMMISSIONER PETRACCO: Here.

19 THE CLERK: Mayor Scarpelli.

20 MAYOR SCARPELLI: Here.

21 THE CLERK: All present, Mayor, except for
22 Commissioner Rogers and Commissioner Tucci. They are
23 both absent, excused this evening.

24 MAYOR SCARPELLI: All right. Commissioner
25 Petracco, what do you have on the agenda tonight?

1 COMMISSIONER PETRACCO: Yes. I have our
2 monthly report, number one. I think I saw one
3 introduction for a handicapped parking spot, and I have
4 a couple resolutions I saw. This is for Nutley
5 Municipal Alliance, their strategic plan.

6 THE CLERK: Commissioner Petracco, I'm sorry.

7 COMMISSIONER PETRACCO: Yes?

8 THE CLERK: It's -- your parking is for a
9 public hearing.

10 COMMISSIONER PETRACCO: Oh, it's a public
11 hearing?

12 THE CLERK: Yeah, I'm sorry.

13 COMMISSIONER PETRACCO: All right. So a
14 public hearing. And then, I have a change order for
15 waiver of counsel services, increased to 250,000 that
16 is?

17 THE CLERK: Yes.

18 MAYOR SCARPELLI: 250- or --

19 COMMISSIONER PETRACCO: Because I thought --

20 THE CLERK: It's an additional 50,000.

21 COMMISSIONER PETRACCO: Yeah, okay.

22 Authorize and approve a 2018 budget transfer. I guess
23 that's the 50,000. And a grant extension for medical
24 leave for Anthony Borino. That's all I have.

25 MAYOR SCARPELLI: Thank you, Commissioner.

1 COMMISSIONER PETRACCO: You're welcome.

2 MAYOR SCARPELLI: Commissioner Evans?

3 COMMISSIONER EVANS: Tonight, I have a code
4 enforcement report for the month of November. I have a
5 -- three bond -- public hearings on three bond
6 ordinances of 2018. I have two ordinances relating to
7 -- and one order related to the digital archiving we're
8 continuing to do in the Code office and now the
9 Municipal Clerk's office. And 3411 and 3412 are tabled
10 as for tonight, move it to the January meeting.

11 I also have some resolutions on for DRS
12 Imaging. This is to the resolution authorizing the
13 company to do the scanning for the Code and the Clerk's
14 office. It is a state contract. I have -- we did an
15 RFP for bank proposals, and we're going to basically
16 reject those and re-advertise. So I have two
17 resolutions related to that.

18 And then for the coming year we have certain
19 purchasing cooperative programs that we participate in,
20 we have to do some resolutions to cover next year,
21 reestablish our petty cash fund at \$650, professional
22 services for Inglesino, Webster & Wyciskala regarding
23 the Hoffmann-LaRoche redevelopment, \$95,000, refundable
24 payments, refund of some escrow accounts, and then I
25 have Louis Russo of Prospect Street, who is eligible

1 for disabled war veterans exemption on property taxes.
2 That's what I have tonight.

3 MAYOR SCARPELLI: Commissioner --

4 COMMISSIONER EVANS: And let's just fester on
5 the poinsettias and the holiday --

6 THE CLERK: I was trying to get everybody
7 into the holiday spirit.

8 MAYOR SCARPELLI: Very nice. Now, we are.

9 THE CLERK: Are you? Okay, good.

10 COMMISSIONER EVANS: Mayor, I'll also do
11 Commissioner Tucci's two resolutions since he's not
12 here. He has a budget transfer. It's in the agenda
13 for 44,200. The actual number's actually 32,200.
14 Okay.

15 MAYOR SCARPELLI: Very good. We have a -- on
16 the agenda was a public hearing on the parking,
17 municipal parking, and the credit cards. We're going
18 to push that off until January, also. We've received
19 another proposal that we're evaluating, so we're not
20 ready to go forward with that yet.

21 THE CLERK: 3406?

22 MAYOR SCARPELLI: 3406.

23 Resolutions, it's change of hours for the
24 retail liquor establishments on Christmas Eve and New
25 Year's Even, authorization of professional service

1 contract Arterial for wayfinding signs, authorization
2 to enter into a contract with Mott MacDonald for the
3 claim made by Hoffman LaRoche on environmental issues,
4 authorize to enter into 2019 municipal service
5 agreement with Cambridge Heights, which we do every
6 year, enter into a contract with Pennoni for their
7 engineering services, authorize amendment to the
8 contract of Ricci Planning for their -- some of their
9 services, approval of raffle license for Good Shepherd
10 Academy, and authorize and approve a budget transfer of
11 \$138,200.

12 And I will take Commissioner Roger's, and
13 he's got the agreement between the Township and Family
14 Service Bureau Food Pantry. He has a budget transfer
15 for 3,300, and authorize interlocal with the Township
16 of Bloomfield for Animal Control.

17 Madam Clerk?

18 THE CLERK: I have regular meeting minutes
19 and executive session minutes, and that's it.

20 MAYOR SCARPELLI: Counsel?

21 MR. GENITEMPO: Just a very brief personnel
22 issue.

23 MAYOR SCARPELLI: You lied this morning.

24 MR. GENITEMPO: Did I?

25 MAYOR SCARPELLI: You told me you had no

1 reason for --

2 MR. GENITEMPO: I recall. It came after
3 that.

4 MAYOR SCARPELLI: Okay. All right.

5 THE CLERK: Motion?

6 MAYOR SCARPELLI: Have a motion to go to the
7 executive to assess personnel.

8 COMMISSIONER PETRACCO: move it.

9 COMMISSIONER EVANS: Second.

10 THE CLERK: Whereas Section 8 of the Open Public
11 Meetings Act, Chapter 231, public law of 1975 permits
12 the exclusion of group for meeting in certain
13 circumstances;

14 And, whereas, the public body is of the
15 opinion that such circumstances exist;

16 And, whereas, the Board the Commissioners of
17 the Township of Nutley, in the County of Essex, State
18 of New Jersey, desires to proceed to a closed executive
19 session;

20 And now, therefore, be it resolved by the
21 Board of Commissioners of the Township of Nutley to
22 move into closed executive session to discuss
23 personnel.

24 Be it further resolved that at a time when
25 such discussion may be disclosed to the public shall be

1 when and such disclosure may be made without adversely
2 affecting the Township of Nutley pending and/or
3 anticipated legal, personnel, contractual matters, and
4 other matters within the exceptions provided for by
5 statute.

6 THE CLERK: Commissioner Evans.

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco.

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Mayor Scarpelli.

11 MAYOR SCARPELLI: Aye.

12 THE CLERK: Time is 7:08.

13 (End of recording)

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CERTIFICATION

I, Ilene Watson, do hereby certify that the foregoing is a correct transcript from the electronic sound recording provided for transcription and prepared to the best of my professional skills and ability.

January 2, 2019

Ilene Watson
AAERT Cert. No. 447
Certified Court Transcriptionist

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ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR SCARPELLI: Everybody please stand for
3 the flag salute.

4 Ready, Madam Clerk?

5 THE CLERK: Yes, Mayor.

6 (Pledge of Allegiance)

7 MAYOR SCARPELLI: Madam Clerk?

8 THE CLERK: Thank you, Mayor. Board of
9 Commissioners Public Meeting, Tuesday, December 18,
10 2018. The time is 7:19. Pursuant to the requirements
11 of the Open Public Meeting Act, Chapter 231, Public Law
12 1975, notice of this meeting was published in the
13 December 14, 2017 issues of the Nutley Sun, the Herald
14 News, and The Star Ledger. A copy of this notice has
15 posted on the Nutley Town Hall bulletin board, and a
16 copy is on file in the Municipal Clerk's Office.

17 Commissioner Rogers is absent, excused.

18 Commissioner Tucci is absent, excused.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Here.

21 THE CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Here.

23 THE CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Here.

25 THE CLERK: All present, Mayor, except for

Public Session

3

1 Commissioner Rogers and Commissioner Tucci. They are
2 both absent, excused, this evening.

3 MAYOR SCARPELLI: Minutes, Madam Clerk?

4 THE CLERK: We have regular meeting minutes
5 for November 7, 2018 and November 20th, 2018.

6 MAYOR SCARPELLI: Move the minutes?

7 COMMISSIONER PETRACCO: Second.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 THE CLERK: We have executive session minutes
15 for session one and two for August 7, 2018.

16 COMMISSIONER EVANS: Move the minutes?

17 THE CLERK: October -- I have a few more.

18 October 2nd, 2018, October 16, 2018, November 7th,
19 2018, November 20th, 2018, and December 4th of 2018.

20 COMMISSIONER EVANS: Move the minutes as listed.

21 COMMISSIONER PETRACCO: Second.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

Public Session

4

1 THE CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 THE CLERK: And that's it for minutes.

4 MAYOR SCARPELLI: Reports, Commissioner
5 Evans?

6 COMMISSIONER EVANS: Yes. I have a Code
7 Enforcement report for the month of November.

8 MAYOR SCARPELLI: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Yes, I have my Public
10 Safety report, as well.

11 MAYOR SCARPELLI: Bills, Madam Clerk?

12 THE CLERK: Yes, Mayor. Bill list for
13 December 18, 2018. Public Affairs, \$165,366.09;
14 Revenue and Finance, \$2,757,218.35; Public Safety,
15 \$37,050.10; Public Works, \$254,616.76; Parks and Public
16 Property, \$145,048.17; Water Utility \$114,401.51; Total
17 Payroll, \$912,462.31; for a grand total of
18 \$4,386,163.29.

19 COMMISSIONER EVANS: Move Bills?

20 COMMISSIONER PETRACCO: Second.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 THE CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 THE CLERK: And that's it for bills.

3 MAYOR SCARPELLI: Public comment on agenda
4 items only. Madam Clerk?

5 THE CLERK: Thank you, Mayor.

6 All persons addressing the Board of
7 Commissioners regarding community concern should
8 approach the microphone and provide their name and
9 address for the record. Unless further time is granted
10 by the Board, each person shall limit their address to
11 three minutes.

12 All remarks to the Board and its individual
13 members must be addressed to the Mayor. The Mayor may
14 defer citizens' comments to the appropriate member of
15 the Board.

16 Dialogue between citizens and others
17 addressing the Board shall be allowed unless the Mayor
18 or presiding officer or the majority of the membership
19 of the Board shall determine that the interest of
20 decorum and/or the expeditious conduct of municipal
21 business are being adversely affected by such dialogue.

22 MAYOR SCARPELLI: Anybody wish to address the
23 Board of Commissioners on agenda items only?

24 Ms. Rossi?

25 MS. ROSSI: Yes. Tammy Rossi, 28 Colonial

1 Terrace. I have a question regarding Ordinance 3411
2 and 3412. These are ordinances of the Township of
3 Nutley authorizing the execution of financial agreement
4 with PB-200 Metro Urban Renewal, LLC and granting a tax
5 exemption. Can you provide the details regarding these
6 two tax exemptions?

7 MAYOR SCARPELLI: Ms. Rossi, they are going
8 to be tabled tonight, and the public hearing will be
9 heard the first meeting of January. If Commissioner
10 Evans wants to address anything before then?

11 COMMISSIONER EVANS: It's not on the agenda
12 tonight, but Ms. Rossi, your -- the nature of your
13 question, is there something specific that you had?

14 MS. ROSSI: Well, I'm just wondering the
15 number of years and the amount, who the principals are
16 of these companies, and what year does it end, and what
17 will the taxes be at the end of the exemption.

18 COMMISSIONER EVANS: I don't have the table
19 in front of me, but the baseline is -- for these pilot
20 agreements is one -- is full local taxation, so there's
21 no exclusion for the school as many pilot agreements,
22 standard ones, would apply. In Nutley's case, we're
23 including both the municipality and the school, as well
24 as a portion of the county savings. It will escalate
25 at a rate of roughly 2 percent a year over a 30-year

1 term. So I don't have that ending amount in front of
2 me, but just think about it, basically, 2018 taxes less
3 a portion for the County, which is the local amount,
4 rising at a minimum rate of 2 percent a year for 30
5 years.

6 MS. ROSSI: Okay. Thank you. And what is
7 PB?

8 COMMISSIONER EVANS: PB, that's the legal
9 name of the entity that owns Hoffmann-LaRoche. Behind
10 that is actually a company called Prism.

11 MS. ROSSI: Okay. All right. Thank you very
12 much.

13 MAYOR SCARPELLI: Anybody else wish to
14 address the Board of Commissioners on agenda items
15 only? Seeing none, I'll move to commissioner
16 announcements. Any announcements, Commissioners?

17 Let's go down to ordinance public hearings.
18 Commission Petracco.

19 COMMISSIONER PETRACCO: Yes. This is for a
20 handicapped spot on Conover Avenue, an ordinance to
21 amend an ordinance codified in the code of the Township
22 of Nutley, Chapter 228 Entitled Vehicles and Traffic,
23 particularly Article VII, Special Zones and Areas,
24 Section 29A Entitled Handicapped Parking, to add the
25 location set forth therein.

Public Session

8

1 I move to open the public portion meeting.

2 MAYOR SCARPELLI: Anybody wish to be heard on
3 Ordinance Number 3404? Seeing none, move to close.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 COMMISSIONER PETRACCO: I move the ordinance.

11 MAYOR SCARPELLI: Second.

12 THE CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 THE CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 THE CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER PETRACCO: Thank you.

19 MAYOR SCARPELLI: Thank you, Commissioner.

20 Ordinance Number 3406 will also be tabled to
21 the first meeting of January. We received an
22 additional proposal from a merchant service account,
23 and we're in the process of looking at that.

24 So, Commissioner Evans?

25 COMMISSIONER EVANS: Thank you, Mayor. I

1 have an ordinance introduction, Number 3407, which is a
2 capital bonding ordinance for roadway improvements in
3 the amount of -- the total amount is 330-, but the
4 bonding amount is \$313,500.

5 MAYOR SCARPELLI: Anybody wish to be heard on
6 Ordinance Number 3407?

7 COMMISSIONER EVANS: Move to close public
8 hearing.

9 MAYOR SCARPELLI: Second.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 COMMISSIONER EVANS: Move the ordinance.

17 MAYOR SCARPELLI: Second.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 COMMISSIONER EVANS: Oh, I'm sorry --

25 MAYOR SCARPELLI: We have to table it.

1 COMMISSIONER EVANS: It's a -- we have to
2 table this, right?

3 THE CLERK: We have three bond ordinances.

4 COMMISSIONER EVANS: So --

5 THE CLERK: (Indiscernible) meeting about the
6 archival.

7 COMMISSIONER EVANS: Right. We have to -- we
8 need four.

9 MAYOR SCARPELLI: Oh.

10 THE CLERK: Yes.

11 MAYOR SCARPELLI: So we have a public
12 hearing. We're not going to have the vote until
13 January?

14 THE CLERK: January 3rd or --

15 MAYOR SCARPELLI: Or the continuation of the
16 meeting.

17 THE CLERK: The continued meeting is the
18 20th.

19 COMMISSIONER EVANS: The 20th of December.

20 THE CLERK: At 9 a.m.

21 COMMISSIONER EVANS: 9 a.m.

22 MAYOR SCARPELLI: All right.

23 COMMISSIONER EVANS: Okay.

24 MAYOR SCARPELLI: So just to be clear,
25 Counselor, we're having the public hearings tonight on

1 these three ordinances, but we're continuing the
2 meeting to have the vote on the continuation because we
3 need how many votes to pass it?

4 MR. GENITEMPO: Yes. We need four votes,
5 four affirmative votes, to approve the bond ordinance.

6 MAYOR SCARELLI: Okay. All right.

7 MR. GENITEMPO: Since we don't have a full
8 four members tonight, we're going to postpone the vote
9 until Thursday morning, assuming we have four, and then
10 if not, we'll pick another day.

11 COMMISSIONER EVANS: So I rescind my motion
12 to adopt the Ordinance Number 3407. Okay?

13 MR. GENITEMPO: We had the public hearing.
14 We just have to postpone the vote.

15 COMMISSIONER EVANS: Yeah, and which we
16 closed.

17 MAYOR SCARPELLI: Right.

18 COMMISSIONER EVANS: We properly closed,
19 right?

20 MAYOR SCARPELLI: Right. Commissioner Evans, let's
21 move on to Ordinance Number 3408.

22 COMMISSIONER EVANS: Yes. 3408 is a bond in
23 the gross amount of \$1,670,000. The actual bond
24 portion is \$1,586,500, and this is for other capital
25 improvements in the Township.

1 MAYOR SCARPELLI: Anybody wish to be heard on
2 Ordinance Number 3408? Seeing none.

3 COMMISSIONER EVANS: Move to close the public
4 hearing.

5 COMMISSIONER PETRACCO: Second.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco.

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 Commissioner, Ordinance Number 3409.

13 MR. GENITEMPO: Commissioner, let's just --
14 again, for this -- Mayor, let's put this on the record,
15 also, that this one -- this ordinance, 3408, will be
16 postponed until December 20. Thank you.

17 COMMISSIONER EVANS: 3409 is a third bonding
18 ordinance for the water utility in the gross amount of
19 \$256,600, that amount of \$243,750 for improvements into
20 the water utility.

21 MAYOR SCARPELLI: Anybody wish to be heard on
22 Ordinance Number 3409? Seeing none.

23 COMMISSIONER EVANS: Move to close public
24 hearing.

25 COMMISSIONER PETRACCO: Second.

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco.

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye. And this vote will
7 also be held on Thursday morning.

8 Commissioner, 3410.

9 COMMISSIONER EVANS: Yes. My last public
10 hearing is for -- relates to \$100,000 fully-funded
11 ordinance to continue the digitizing of records that
12 need to be permanently kept in the Code office and
13 Municipal Clerk's office.

14 MAYOR SCARPELLI: Anybody wish to be heard on
15 Ordinance Number 3410?

16 MR. MOORE: Rory Moore, 462 Chestnut Street.
17 Mr. Evans, the only questions I have is where will this
18 be kept, the information when you digitize it?

19 COMMISSIONER EVANS: It's on our server.

20 MR. MOORE: Is it on our server or is it
21 going to be on somebody else's server?

22 COMMISSIONER EVANS: No. My understanding is
23 it's on our server. We have to also keep the records,
24 which we'll warehouse, but they'll be part of our
25 spatial data.

1 MR. MOORE: Are we going to -- my -- it's a
2 technical question. Are we going to be having somebody
3 else store this work? That's really my question.

4 COMMISSIONER EVANS: No. My understanding
5 is, is that these will -- the actual paper documents,
6 we'll continue to store, and those will be offsite
7 for --

8 MR. MOORE: Yes.

9 COMMISSIONER EVANS: -- if we ever need them.
10 The digital records are our -- is our system, which is
11 spatial data.

12 MR. MOORE: So we're going to be warehousing
13 it. You're not going to put it at the AWS?

14 COMMISSIONER EVANS: No.

15 MR. MOORE: Thank you.

16 COMMISSIONER EVANS: Okay. I want access,
17 quick access.

18 MR. MOORE: You would still get it at AWS.

19 COMMISSIONER EVANS: I understand that.

20 MAYOR SCARPELLI: Anybody else wish to be
21 heard on this ordinance? Seeing none.

22 COMMISSIONER EVANS: Move to close the public
23 hearing.

24 COMMISSIONER PETRACCO: Second.

25 THE CLERK: Commissioner Evans.

1 COMMISSIONER EVANS: Aye.

2 THE CLERK: Commissioner Petracco.

3 COMMISSIONER PETRACCO: Aye.

4 THE CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 COMMISSIONER EVANS: Move the ordinance.

7 COMMISSIONER PETRACCO: Second.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 COMMISSIONER EVANS: Thank you, Mayor.

15 MAYOR SCARPELLI: I will read Commissioner
16 Rogers's ordinances before I read my ordinances. Move
17 to Commissioner Evans.

18 Commissioner, can you take Commissioner
19 Tucci's, also?

20 COMMISSIONER EVANS: Happy to.

21 I have two ordinances to be read on behalf of
22 Commissioner Tucci, being resolved by the Board of
23 Commissioners, the Township of Nutley County of Essex,
24 New Jersey, that in accordance with the provisions of
25 R.S. 48:4-58, the follow transfers of appropriation and

1 the 2018 budget being the same, are hereby authorized
2 and approved: \$32,200 from Health Insurance to
3 Communications and Technology, Recreation, and
4 Buildings salary and wage for a total of \$32,200. So
5 move.

6 COMMISSIONER PETRACCO: Second.

7 THE CLERK: Mr. Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Mr. Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 COMMISSIONER EVANS: Whereas, the Township of
14 Nutley has a need to acquire vision care network plan
15 services on behalf of the Township, such services may
16 be acquired as a non-fair and open contract pursuant to
17 the provisions of N.J.S.A. 19:44A-20.4 or 20.5 is
18 appropriate.

19 Whereas, Premier Vision Care, 990 Cedar
20 Bridge Avenue, Suite B7-130, in Brick, New Jersey
21 submitted a proposal indicating that they will provide
22 the services for the sum of \$1,700.

23 Whereas, funds are available -- will be
24 available from Account 9-01-526-245 and have been
25 certified by the Chief Financial Officer.

1 Now therefore, be resolved, that the Board of
2 Commissioners of the Township of Nutley authorizes the
3 Commissioner of Parks and Public Property to enter into
4 a contract with Premier Vision Care. So move.

5 COMMISSIONER PETRACCO: Second.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye. This is a 2019
8 contract. So move. Aye.

9 THE CLERK: Commissioner Petracco?
10 Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 COMMISSIONER EVANS: That's for Commissioner
15 Tucci. I'm going to -- I'll continue on with my
16 resolutions.

17 My first resolution, it's for the Code
18 Department of the Township of Nutley has a need to
19 continue to scan and archive the remainder of our
20 documents per N.J.S.A. Title 47 from an authorized
21 participating vendor in the Union County Pricing
22 Cooperative.

23 Whereas, the Municipal Clerk's office has the
24 need to scan and archive records and documents that
25 must be preserved, as well, under Title 47.

1 The Township is a member of the Union County
2 Purchasing Cooperative system through July 8th, 2021.

3 DRS Imaging in Springfield is authorized to
4 provide this service, and the cost of this service is
5 not to exceed \$100,000 in calendar year 2019.

6 Whereas, funds are available from Account
7 04-161-401, Ordinance 3410, and have been certified by
8 the Chief Financial Officer, said certification being
9 attached to this resolution.

10 Now, therefore, be it resolved by the Board
11 of Commissioners of the Township of Nutley that DRS
12 Imaging, Springfield, New Jersey, will be awarded a
13 contract for scanning and archiving Code Enforcement
14 Documents as well as the Municipal Clerk's documents in
15 accordance with the Union County Pricing Cooperative,
16 Bid Number 28-2015. So move.

17 COMMISSIONER PETRACCO: Second.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 COMMISSIONER EVANS: The next resolution,
25 308-18, this is a resolution to rescind the request for

1 proposal for banking proposals. We need to revise the
2 proposal document, so we're going to basically rescind
3 those proposals and cancel this, the original
4 resolution, which was Number 240-18, and then move on
5 to actually reissue the proposal in a corrected form.
6 So move.^

7 COMMISSIONER PETRACCO: Second.

8 THE CLERK: Commissioner Evans?

9 MAYOR SCARPELLI: Mr. Evans?

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Oh, I'm sorry. Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 COMMISSIONER EVANS: The next one, 309, this
17 is actually reissuing the request for a proposal, be it
18 resolved by the Board of Commissioners of Township of
19 Nutley, County of Essex, that the Municipal Clerk is
20 hereby authorized and directed to advertise for a
21 request for proposals for banking services, be it
22 further resolved that the request for proposals shall
23 be due on Wednesday, January 9th, 2019 at 11 a.m., to
24 be addressed to the Municipal Clerk, Township Hall, One
25 Kennedy Drive. So move.

1 COMMISSIONER PETRACCO: Second.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 COMMISSIONER EVANS: My next resolution,
9 Township of Nutley, pursuant to N.J.S.A. 40A:11-11, may
10 by resolution without advertising for bids, purchase
11 any goods or services under an approved County
12 Cooperative program.

13 The Township has a need on a timely basis to
14 purchase these goods and services.

15 The Township intends to enter into a contract
16 with the Essex County Cooperative Purchasing Program,
17 through this resolution and properly executed contract,
18 shall be subject to all conditions applicable to the
19 current contracts.

20 Now, therefore, it be resolved, that the
21 Township of Nutley authorizes its purchasing agent to
22 purchase certain goods or services from this approved
23 Co-op vendor, pursuant to all conditions of the
24 individual County contract.

25 Be it further resolved that the governing

1 body of the Township, pursuant to N.J.A.C. 5:30-5.5(b),
2 the certification of available funds shall either
3 certify the full maximum amount against the budget at
4 the time the contract is awarded, or no contract shall
5 be chargeable or certified until such time as the goods
6 and services are ordered or otherwise called for prior
7 to placing the order and a certification of available
8 funds is made by the CFO.

9 Be it further resolved that the duration of
10 the contract is from January 1, 2019 through
11 December 31st, 2019. So move.

12 COMMISSIONER PETRACCO: Second.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 COMMISSIONER EVANS: My next resolution is
20 311-18. This again is for our purchasing cooperative
21 programs under the State of New Jersey Cooperative
22 Purchasing Program. Again, it allows us to purchase
23 goods and services using an authorized, in effect,
24 state vendor for that purpose. The contract will cover
25 the year January 1 through December 31st, 2019. So

1 move.

2 COMMISSIONER PETRACCO: Second.

3 THE CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 THE CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 COMMISSIONER EVANS: 312 is a similar
10 resolution. This is for a national cooperative
11 purchasing program with various national entities.
12 This enables us to not only look for County pricing
13 benefits or State benefits, but if there is a
14 cooperative out there that's a nationally recognized
15 vendor and they have the best pricing, we can avail
16 ourselves of the lowest price possible. Again, this
17 resolution will cover our availability to use the
18 national cooperative purchasing programs for the entire
19 year of 2019. So move.

20 COMMISSIONER PETRACCO: Second.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 THE CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 COMMISSIONER EVANS: My Resolution Number
3 313-18, this is a resolution that reestablishes our
4 petty cash fund at \$650 for the year 2019. So move.

5 COMMISSIONER PETRACCO: Second.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLLI: Aye.

12 COMMISSIONER EVANS: My next resolution,
13 314-18, whereas, the Township has a continuing need for
14 the services of a Special Development Counsel through a
15 non-fair, non-open contract as a professional service,
16 pursuant to the provisions of N.J.S.A. 19:44A-20.4 or
17 20.5, as appropriate; N.J.S.A. 20A:11-1 as amended.

18 Whereas, John P. Inglesino of the law firm of
19 Inglesino, Webster, Wyciskala & Taylor has ably and
20 continuously provided these services since October 1 of
21 2013.

22 Whereas, John Inglesino has submitted a 2019
23 fee schedule to provide such services at an hourly rate
24 of \$215 for legal services by attorneys and an hourly
25 rate of \$100 for services of paralegals or clerks. The

1 hourly fee amount has not changed from 2018.

2 Whereas, the contract -- '13, excuse me, '13,
3 from 2013, so it's been a flat amount for several
4 years. The contract amount will not exceed \$95,000,
5 and the funds will be available through Account
6 9-01-226-205, which will be certified by the Chief
7 Financial Officer on the adoption of the 2019 budget.

8 The Law Firm of Inglesino, Webster, Wyciskala
9 has completed and submitted the Business Entity
10 Disclosure Certification, which certifies that they
11 have not made any reportable disqualifying
12 contributions to a political or candidate committee --
13 to a candidate committee in the Township of Nutley in
14 the previous one year that would violate N.J.S.A.
15 19:44A-20.5 or the Township's local union Pay To Play
16 Ordinance or the NJ Election Law Enforcement Commission
17 disclosure requirements and that the contract will bar
18 John Inglesino from making any reportable contributions
19 for the term of the contract.

20 Now, therefore, be it resolved by the Board
21 of Commissioners of the Township to contract with
22 special development counsel as follows:

23 Authorizing the Mayor and the Township Clerk
24 to enter into a contract with John Inglesino for the
25 period January 1 through December 31st in an amount not

1 to exceed \$95,000 at the rates stipulated herein.

2 A copy of the Resolution, as well as the
3 contract and business disclosure certifications of any
4 campaign contributions, shall be placed on file with
5 the clerk.

6 A copy of the Resolution shall be published
7 by law within 10 days of its passage. So move.

8 COMMISSIONER PETRACCO: Second.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER EVANS: Be it resolved by the
16 Board of Commissioners in the County of Essex, the
17 Treasurer be and she is hereby authorized to refund
18 overpayment of tax charges in the amount of \$15,273.48
19 for the lots and blocks that are listed here in the
20 resolution. So move.

21 COMMISSIONER PETRACCO: Second.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 COMMISSIONER EVANS: Be it resolved by the
4 Board of the Commissioners and the Treasurer be and she
5 is hereby authorized to refund escrow monies for land
6 use and applications in the amount of \$6,062.50 for the
7 lots and blocks that are listed in this resolution. So
8 move.

9 COMMISSIONER PETRACCO: Second.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 COMMISSIONER EVANS: Whereas New Jersey
17 Statute 54:4-3.30 provides that war veterans who were
18 honorably discharged from active service in a time of
19 war in any branch of the Armed Services of the United
20 States who have been or shall be declared by the United
21 States Veterans Administration to be 100 percent
22 permanently disabled, connected to their wartime
23 service, be granted a full tax exemption of their
24 dwelling and the lot on which it is situated.

25 Whereas, the following taxpayer has filed an

1 application for allowance of a full exemption with
2 proper supporting documentation, thus making the
3 taxpayer eligible.

4 Now, therefore, be it resolved by the Board
5 of Commissioners of the Township of Nutley that Louis
6 Russo be granted full exemption from the payment of
7 property taxes from November 7, 2018 and all subsequent
8 years thereafter.

9 Be it further resolved that the Treasurer be
10 and she is hereby authorized to refund \$1,911.60 for
11 property taxes in 2018. So move.

12 COMMISSIONER PETRACCO: Second.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 COMMISSIONER EVANS: Thank you, Mayor.

20 MAYOR SCARPELLI: Thank you, Commissioner.

21 Commissioner Petracco.

22 COMMISSIONER PETRACCO: Yes. The Governor's
23 Council on Alcoholism and Drug Abuse established the
24 Municipal Alliances for the Prevention of Alcoholism
25 and Drug Abuse in 1989 to educate and engage residents,

1 local government and law enforcement officials,
2 schools, nonprofit organizations, the faith community,
3 parents, youth, and other allies in efforts to prevent
4 alcoholism and drug abuse in communities throughout New
5 Jersey.

6 Whereas, the Board of Commissioners in the
7 Township of Nutley, County of Essex, State of New
8 Jersey, recognizes that abuse of alcohol and drugs is a
9 serious problem in our society amongst persons of all
10 ages, and therefore has established the Municipal
11 Alliance Committee.

12 And, whereas, the Board of Commissioners
13 further recognized that it is incumbent upon not only
14 public officials but upon the entire community to take
15 action to prevent such abuse in our community.

16 And, whereas, the Board of Commissioners has
17 applied for funding to the Governor's Council on
18 Alcoholism and Drug Abuse through the County of Essex.

19 Now, therefore, be it resolved by the Board
20 of Commissioners, Township of Nutley, County of Essex,
21 State of New Jersey hereby recognizes the following:

22 Number one, the Board of Commissioners hereby
23 authorize submission of strategic plan for the Nutley
24 Municipal Alliance Grant for fiscal year 2020 in the
25 amount of DEDR, 20,000; Cash Match 5,000; In-Kind,

1 15,000.

2 The Board of Commissioners acknowledges the
3 terms and conditions for administrating the Municipal
4 Alliance Grant, including the administrative compliance
5 and audit requirements. I move the resolution.

6 MAYOR SCARPELLI: Second.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 COMMISSIONER PETRACCO: Whereas, the Township
14 of Nutley entered into a specialized professional
15 services non-fair and open contract pursuant to
16 provisions of N.J.S.A. 19:44A-20.5 with Scarinci &
17 Hollenbeck, 1100 Valley Brook Avenue, Lyndhurst, New
18 Jersey, for legal services on March 20th, 2018, via
19 Resolution Number 79-18.

20 And, whereas, the Director of Public Safety
21 has recommended that the following change order from
22 said contract, Change Order Number 1, legal services,
23 \$50,000.

24 Whereas, funds are available from the Account
25 Number 8-01-012-205 and have been certified by the

1 Chief Financial Officer, said certification being
2 attached to this resolution.

3 Now, therefore, be it resolved by the Board
4 of Commissioners, Township of Nutley, County of Essex,
5 State of New Jersey, that the Change Order Number 1, in
6 the amount of \$50,000, be and is hereby approved. I
7 move the resolution.

8 MAYOR SCARPELLI: Second.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER PETRACCO: Be it resolved by the
16 Board of Commissioners, Township of Nutley, County of
17 Essex, New Jersey, that in accordance with the
18 provisions of 40A 4-58, the following transfers or
19 appropriations of the 2018 budget being the same or
20 hereby authorized and approved:

21 From Fire O/E 25,000, to Township Attorney
22 O/E 50,000.

23 And also, I'm sorry, Police Salary and Wage
24 25,000, for a grand total of 50,000. I move the
25 resolution.

1 MAYOR SCARPELLI: Second.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 COMMISSIONER PETRACCO: Be it resolved by the
9 Board of Commissioners of the Township of Nutley,
10 County of Essex, State of New Jersey, that Anthony
11 Borino, an employee in the Department of Public Safety,
12 be granted an extension of medical leave of absence
13 without pay effective December 6, 2018 through
14 January 5, 2019. I move the resolution.

15 MAYOR SCARPELLI: Second.

16 THE CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 THE CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 THE CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 COMMISSIONER PETRACCO: That's all I have.

23 MAYOR SCARPELLI: Thank you, Commissioner.

24 COMMISSIONER PETRACCO: Thank you.

25 MAYOR SCARPELLI: The first three resolutions

1 are Commissioner Rogers's resolutions.

2 Be it resolved that pursuant to an agreement
3 between the Township of Nutley and the Nutley Family
4 Service Bureau Food Pantry, for the provision of
5 services to the residents of Nutley, the Township
6 authorizes the payment of \$25,000 effective January 1st
7 through December 31st, 2019. The payment, made in
8 full, will be disbursed in June 2019.

9 And be it further resolved, funds will be
10 available from Account Number 9-01-120-209 for \$25,000
11 and will be certified by the Chief Financial Officer
12 subject to the adoption of the 2019 Municipal Budget.
13 I move the resolution.

14 COMMISSIONER EVANS: Second.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 Be it resolved that the Board of
22 Commissioners of the Township of Nutley, County of
23 Essex, New Jersey, that in accordance with provisions
24 of R.S. 40A 4-58, the following transfers and
25 appropriations of the 2018 budget be and under the same

1 are hereby authorized and approved:

2 From Health Department, Other Expenses
3 \$3,300, to Health Department, Salary and Wage 2,000;
4 and also to Military Veteran Affairs, Salary and Wage
5 1,300, for a total of \$3,300. I move the resolution.

6 COMMISSIONER EVANS: Second.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 Whereas, the Township of Nutley and the
14 Township of Bloomfield wish to enter into an agreement
15 pursuant to which the Township of Bloomfield will
16 provide animal control services and animal cruelty
17 investigative and enforcement services to the Township
18 of Nutley pursuant to N.J.S.A. 26:3 A2.

19 And, whereas, funds are available from
20 Account Number 9-01-134-209 and will be certified by
21 the Chief Financial Officer, subject to the adoption of
22 the 2019 budget.

23 Now, therefore, be it resolved that the Mayor
24 and the Township Clerk are hereby authorized to execute
25 the attached agreement with the Township of Bloomfield

1 for the provisions of animal control services and
2 animal cruelty investigative and enforcement services.
3 I move the resolution.

4 COMMISSIONER EVANS: Second.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 Whereas, the Nutley Board of Commissioners
12 and the Nutley Chief of Police have approved the
13 following Plenary Retail Distribution Licenses to be
14 open from 9:00 a.m. to 9:00 p.m. on Christmas Eve,
15 December 24, 2018, and New Year's Eve, December 31,
16 2018:

17 Madya, Inc., trading as Heller and Heller;
18 Franklin Wine Shop, trading as Nutley Wine Shop;
19 Majagdamba, LLC trading as Nutley News & Liquors.

20 Whereas, the above plenary retail
21 distribution licenses are only permitted to be open
22 during these hours on the above dates and times.

23 Now, therefore, be it resolved by the Board
24 of Commissioners, Township of Nutley, County of Essex,
25 State of New Jersey, has granted permission to the

1 above-listed Plenary Retail Distribution Licensees to
2 be open during said times. I move the resolution.

3 COMMISSIONER EVANS: Second.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 Whereas, the Township of Nutley has a need to
11 retain professional services for Vehicular Wayfinding
12 System Design Service, Arterial, LLC, to provide a
13 professional service primarily related to the ongoing
14 redevelopment of Hoffmann-LaRoche and to direct traffic
15 between various existing and future destinations within
16 the Township of Nutley.

17 Whereas, the Board of Commissioners has
18 determined that Arterial, located at 105 Grove Street,
19 Suite 7, Montclair, New Jersey, is best suited to
20 provide these services to the Township of Nutley.

21 Whereas, funds are available from Account
22 Number 9-01-226-205 and will be certified by the Chief
23 Financial Officer, said certification being attached to
24 the resolution.

25 Whereas, Arterial will provide professional

1 planning services at a cost not to exceed \$50,000.

2 And, whereas, the anticipated term of the
3 contract is 12 months, from January 1 through
4 December 31, 2019.

5 Now, therefore, it be resolved by the Board
6 of Commissioners, Township of Nutley, State of New
7 Jersey, that the Mayor is hereby authorized to enter
8 into a contract with Arterial as a Professional Service
9 in the amount not to exceed \$50,000.

10 Be it further resolved that a copy of this
11 resolution, as well as the contract, should be placed
12 on file with the Clerk of the Township of Nutley and a
13 notice in accordance with the Local Contracts Law of
14 New Jersey and the form attached hereto shall be
15 published in the Nutley Sun. Move the resolution.

16 COMMISSIONER EVANS: Second.

17 THE CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 THE CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 We're going to be reimbursed for that
24 contract along the way, so that will not cost the
25 taxpayers.

1 Whereas, the Township of Nutley has a need to
2 acquire the services of Professional Engineers to
3 assist the Township in defending itself against the
4 tort claim made by Hoffmann-LaRoche and other
5 environmental issues as a non-fair and open contract
6 pursuant to N.J.S.A. 19:44 A20.4 or 20.5 as
7 appropriate.

8 Whereas, the Chief Financial Officer has
9 determined and certified in writing that the value of
10 the aggregate services provided by the vendor for
11 January 1, 2019 through December 31, 2019 will not
12 exceed \$15,000.

13 Whereas, Mott MacDonald, 111 Wood Avenue,
14 Iselin, New Jersey, has submitted an acceptable
15 proposal to provide such professional services required
16 to assist the Township Attorney in responding to the
17 claim made by Hoffmann-LaRoche. Such services will be
18 billed monthly based upon actual time and expenses
19 incurred in accordance with the submitted fee.

20 Now, therefore, be it resolved that the Board
21 of Commissioners, Township of Nutley, County of Essex,
22 State of New Jersey, authorizes the Mayor to enter into
23 contracts in accordance with N.J.S.A. 19:44 A20.4 and
24 20.5 with Mott MacDonald, Professional Engineering
25 Services, for the proposal as stated above.

1 Be it further resolved that the Business
2 Disclosure Entity certificate and Determination of
3 Value be placed on file with this resolution. I move
4 the resolution.

5 COMMISSIONER EVANS: Second.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 Whereas, pursuant to N.J.S.A. 40:67-23.2, and
13 as required by law, the Township has elected to provide
14 municipal services to the Cambridge Heights at Nutley
15 Umbrella Associates in the same manner as the Township
16 provides such services on public roads and streets in
17 the Township.

18 Now, therefore, be it resolved by the Board
19 of Commissioners, Township of Nutley, and the County of
20 Essex that the mayor is hereby authorized to enter into
21 a 2019 Municipal Service Agreement with the Association
22 in a form approved by the Township Attorney.

23 A copy of the Resolution, as well as the
24 Municipal Service Agreement, shall be placed on file
25 with the Clerk. I move the resolution.

1 COMMISSIONER EVANS: Second.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 Whereas, the Township of Nutley, through the
9 Department of Public Works, has a need to acquire the
10 service of an engineering consultant as a non-fair and
11 open contract pursuant to the provisions of N.J.S.A.
12 19:44 A-20.4 and 20.5 as appropriate.

13 Whereas, the engineering coordinator has
14 determined and certified in writing that the value of
15 the services provided by the vendor of this term will
16 exceed \$17,500.

17 And, whereas, the anticipated term of the
18 contract is 12 months, from January 1 through
19 December 31, 2019.

20 Whereas, Pennoni Associates, 24 Commerce
21 Street, Newark, New Jersey, has submitted a proposal
22 indicating they will provide engineering services to a
23 fee schedule attached.

24 Whereas, the contract is not to exceed
25 \$165,000 for general engineering services.

1 Whereas, funds are available from Account
2 Number 9-01-404-205 and have been certified by the
3 Chief Financial Officer.

4 Now, therefore, be it resolved that the Board
5 of Commissioners, Township of Nutley, enter into a
6 contract with Pennoni Associates as described herein.
7 I move the resolution.

8 COMMISSIONER EVANS: Second.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 Whereas, the Township of Nutley has filed a
16 Declaratory Judgment Action in the Superior Court of
17 New Jersey in furtherance of Supreme Court's March 10,
18 2015 decision captioned In re Adoption of N.J.A.C. 5:96
19 and 5:97 by the New Jersey Council on Affordable
20 Housing.

21 Whereas, as set forth in the Supreme Court
22 Decision, municipalities, including the Township, were
23 directed to undertake and draft supplemental housing
24 elements and fair share plans to address the current
25 and future of all Affordable Housing obligations.

1 Whereas, Paul Ricci or Ricci Planning,
2 10 Georgian Way, Clark, New Jersey, the designated
3 planner for the Township, as provided has previously
4 been authorized to assist the Township's designated
5 affordable housing attorney in the preparation of
6 filing of the declaratory judgment actions.

7 Whereas, the amendment to this contract of
8 Ricci Planning for supplemental professional planning
9 services, not to exceed \$5,000, and funds are available
10 from Account Number T-26-909-902 and have been
11 certified by the Chief Financial Officer, certification
12 being attached. I move the resolution.

13 COMMISSIONER EVANS: Second.

14 THE CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 Whereas, raffle application have been
21 received from the following organizations:

22 Home and School Association Good Shepherd
23 Academy, License Number 51-18, Calendar Raffle 2019,
24 Mondays, February 18, 25; March 4, 11, 18 and 25; and
25 April 1, 8, 15, 22, and 29, 2019.

1 Whereas, the applications have been reviewed
2 and approved by the Municipal Clerk and the Police
3 Department.

4 Now, therefore, be it resolved by the Board
5 of Commissioners, Township of Nutley, County of Essex,
6 State of New Jersey, that the aforementioned licenses
7 are approved. The Municipal Clerk is authorized to
8 issue the raffle license. I move the resolution.

9 COMMISSIONER PETRACCO: Second.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 Be it resolved by the Board of Commissioners,
17 Township of Nutley, County of Essex, State of New
18 Jersey, that in accordance with provisions of R.S. 40A
19 4-58, the following transfers and appropriations in the
20 2018 budget, being the same, are hereby authorized and
21 approved:

22 From Engineering Salary and Wages, \$15,000;
23 Engineering O/E, \$13,000; Planning Board O/E, \$200;
24 Street Lighting, \$25,000; Snow Removal Salary and Wage,
25 \$20,000; Sewer Salary and Wage, \$15,000; Water

1 Operations Salary and Wage, \$50,000; for a grand total
2 of \$138,200; to Road Repair O/E, \$60,000; Parking Lot
3 Other Expenses, \$15,000; Planning Board Salary and
4 Wage, \$200; Recycling Salary and Wage, \$10,000; Parking
5 Lot Salary and Wage, \$3,000; Water Operations Other
6 Expenses, \$50,000; for a grand total of \$138,200. I
7 move the resolution.

8 COMMISSIONER EVANS: Second.

9 COMMISSIONER PETRACCO: Second.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 That concludes the business portion of our
17 meeting. Madam Clerk.

18 THE CLERK: Yes, Mayor. All persons
19 addressing the Board of Commissioners regarding
20 community concerns should approach the microphone and
21 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
24 the Board and its individual members must be addressed
25 to the Mayor. The Mayor may defer citizens' comments

1 to the appropriate member of the Board.

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

8 MR. MOORE: Rory Moore, 462 Chestnut Street.
9 Mr. Scarpelli, I have two questions for Mr. Evans this
10 evening.

11 Mr. Evans, you referenced the pilot program
12 in the ordinance. Can I get a copy of that under the
13 ordinance? Do I have to OPRA that?

14 COMMISSIONER EVANS: You can -- it'll be part
15 of the next January 3rd meeting, so when we actually
16 have the public hearing on that, it'll be available.

17 THE CLERK: It's in the packet.

18 COMMISSIONER EVANS: The ordinance is in the
19 packet --

20 THE CLERK: The ordinances are in your
21 packet.

22 COMMISSIONER EVANS: -- that you're
23 referencing.

24 MR. MOORE: The ordinance is in there, but
25 the pilot --

1 COMMISSIONER EVANS: He wants the
2 financing --

3 MR. MOORE: -- the pilot program.

4 COMMISSIONER EVANS: Alan, does he have to
5 OPRA the financing agreement?

6 MR. GENITEMPO: (Indiscernible) available in
7 the clerk's office before the meeting, so you'll be
8 able to see (indiscernible).

9 COMMISSIONER EVANS: When, on the 3rd?

10 MR. GENITEMPO: Before that.

11 COMMISSIONER EVANS: It should be available
12 before that, but it'll definitely be available.

13 MR. MOORE: It'll be available.

14 COMMISSIONER EVANS: Yeah, yeah.

15 MR. MOORE: Okay. Okay. And I also
16 understand that we have a new employee in your
17 department. Is that correct?

18 COMMISSIONER EVANS: In what regard?

19 MR. MOORE: I understand that somebody left.

20 COMMISSIONER EVANS: Yeah, absolutely.

21 MR. MOORE: And I understand that there was
22 another individual that was recently hired in the past
23 week or so.

24 COMMISSIONER EVANS: Yes. Yes.

25 MR. MOORE: It's -- what -- I'd just like to

1 find out what is his title, his duties, just out of
2 curiosity. I'm not trying to --

3 COMMISSIONER EVANS: Sure. He's filling a
4 position that was open for the payroll clerk position
5 that was vacated earlier.

6 MR. MOORE: And that was -- the person that
7 left was also a payroll clerk? I thought you just --

8 COMMISSIONER EVANS: No, not at all. No,
9 that position is now vacated, and I'm going to be
10 actually looking at how I advertise for that
11 replacement.

12 MR. MOORE: Was that position advertised or
13 you just --

14 COMMISSIONER EVANS: Payroll clerk? Yeah,
15 sure.

16 MR. MOORE: That was advertised?

17 COMMISSIONER EVANS: Oh, sure, a while ago,
18 yeah.

19 MR. MOORE: Where was that?

20 COMMISSIONER EVANS: It was advertised on the
21 website, and it was -- it was definitely on the
22 website, I recall. It could be in the league
23 as well.

24 MR. MOORE: Thank you.

25 MAYOR SCARPELLI: Anybody else wish to

1 address the Board of Commissioners this evening?

2 MS. ROSSI: Tammy Rossi, 28 Colonial Terrace.

3 My first question regards the settlement
4 terms with apartment builder, Mecca. What are the
5 settlement terms and what is the calculation used to
6 determine the fine the Township is looking for from
7 apartment builder, Mecca, to pay?

8 MR. GENITEMPO: Ms. Rossi, we cannot discuss
9 the details of that yet. There's no formal agreement,
10 although we're working on it. I cannot reveal any of
11 that as part of a negotiation.

12 MS. ROSSI: Okay. So here is another
13 question. What is in --

14 MR. GENITEMPO: There are criteria under the
15 ordinance and the statute that you're -- I'm sure
16 you're aware of, and this is sort of a unique
17 situation, so we're still working on that.

18 MS. ROSSI: What is our Township code, and
19 are you using the Township code to levy the fines?

20 MR. GENITEMPO: I can't answer that. I
21 mean --

22 MS. ROSSI: You can't answer that either?

23 MR. GENITEMPO: -- it'll be revealed when the
24 -- if there is a settlement. If not, then there won't
25 be. But there isn't right now, but we are working on

1 it.

2 MS. ROSSI: If I remember correctly, several
3 months back, Commissioner Evans, you mentioned that
4 these fines per infraction were -- fell within a range
5 per day.

6 MR. GENITEMPO: It can be.

7 MS. ROSSI: And so I OPRA'd a letter from
8 Dibiasi to the Town's -- developer, Mecca's, attorney
9 to the Town, and they agreed to make adjustments to
10 those two-bedroom apartments when the tenants' leases
11 had expired.

12 MR. GENITEMPO: We have --

13 MS. ROSSI: So if that's the case --

14 MR. GENITEMPO: We haven't agreed to
15 anything, and I don't know -- I know what letter you're
16 referring to, but there's no --

17 MS. ROSSI: Oh, okay. So you haven't agreed
18 to that.

19 MR. GENITEMPO: That has not been agreed to
20 in terms of those specific terms. We're working on
21 that.

22 MS. ROSSI: So is he being fined per day per
23 infraction?

24 MR. GENITEMPO: I can't answer that. I
25 mean --

1 MS. ROSSI: You can't answer that, okay.

2 MR. GENITEMPO: Because it's -- I'm not
3 trying to be evasive. It's just that anything that's
4 legal like this, we cannot discuss the terms until it's
5 official.

6 MS. ROSSI: Okay.

7 MR. GENITEMPO: And when it's done, you'll --
8 I think we'll be able to answer all those questions
9 because it's still in process.

10 MS. ROSSI: Okay. It just seems like it
11 should be very cut and dry.

12 MR. GENITEMPO: It's never cut and --

13 MS. ROSSI: You violate, and here's the fine.

14 MR. GENITEMPO: Ms. Rossi, I can assure you
15 that it's never cut and dry.

16 MS. ROSSI: Okay.

17 MR. GENITEMPO: When I was prosecuting for 12
18 years and we prosecuted -- or we had these violations
19 brought civilly, there were not always a specific
20 formula, you know, and it was very fluid. That's maybe
21 the right word, it's very fluid, and it doesn't have to
22 be for every day. It can be for every day. The state
23 fines are different than the local ordinance fines. So
24 it's not black and white, I can tell you that much. I
25 know that. But --

1 MS. ROSSI: And has it --

2 MR. GENITEMPO: -- this is an extraordinary
3 situation, and it's a little bit different.

4 MS. ROSSI: Right. It is extraordinary
5 because our building inspector had given him the COs on
6 those two-bedroom apartments, so that is extraordinary.

7 All right. So then the next question is what
8 is the status for the definition for mixed use and
9 density. Again, this has been over ten years. I've
10 been asking about this for a year now. It's been a
11 whole year that I've been asking for this to be
12 addressed.

13 MAYOR SCARPELLI: Ms. Rossi, we're on target,
14 I believe, to have that reintroduced the first meeting
15 in January.

16 MS. ROSSI: Okay.

17 MAYOR SCARPELLI: Our planners have been
18 going back and forth working on it. We think we have
19 it down almost to where all the contradictions within
20 the ordinance are resolved.

21 MS. ROSSI: That's terrific.

22 MAYOR SCARPELLI: So we will have the
23 planners come in -- we're going to try to have the
24 planners come in at the next meeting and kind of go
25 through the ordinance and explain it.

1 MS. ROSSI: Great. Very -- okay. My next
2 question is, do we have a Township engineer?

3 MAYOR SCARPELLI: Yes, we have a Township
4 engineer.

5 MS. ROSSI: We do have -- so my question is,
6 then, why are we paying Pennoni tens of thousands of
7 dollars, even over \$100,000? What are we paying an
8 outside engineering firm for if we have a town
9 engineer?

10 MAYOR SCARPELLI: Because our town engineer
11 is an employee of Pennoni.

12 MS. ROSSI: Oh, okay. Thank you for that
13 clarity. My last comment is, I want to thank you very
14 much, Mayor Scarpelli, for inviting me to interview for
15 a position on the library board. I have reached out to
16 a few other applicants who said they have been reached
17 out to. How many applicants did you get? How many
18 resumes did you get for different -

19 MAYOR SCARPELLI: For the various boards?

20 MS. ROSSI: Yes.

21 MAYOR SCARPELLI: Six or seven.

22 MS. ROSSI: Okay. Great. And they've all
23 been reached out to?

24 MAYOR SCARPELLI: As far as I know, unless
25 something has slipped through the cracks.

1 MS. ROSSI: Great. Thank you so much. Thank
2 you.

3 MAYOR SCARPELLI: You're welcome.

4 Anybody else wish to address the Board of
5 Commissioners this evening?

6 Before we continue the meeting to Thursday,
7 the 20th -- is that the right date?

8 THE CLERK: Yes, at 9:00 a.m.

9 MAYOR SCARPELLI: I just want to wish
10 everybody a Merry Christmas and a healthy and most
11 importantly happy and healthy, healthy, healthy New
12 Year. So can I have a motion to continue the meeting?
13 Do we need a motion?

14 COMMISSIONER EVANS: Motion to continue the
15 meeting to December --

16 THE CLERK: 20th.

17 COMMISSIONER EVANS: -- 20th, and is there a
18 particular time?

19 THE CLERK: 9 a.m.

20 COMMISSIONER EVANS: 9 a.m.

21 COMMISSIONER PETRACCO: Second.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 THE CLERK: And the time is now 8:07.

4 MAYOR SCARPELLI: Merry Christmas, everybody.

5 (Meeting continued to 12/20/18)

6 (Recording of 12/20/18 meeting begins)

7 THE CLERK: -- Rogers. Commissioner Tucci on
8 the phone. Commissioner Evans is here in person out
9 here, and I'm here with Pamela. So are we ready --

10 MAYOR SCARPELLI: This is a continuation of
11 our Tuesday meeting. I'm going to turn it over to
12 Commissioner Evans.

13 COMMISSIONER EVANS: Okay. So we're here to
14 simply vote on the three bond ordinances. We did hold
15 the public hearing on Tuesday night, but we needed a
16 quorum to vote for the bond ordinances, so we needed at
17 least four of us here.

18 So just real quick, Bond Ordinance Number
19 3407, bond ordinance providing for the reconstruction
20 of various roadways in the amount of \$330,000. The
21 bond issuance in that is \$313,500. I move this
22 ordinance.

23 COMMISSIONER TUCCI: I'll second that, but I
24 have a question. Is this a state DOT project?

25 COMMISSIONER EVANS: This is a - no. This is

1 the --

2 COMMISSIONER TUCCI: Is that what it's for?

3 COMMISSIONER EVANS: No, this is the normal
4 money we put up for our own road improvements. The
5 grant money --

6 COMMISSIONER TUCCI: Oh, okay. Because I
7 know you're aware, but I just wanted to make sure, that
8 you don't need down payment money if it's a DOT
9 project.

10 COMMISSIONER EVANS: That's correct, yeah.
11 Yeah, this is just our standard fund.

12 COMMISSIONER TUCCI: So this is just our
13 stuff?

14 COMMISSIONER EVANS: Exactly. Exactly.

15 COMMISSIONER TUCCI: Okay. No problem.

16 COMMISSIONER EVANS: Okay.

17 COMMISSIONER TUCCI: I'll second it again.

18 THE CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 THE CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 COMMISSIONER EVANS: The next ordinance is
4 Bond Ordinance Number 3408. This is a bond ordinance
5 appropriating \$1,670,000, or a bond amount of
6 \$1,586,500, for various improvements in the Township
7 across all the departments. I move this ordinance.

8 COMMISSIONER TUCCI: Second.

9 THE CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 THE CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 COMMISSIONER EVANS: The last ordinance is
20 3409. This is a bond ordinance for \$256,600, bond
21 issuance amount of \$243,750, and this is for
22 improvements in the water utility. This is part of our
23 annual -- again, our annual bonding with the water
24 utility. I move this ordinance.

25 COMMISSIONER TUCCI: Second.

1 THE CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 THE CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 COMMISSIONER EVANS: Thank you.

12 THE CLERK: And, Mayor, I'd just like to add
13 for the record, I'm sorry, that today is Thursday,
14 December 20th, 2018. We started the meeting around
15 9:00 a.m., and the -- this continued meeting was
16 announced during a public meeting on December 18th,
17 2018. Thank you.

18 MAYOR SCARPELLI: Before we adjourn, I just
19 want to wish everybody a Merry Christmas and a happy,
20 healthy New Year. I don't think we're going to need
21 that meeting on the 31st at this point, correct?

22 COMMISSIONER EVANS: Yeah, I don't have a
23 need.

24 THE CLERK: Yeah, that's correct.

25 MAYOR SCARPELLI: All right. If anything

1 changes, I'm sure somebody will let us know. Motion to
2 adjourn? Move it.

3 COMMISSIONER EVANS: Second.

4 COMMISSIONER TUCCI: Second.

5 THE CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 THE CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye. Merry Christmas,
9 everyone.

10 THE CLERK: Merry Christmas.

11 Commissioner Evans?

12 COMMISSIONER EVANS: Aye. Merry Christmas,
13 as well.

14 THE CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 THE CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye. Merry Christmas.

18 THE CLERK: Merry Christmas.

19 COMMISSIONER PETRACCO: Merry Christmas,
20 everyone.

21 THE CLERK: Thank you, everyone.

22 COMMISSIONER EVANS: Take care.

23 THE CLERK: Take care.

24 And the time is 9:10.

25 (End of recording)

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CERTIFICATION

I, Ilene Watson, do hereby certify that the foregoing is a correct transcript from the electronic sound recording provided for transcription and prepared to the best of my professional skills and ability.

Ilene Watson
AAERT Cert. No. 447
Certified Court Transcriptionist

January 2, 2019