TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

*** CONFERENCE SESSION ***

DATE: December 4, 2018

BOARD OF COMMISSIONERS:

JOSEPH P. SCARPELLI, MAYOR

STEVEN L. ROGERS, COMMISSIONER

MAURO G. TUCCI, COMMISSIONER

THOMAS J. EVANS, COMMISSIONER

ALPHONSE PETRACCO, COMMISSIONER

ALSO APPEARING:

ALAN GENITEMPO, TOWNSHIP ATTORNEY
Conference Session

(Recording begins)

THE CLERK:  Thank you.  Board of Commissioners Public Meeting, Tuesday, December 4th, 2018.  The time is now 7:03.  Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the December 14th, 2017 issues of the Nutley Sun, the Herald News, and the Star Ledger.  A copy of this notice has been posted on the Nutley Town Hall bulletin board, and a copy is on file in the Municipal Clerk's office.  Commissioner Rogers?

COMMISSIONER ROGERS:  Here.

THE CLERK:  Commissioner Tucci?

COMMISSIONER TUCCI:  Here.

THE CLERK:  Commissioner Evans?

COMMISSIONER EVANS:  Here.

THE CLERK:  Commissioner Petracco?

COMMISSIONER PETRACCO:  Here.

THE CLERK:  Mayor Scarpelli?

MAYOR SCARPELLI:  Here.

THE CLERK:  All present, Mayor.

MAYOR SCARPELLI:  Thank you, Madam Clerk.

THE CLERK:  Thank you.

MAYOR SCARPELLI:  Commissioner Petracco, what do you have on the agenda?
COMMISSIONER PETRACCO: I have a couple resolutions. I know one is a budget transfer. I have authorizing and execution for a labor council, Scarinci and Hollenbeck for -- not to exceed fifty grand. I have declare support for Drive Sober, that's where you get pulled over for the holidays, and then I have the budget transfer for 300,000. That's all I have.

MAYOR SCARPELLI: Commissioner Evans?

COMMISSIONER EVANS: I have a bit, a bit. I have six ordinance introductions, three related to the 2018 capital requirements for the water utility as well as the municipality. I have an ordinance for a funded capital relating to continuing the archiving of -- digital archiving of our records in the code enforcement departments, and to begin to address the municipal clerk's office.

We're going to need to continue, you know, make sure that we have a digitized record of those records that we have to maintain permanently. So we're just continuing that process, and it's under a state contract that we're doing it. And two other introductions that relate to contract negotiations in the things relating to Prism, relating to two -- 100 Metro and 200 Metro for the financing agreements to power them.
I have -- moving right along, I have a public hearing related to Ordinance Number 3403 re: making political contributions. This is that ordinance that mirrors the state statute. As a transitional aid town, the State is requiring that we have the minimum of the state ordinance on our books, so we're doing that, and we're just doing that as part of our compliance in order to receive our $4.1 million worth of aid this year.

At a previous meeting, Commissioner Tucci, you had asked if other towns --

COMMISSIONER TUCCI: Uh-huh.

COMMISSIONER EVANS: -- had done this, and I affirmed with Eileen Brennan that all the towns that have transitional aid are -- have -- already have this on their books, and it's a requirement of getting the transitional aid.

COMMISSIONER TUCCI: Is that one the requirement or just any one?

COMMISSIONER EVANS: That one. This one. This one is there -- they provide it for the state statute, and it's consistent with the state statute. What they encourage is that if we would like to do something more than this, we're welcome to do that, but it's the minimum standard.
COMMISSIONER TUCCI: They're good that way.

Thank you.

COMMISSIONER EVANS: Yeah. I just want to make sure we address that question.

COMMISSIONER TUCCI: Okay.

COMMISSIONER EVANS: I then have 12 resolutions. Many of the resolutions are for renewing our contracts for 2019, some refunds of water charges and permit fees, and a capital budget amendment for the digital archive.

MAYOR SCARPELLI: That's it?

COMMISSIONER EVANS: That's it.

MAYOR SCARPELLI: Commissioner Rogers?

COMMISSIONER ROGERS: I've got four resolutions. One is to authorize the execution of a contract with Northwest Essex Community Healthcare. We already have that, so we're going to continue that, not to exceed 20,000. A municipal services agreement for solid waste collection at Orbit Hills, and also shared services agreement that we have with the Board of Ed.

Now, this other one here, authorization execution of contract with the New Jersey Association for Retarded Citizens, we're going to renew that, but I'm going to meet with the people in charge after the new year. I really think that identification, the word
"retarded" has to be removed. I really don't like it. It stigmatizes people, and I'm sure you feel the same way I do, so after the new year --

MAYOR SCARPELLI: Absolutely.

COMMISSIONER ROGERS: -- I'm going to meet with them and see if they -- Commissioner Tucci, is that the name, is it like ARC --

COMMISSIONER TUCCI: They go by ARC now.

THE CLERK: Yeah, ARC.

COMMISSIONER EVANS: Isn't there -- isn't there --

MAYOR SCARPELLI: ARC --

COMMISSIONER TUCCI: Well, that's what that stands for, but now they kind of just use ARC.

COMMISSIONER ROGERS: Okay. But if we could remove that, I think in this day and age, it's not good.

COMMISSIONER EVANS: Absolutely.

COMMISSIONER ROGERS: Okay? That's it. Thank you.

MAYOR SCARPELLI: Commissioner Tucci?

COMMISSIONER TUCCI: I have a Shade Tree Report for the month of November, and I have several resolutions, one correcting a mistake concerning the Princeton Hosted Solutions contract term. Another
extending the contract with Dujets Tree Experts. The next is authorization to advertise sealed bids for electrical services. Authorization to advertise for sealed bids for air conditioning, plumbing, heating, refrigeration services, and purchase of equipment related to that, and the rest is a budget transfer of $31,000. And that's all I think.

MAYOR SCARPELLI: Commissioner?

MAYOR SCARPELLI: I have two public hearings. Three public hearings. Three public hearings. One is on the water ordinance, two is on the custodial of records, three is vending RFPs, which complies with state law.

I have four resolutions. One is a professional service contract with Genova Burns. The other is an application for the CDBG funds for the year 2019. Commissioner, I don't know if you looked at that resolution, but we need to keep the priority in that order.

COMMISSIONER TUCCI: Okay. I'm thumbing through as we go.

MAYOR SCARPELLI: All right.

Authorization to contract with Inglesino, Webster, Wyciskala & Taylor. Another resolution allowing two -- free two-hour metered parking from December 10th
through the 28th. Appointment of Kathy Rempusheski and myself as the CDBG Committee representatives.

Designation of the Township's official newspapers, and authorization to approve raffle applications.

I know there are probably going to be some questions on the water ordinance, so if there are any, I'll let you know -- let me know. If not, I'll just go through my little presentation. Did she get to that one yet?

THE CLERK: Almost at the end.

COMMISSIONER TUCCI: Hang on one second. I'm still getting there.

THE CLERK: Almost at the end, Commissioner.

COMMISSIONER EVANS: There it is. You okay with that?

COMMISSIONER TUCCI: Fine with me.

COMMISSIONER EVANS: All right.

COMMISSIONER TUCCI: Thank you.

MAYOR SCARPELLI: So the water ordinance, which has been on for I think a year and a half that we've been talking about it, and it's something like that.

COMMISSIONER TUCCI: I'm quiet now.

MAYOR SCARPELLI: Yes. And the main thing was to initiate a maintenance fee, which we started at
one fee, we're down to $3 a month, and one of the reasons is that we have some fixed costs within the water department that are not covered by consumption. And since our consumption has gone down, our revenue has gone down, which leaves us with a shortfall, which this year had to be covered with 343,000 in the DPW operating budget to cover that decrease in revenue.

So the budget for 2017, for the whole water budget, including the purchase for water, was 500 -- actually 5.04 million, and in 2018, was 4.5 million, so we decreased the water budget in 2018 by over a half a million dollars.

Our employees have again been decreased over the years. We started with 19 -- when I took office, 19 full-time employees and one part-time employee. We're down to 15 full-time employees and one part-time. Our consumption has gone down from 4,173,100 cubic feet of water down to last year, 4,010,000, and this year, 2000 through November, we're down even further, we're at 3.6 million. And therefore our revenue has decreased from 4.3 million in 2005, we're down to $3.7 million in revenue.

COMMISSIONER PETRACCO: When you say that, Mayor, is there a number like that you know is how much usage you have to come up with to your break even point
with -- to be able to fund that department? I mean, how much usage do you need from the -- you know, the water?

MAYOR SCARPELLI: Well, you would assume -- you can't assume more revenue than you got the year before, right?

COMMISSIONER PETRACCO: Uh-huh.

MAYOR SCARPELLI: So right there, that's one of the reasons we're in this shortfall, all right? Because we can't assume more revenue the year after, so we have to cover it in some way. And so as you --

COMMISSIONER PETRACCO: Well, what has the experience shown over the --

MAYOR SCARPELLI: Well, experience shows we're going down, so either that's through --

COMMISSIONER PETRACCO: Okay --

MAYOR SCARPELLI: -- you know, wetter than normal weather, which we've had in the last two years, and/or conservation matters. So, you know, we're down, you know, $600,000.

COMMISSIONER PETRACCO: And that's because of the usage?

MAYOR SCARPELLI: Because of the usage.

COMMISSIONER PETRACCO: So if we didn't have that shortfall in the usage, then we wouldn't have to
be doing the--

    MAYOR SCARPELLI: -- right. But
some of the things we're going to do -- you know, and
there's fixed costs. So if you're always tied to
usage, then you're always going to be in a situation
where you're always tied to consumption. So by
introducing a maintenance fee, at least you have an
income that's there all the time, and we have some
fixed costs.

    You know, North Jersey Water is $1.2 million
a year we've got to pay. The audit's 64,000 a year.
We got NJEIT Loans of 117,000 a year. Health benefits,
pension, and Social Securities, which in the other
departments, we have other departments that cover those
costs. In the water utility, we have to cover those
costs. That's four -- over $400,000 a year.

    So we haven't had it -- we've only had one
rate increase since 2017, and that was in 2013, so we
haven't had a rate increase since 2013. You know, our
infrastructure is old. Other utilities surrounding us
are struggling not only with their infrastructure, but
water quality issues. We haven't had those problems,
and I don't think we want them. The $3 a month should
generate about $304,000 a year. With that we'll take
responsibility for the supply line, which is from the
curb to the water box, and that currently is the homeowner's responsibility. We'll eliminate the cost for any meter replacement, and we'll eliminate the charges for turn-ons and turn-offs.

It's just that -- it's just an insurance policy for somebody. If they were to have their water supply done, it's $1,200. That's the average cost. At $3 a month, that's 33 years for that, to pay that off, so as an insurance policy alone, it's worth it, besides the cost that we're going to -- the other costs we're going to pick up, and the other responsibilities we're going to pick up.

So, you know what, I think there's other new -- there's also charges in the ordinances for new supplies and upgrades, so if someone wants a new service, an upgraded service, or are building a new house, then they're going to get charged. That won't be included in that $3 a month.

COMMISSIONER PETRACCO: How has that been in the past?

MAYOR SCARPELLI: It's consistent.

COMMISSIONER PETRACCO: Consistent? So are you just raising that or --

MAYOR SCARPELLI: No, it's --

COMMISSIONER PETRACCO: So that's sustained.
MAYOR SCARPELLI: -- sustained. We're just -- actually, we brought the ordinance up to where it should be because the ordinance was about 47 years old. So --

COMMISSIONER EVANS: Joe, and the rate?

MAYOR SCARPELLI: The rate hasn't changed.

COMMISSIONER EVANS: So the rates for consumption is not going to change. You're not going ---

MAYOR SCARPELLI: The rate's not going to change.

COMMISSIONER EVANS: It's only -- it's increasing -- it's basically adding $3.

MAYOR SCARPELLI: Three dollar per month --

COMMISSIONER EVANS: For service charge.

MAYOR SCARPELLI: -- service and maintenance fee.

COMMISSIONER EVANS: Right. And as you said, it's about 300,000?

MAYOR SCARPELLI: 304 --

COMMISSIONER PETRACCO: The first three dollars --

MAYOR SCARPELLI: Yeah, about 304,000 approximately.

COMMISSIONER EVANS: So this year, we had to increase the operating budget, which increased the
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1  property taxes --
2    MAYOR SCARPELLI:  343,000.
3  COMMISSIONER EVANS:  -- $343,000 --
4    MAYOR SCARPELLI:  Correct.
5  COMMISSIONER EVANS:  -- so you're not
6   increasing -- that $3 doesn't cover the shortfall that
7   we had this year.
8    MAYOR SCARPELLI:  No.
9  COMMISSIONER EVANS:  So you're making --
10    MAYOR SCARPELLI:  But hopefully we'll have
11   some reserves this year to roll over. I don't know.
12   We'll see. We should have some reserves to roll over,
13   plus they would have $343,000, I would hope.
14  COMMISSIONER EVANS:  So -- and where -- the
15   issue with the water is that the providers of water,
16   North Jersey, Newark, we have fixed contracts for a
17   certain amount of usage no matter whether we use it or
18   not, correct?
19    MAYOR SCARPELLI:  With North Jersey Water,
20   that's true. With Newark and Passaic Valley, we pay a
21   wheeling fee to Passaic Valley based on consumption,
22   based on --
23  COMMISSIONER EVANS:  Right.
24    MAYOR SCARPELLI:  -- whatever they're
25   supplying.
COMMISSIONER EVANS: What I'm thinking is that once you're --

MAYOR SCARPELLI: And also Newark.

COMMISSIONER EVANS: Right. So the deal with North Jersey --

MAYOR SCARPELLI: And Newark we're paying a premium.

COMMISSIONER EVANS: Right. So -- because we have a certain section of time they can't be serviced.

MAYOR SCARPELLI: Correct.

COMMISSIONER EVANS: All right. The -- but the North Jersey piece, that's a fixed contract, which is a requirement I understand. If you remember that the North Jersey Water Board --

MAYOR SCARPELLI: That gives us our $3 million a day.

COMMISSIONER EVANS: Yeah.

MAYOR SCARPELLI: Three million gallons a day.

COMMISSIONER EVANS: Right. And so -- and we're -- our consumption right now is -- you're saying is down. So even with the development in town, you know, all the things that are going on, actual consumption is less -- it's actually declined now.

MAYOR SCARPELLI: I have to attribute most of
it to weather.

    COMMISSIONER EVANS: And so --
    MAYOR SCARPELLI: I have to, because it's been wet.
    COMMISSIONER EVANS: Right. Cooler --
    MAYOR SCARPELLI: So people -- people aren't watering their lawns, they're not filling their pools.
    COMMISSIONER EVANS: Okay.
    MAYOR SCARPELLI: Things that use a significant amount of water.
    COMMISSIONER EVANS: All right. And how effective is your leak program? I know you've been at that for years.
    MAYOR SCARPELLI: That -- we're doing pretty well with that.
    COMMISSIONER EVANS: Yeah?
    MAYOR SCARPELLI: You know, we had a big leak on Center Street two weeks ago that was major, major leak. Probably been leaking a while before it surfaced.
    COMMISSIONER EVANS: Thank you.
    MAYOR SCARPELLI: Any questions?
    COMMISSIONER ROGERS: Mayor.
    MAYOR SCARPELLI: Yes, sir.
    COMMISSIONER ROGERS: I have a question
regarding 2019 newspaper designations.

    MAYOR SCARPELLI: Shoot.

    COMMISSIONER ROGERS: Okay.

    MAYOR SCARPELLI: Yeah.

    COMMISSIONER ROGERS: Okay. Can we look into removing either one of these -- we're supposed to have three, right? And adding an electronic newspaper? I mean, people today --

    THE CLERK: It's in there.

    MAYOR SCARPELLI: It's in there on the bottom, Commissioner.

    COMMISSIONER ROGERS: It's in there? Where is it?

    THE CLERK: The last paragraph.

    MAYOR SCARPELLI: The last paragraph.

    THE CLERK: The last, last paragraph.

    COMMISSIONER ROGERS: Oh, there it is. Oh, okay, good. Well, next time, I'll do this, folks. Thank you.

    COMMISSIONER TUCCI: Let's go back to the water ordinance for a moment --

    MAYOR SCARPELLI: Sure.

    COMMISSIONER TUCCI: -- because in large part, I was the reason that this took almost a year to bring back.
MAYOR SCARPELLI: That's true.

COMMISSIONER TUCCI: And I have a few comments.

MAYOR SCARPELLI: (Indiscernible) questions from you.

COMMISSIONER TUCCI: And your guys, Sal and Niko, were very helpful in clarifying a lot of the questions that I had here, but my first issue is on non-liability for damages in the second paragraph. I think it's just something that was omitted. It talks about that under certain conditions, it's assumed to be effective by its suspension in water service, shall be notified as far as possible, I think it's supposed to be as far in advance as possible. It's semantics, I think.

MAYOR SCARPELLI: Where's that, Commissioner?

COMMISSIONER TUCCI: It's on --

MAYOR SCARPELLI: What page?

COMMISSIONER TUCCI: -- page 422, the third paragraph, third sentence, shall be notified as far in advance as possible. I think it's just --

MAYOR SCARPELLI: Yeah, we can do it. We -- let's see what you have.

COMMISSIONER TUCCI: Oh, right here.
MAYOR SCARPELLI: Okay. Go ahead.

COMMISSIONER EVANS: You should send the notices to California, so they'll be as far as possible.

COMMISSIONER TUCCI: As far as possible, there you go. The $3 a month service fee, that meter rate, initially I was opposed to that, but I am less opposed to that than I am opposed to charging our residents for improvements to supply lines, all right, because their responsibility gets picked up at the curb box and goes to the meter, and then obviously everything inside their home, so I think that's --

MAYOR SCARPELLI: Not historically.

COMMISSIONER TUCCI: Not historically, and historically that was my --

MAYOR SCARPELLI: Right.

COMMISSIONER TUCCI: -- my biggest concern, was that we're charging people for repairs on our system that are not being covered by the rates. So this satisfies that, and I believe that is a good thing. The only thing I would ask is that we review this in a year to see what our revenues are, because if consumption comes back up, all right, and we can reduce that, I mean, and $3 is not a lot every month, but for some folk, it could create --
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MAYOR SCARPELLI: You could probably look at the rate at that point rather than the --

COMMISSIONER TUCCI: Uh-huh.

MAYOR SCARPELLI: Because I -- like I said, I think the fixed costs are the issue, and having a revenue that covers fixed costs independent of consumption is a good thing.

COMMISSIONER TUCCI: Okay. On page 7, when I spoke to your guys, down at the bottom, you have water connection fees. There are three headings here, size of tap, new connection fee, and renewal fee. This only relates to a new connection.

MAYOR SCARPELLI: New.

COMMISSIONER TUCCI: So they were supposed to eliminate this. I think that was just an oversight too, that third column, this here.

MAYOR SCARPELLI: Here?

COMMISSIONER TUCCI: Yeah. Because this only relates permits issued for a new connection, so it's not a renewal. As they explained to me, it's an upgrade of an existing connection.

MAYOR SCARPELLI: The way I understood the renewal fee is someone comes in and they say, listen, I want to put in a pool in my backyard, and I need a two-inch line.
COMMISSIONER TUCCI: There's a lot of pool examples this evening. I don't know if that's deliberate. Go ahead.

MAYOR SCARPELLI: I need a two-inch line instead of a --

COMMISSIONER TUCCI: I'll put a chiropractic office in your yard. Go ahead.

COMMISSIONER EVANS: Is it a Tucci pool?

MAYOR SCARPELLI: So -- it makes sense.

COMMISSIONER TUCCI: Yes.

MAYOR SCARPELLI: So I'm going to put a pool in my backyard, I need a two-inch line now --

COMMISSIONER TUCCI: Right.

MAYOR SCARPELLI: -- instead of a one-inch line.

COMMISSIONER TUCCI: Uh-huh.

MAYOR SCARPELLI: That would be a renewal. It's not a new service, but it's an upgrade from what they had. So that's my understanding of --

COMMISSIONER TUCCI: Right. Funny you should say that, because if you go back to page 7, that was my -- one of my other comments here, water department shall charge and construct all new, it says, and/or renewal taps. I think that was supposed to -- upgrade was supposed to be put in there too.
MAYOR SCARPELLI: Instead of -- instead of --

COMMISSIONER TUCCI: Yeah. I mean, these are all minor --

MAYOR SCARPELLI: Yeah.

COMMISSIONER TUCCI: -- minor revisions,

but --

MAYOR SCARPELLI: But I think that's what --

COMMISSIONER TUCCI: -- they're clarifications.

MAYOR SCARPELLI: I don't know if that was in the -- yeah. Renewal shall mean the upgrade of an existing water line to a new material or pipe size. That's in the definitions.

COMMISSIONER TUCCI: Okay. On page 11, where we talk about rates, and when we get to page 11, the second paragraph, my only comment here was it talks about the water may be shut off notwithstanding one or more of the occupants not paying their proportionate share. My only question here was there are certain times of the year when the Health Department will not allow you to shut off the water.

MAYOR SCARPELLI: Okay.

COMMISSIONER TUCCI: Okay? So I just looked through it and there should have been a reference to that.
MAYOR SCARPELLI: We never want to shut off water unless absolutely necessary.

COMMISSIONER TUCCI: Right, I'm with you.

MAYOR SCARPELLI: Because of the health concerns, so there's --

COMMISSIONER TUCCI: I'm with you. And we understand that, but who knows, the folks after us may not. On page 14, I think this is an oversight also. Four -- when we talk about supply pipe size and my -- in the notes that I took, again with your guys, up to one inch was a hundred dollars, an inch and a half was 150, two inch was supposed to be 200, not 300, and that was the progression.

COMMISSIONER EVANS: Is that in the package? Is that his question?

COMMISSIONER TUCCI: And I believe that that's it, but overall it wasn't easy, because it was confusing, because it wasn't upgraded in way too long of a time, but I think you guys did a nice job on it and --

MAYOR SCARPELLI: Well, I appreciate that.

COMMISSIONER TUCCI: -- I'm happy to support it.

MAYOR SCARPELLI: I appreciate your input because your input, your experience is very important
in moving this forward. Are those de minimis changes, Council?

MR. GENITEMPO: Yes, absolutely.

THE CLERK: Yes.

MR. GENITEMPO: As long as we mention on the record, before you do the -- when you do the public hearing.

MAYOR SCARPELLI: All right.

COMMISSIONER TUCCI: How about I just refer to them on the record and give them to the Clerk after the meeting?

THE CLERK: Thank you.

COMMISSIONER TUCCI: Will that work, or do I have to actually read them into the record?

MR. GENITEMPO: I wouldn't -- I don't think you have to read them, I believe you just say on page so and so, there's --

COMMISSIONER TUCCI: Oh, okay, I can do that.

MR. GENITEMPO: -- a minor change on page such and such, et cetera.

MAYOR SCARPELLI: Are you good with that?

I'm good with that.

COMMISSIONER TUCCI: Okay, yeah.

THE CLERK: Okay.

MAYOR SCARPELLI: Any other questions on the
agenda? You guys are good?

COMMISSIONER PETRACCO: I'm not sure yet, I'm on the fence.

COMMISSIONER TUCCI: You're on the fence?

COMMISSIONER PETRACCO: But I want to leave, so I'm okay.

MAYOR SCARPELLI: Counselor, we --

(Crosstalk)

MR. GENITEMPO: Yes, we need executive sessions for contract negotiations and litigation.

MAYOR SCARPELLI: Madam Clerk, do you have anything?

THE CLERK: No, I do not.

MAYOR SCARPELLI: All right. Can we have a motion to go into executive session for contract negotiation then --

MR. GENITEMPO: Litigation.

MAYOR SCARPELLI: -- litigation.

COMMISSIONER EVANS: Move it.

THE CLERK: Whereas, Section 8, Open Public Meetings Act, Chapter 231, Public Law 1975, permits the exclusion of the public from a meeting in certain circumstances;

And, whereas, the public body is of the opinion that such circumstances exist;
And, whereas, the Board of Commissioners of the Township of Nutley, in the County of Essex, in the State of New Jersey, desires to proceed to closed executive session;

And now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley to move into closed executive session to discuss contract negotiations and litigation.

Be it further resolved that the time when such discussion may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Township of Nutley pending and/or anticipated legal, personnel, contractual matters, and other matters within the exception provided for by statute.

Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?


THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.

THE CLERK: The time is 7:26.

(End of recording)

* * * * *
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.

_____________________________   December 21, 2018
Ilene Watson
AAERT Cert. No. 447
Certified Court Transcriptionist
### Conference Session

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Conference Session

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Min-U-Script®

"When every word counts"

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In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings

December 4, 2018

Public Session

Min-U-Script® with Word Index
TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS
ONE KENNEDY DRIVE
3RD FLOOR COMMISSION CHAMBERS
NUTLEY, NEW JERSEY 07110

*** PUBLIC SESSION ***

DATE: December 4, 2018

BOARD OF COMMISSIONERS:
JOSEPH P. SCARPELLI, MAYOR
STEVEN L. ROGERS, COMMISSIONER
MAURO G. TUCCI, COMMISSIONER
THOMAS J. EVANS, COMMISSIONER
ALPHONSE PETRACCO, COMMISSIONER

ALSO APPEARING:
ALAN GENITEMPO, TOWNSHIP ATTORNEY
(Recording begins)

(Pledge of Allegiance)

MAYOR SCARPELLI: Madam Clerk?

THE CLERK: Thank you, Mayor. Board of Commissioners Public Meeting Tuesday, December 4th, 2018. The time is 8:22. Pursuant to the requirement of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the December 14, 2017 issues of the Nutley Sun, the Herald News, and the Star Ledger. A copy of this notice has been posted on the Nutley Town Hall bulletin board, and a copy is on file in the Municipal Clerk's office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

THE CLERK: All present, Mayor.

MAYOR SCARPELLI: Just wanted to apologize to everybody for coming out late tonight. There are some
agenda items that needed to be discussed in executive session in order for us to move forward that are time sensitive, so we really needed to get them squared away, and we apologize. Reports, Madam Clerk?

Commissioner Tucci. I'm sorry.

COMMISSIONER TUCCI: What are we up to? I have a Shade Tree Report for the month of November, 2018.

MAYOR SCARPELLI: Thank you, Commissioner. Bills, Madam Clerk?

THE CLERK: Yes, Mayor. Bill list for December 4th, 2018: Public Affairs, $175,236.96; Revenue and Finance -- excuse me, Revenue and Finance, $2,586,196.72; Public Safety, $64,980.72; Public Works, $54,724.54; Parks and Public Property, $726,677.55; Water Utility, $94,819.34.

Total payroll for November 16th, 2018, $799,541.26, total payroll for November 30th, 2018 is $836,093.91, for a grand total of $5,338,271.00.

COMMISSIONER EVANS: Move the bills.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

THE CLERK: And that's it for bills, Mayor.

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

THE CLERK: All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the Board, each person shall limit their address to three minutes. All remarks to the board and its individual members must be addressed to the Mayor. The Mayor may defer citizens' comments to the appropriate member of the board. Dialogue between citizens and others addressing the board shall be allowed, unless the mayor or presiding officer or a majority of the membership of the board shall determine that the interest of the quorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

MAYOR SCARPELLI: Anybody want to address the
Public Session

Board of Commissioners on the agenda items only?

Seeing none, we'll close the public comment period.

    COMMISSIONER PETRACCO: Move it.

    MR. ROGERS: Second.

    THE CLERK: Commissioner Rogers?

    MR. ROGERS: Aye.

    THE CLERK: Commissioner Tucci?

    COMMISSIONER TUCCI: Aye.

    THE CLERK: Commissioner Evans?

    COMMISSIONER EVANS: Aye.

    THE CLERK: Commissioner Petracco?

    COMMISSIONER PETRACCO: Aye.

    THE CLERK: Mayor Scarpelli?

    MAYOR SCARPELLI: Aye. Board of Commissioner announcements. Commissioners?

    COMMISSIONER TUCCI: I just have one brief announcement. This last Thursday, Friday, and Saturday, we held our winter performance of The Wizard of Oz, and we had 72 wonderful young Nutley performers who once again outdid themselves. They were just phenomenal. It was a total team effort, and between our professionals, our producers, our directors, our musical people, our choreographers, and my folks from the Parks Department who need to be applauded also, it was once again a wonderful performance, and it's a
program that we're going to continue to grow. We're going to add a dance component to it, and we're also going to add a singing component to it. So it was a wonderful event, and I just want to thank everyone who came out and supported us.

MAYOR SCARPELLI: Any other announcements, Commissioners?

COMMISSIONER PETRACCO: I have one, Mayor, if I may. I'd just like to announce that even though a good friend of mine is at Belleville, and he was -- he passed away, Chris Veniero from Veniero Trucking in Belleville, I just wanted to acknowledge his passing. He died last week at the age of 88, and when I tell you what a true gentleman he was, and he patronized a lot of the shops in Nutley, and mine included in that, and I have to tell you, he lost his wife about six, seven months ago, and I know Sam Carella doesn't like to be put on the spot, but what you did for him with the Social Security and all those kinds of things is admirable. And I appreciate it, and I know his family did. He has a lot of relatives in Nutley, the Christophers, Jack Christopher is a cousin, Craig Palmer, and it's just amazing that, you know, we have the ability to, you know, have a relationship, and as Commissioner Rogers says, with the best generation that
really represented this country, and I just wanted to acknowledge his passing. Thank you.

MAYOR SCARPELLI: Let's have a little moment of silence.

(Pause)

MAYOR SCARPELLI: Thank you.

COMMISSIONER PETRACCO: Thank you.

MAYOR SCARPELLI: I just wanted to thank the board, all of the commissioners for their help in the tree lighting that we had the other night. Despite the rain, we had a great turnout, and the tree's beautiful, and the oval looks beautiful, and it's a great way to usher in the holiday season, so thank you all.

Ordinance introductions. Commissioner Evans?

COMMISSIONER EVANS: Thank you, Mayor. I have six introductions this evening. The first three are for our capital ordinance for 2018. I'll read them by title individually.

Ordinance Number 3407, bond ordinance providing for the reconstruction of various roadways and sidewalks in the Township of Nutley, in the County of Essex, New Jersey, appropriating $338,000 therefor and authorizing the issuance of $313,500 in bonds or notes of the Township for financing part of the cost thereof.
I move that this ordinance be passed to the second meeting and advertised in the Nutley Sun together with a notice recorded by law and that further consideration of said ordinance for final passage by the Board of Commissioners be held at its second reading on December 18th, 2018.

The next ordinance is 3408, the second bond ordinance. Bond ordinance appropriating $1,670,000 authorizing the issuance of $1,586,500 in bonds or notes to the Township for various improvements -- this would be -- encompass our buildings, equipment, and technology -- or for purposes authorized to be undertaken by the Township in the County of Essex, New Jersey.

I move that this ordinance be passed to a second reading and advertised in the Nutley Sun, together with a notice required by law and that further consideration of said ordinance for final passage by the Board of Commissioners be held at its second reading on December 18th, 2018.

The last bond ordinance is for the Water Utility, a bond ordinance appropriating $256,600, and authorizing the issuance of $243,750 in bonds or notes of the Township for various water utility improvements or purposes authorized to be undertaken by the Township
in the County of Essex, New Jersey.

I move that this ordinance be passed to a second reading and advertised in the Nutley Sun, together with a notice required by law, and that further consideration of said ordinance for final passage by the Board of Commissioners be held at its second reading on December 18th, 2018. I move all three ordinances.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: My next ordinance is for the continuation of our digital archiving of records in the code enforcement department, and to expand that to include records of the Municipal Clerk's office that are required to be retained indefinitely. Ordinance providing for the digital archiving of ordinance
Public Session

enforcement -- or actually code enforcement and Municipal Clerk's office records, and related services, in and by the Township of Nutley, in the County of Essex, New Jersey, appropriating $100,000 thereof.

This is a fully funded ordinance, which we will do the capital amendment as part of my resolution tonight. I move that it's to -- I move that this ordinance be passed to its second reading, and advertised in the Nutley Sun, together with the notice required by law, and that further consideration of said ordinance for final passage by the Board of Commissioners be held at its second reading on December 18th, 2018. So moved.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: The next two ordinances
relate to the execution of the financing agreement for

two properties at the -- on the Hoffman La Roche site

known today as Building 100 Metro and 200 Metro. The

first ordinance reads: Ordinance of the Township of

Nutley authorizing the execution of a financial

agreement with PB-100 Metro Urban Renewal LLC, and

granting a tax exemption.

I move that this ordinance be passed to a

second reading and advertised in the Nutley Sun,

together with a notice required by law, and that

further consideration of said ordinance for final

passage by the Board of Commissioners be held at its

second reading on December 18th, 2018.

The second ordinance related to that, 3412:

Ordinance of the Town of Nutley authorizing the

execution of the financing agreement with PB-200 Metro

Urban Renewal LLC, and granting a tax exemption.

I move that this ordinance be passed to a

second reading and advertised in the Nutley Sun

together with the notice required by law, and that

further consideration of said ordinance for final

passage by the Board of Commissioners be held at a

second reading on December 18th, 2018.

The notion of the word "tax exemption" does

not mean that these are tax exempt properties. They
Public Session

1 will pay full local taxation as part of the agreements. I just want to be clear that that's -- that no one's misled by the thought that they're actually tax exempt. So I move both of these ordinances.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR SCARPELLI: Thank you, Commissioner.

Public hearing on Ordinance Number 3399, an ordinance to amend Ordinance 412 of the Code of the Township of Nutley entitled Water, or more specifically, Chapter 685, Article I, Regulations and Rates.

This ordinance has been on for introduction over the last year and a half. We finally had the public hearing on it. It's become necessitated by a decrease in consumption, which has brought a decrease
in revenue to the Water Utility. And what this
ordinance does, and more specifically, is add a $3 per
month maintenance fee, which will allow the Town to
take over some of the responsibilities that were the
homeowner's. Specifically, the supply line which runs
from the main to the curb box, the -- any elimination
of charges for turn-on and turn-offs, and any
elimination of costs for meter replacements. Anybody
who'd like to be heard on Number 3399?

MR. GENITEMPO: Mr. Mayor, excuse me,

one -- before you do that, I just want to make sure

that we announce in the public record the three changes

that we've made to the ordinance.

MAYOR SCARPELLI: Okay.

MR. GENITEMPO: On page -- I can do it

if you'd like. I have it listed.

MAYOR SCARPELLI: Sure. Go right ahead.

MR. GENITEMPO: Commissioner, do you

want to -- I have three changes. Is that what you

have?

COMMISSIONER TUCCI: I have de minimis

changes. I have more than three.

MR. GENITEMPO: I have page 4 of 22,

Section 685-4 --

COMMISSIONER TUCCI: Correct.
MR. GENITEMPO: -- the word "advance"
should be "advanced." As advanced as -- as advanced as
possible given timing and emergency limitations.
Correct?

COMMISSIONER TUCCI: Correct.

MR. GENITEMPO: Okay.

COMMISSIONER TUCCI: Page 7?

MR. GENITEMPO: Yep, page 7, the caption
of the title under renewal fees should be upgrade fee.
I think that's --

COMMISSIONER TUCCI: Upgrade and renewal,
yep, that's correct.

MR. GENITEMPO: Okay. And then I had
page 14 of 22 --

COMMISSIONER TUCCI: Page 8?

MR. GENITEMPO: Oh yeah, page 8 also.

COMMISSIONER TUCCI: Go to page 8, because
page 8 on their water connection fees speaks to new
connections and not renewal fees, so we eliminated that
third column.

MR. GENITEMPO: Yeah, I think -- oh, the
whole third column, right.

COMMISSIONER TUCCI: The whole third column.

MR. GENITEMPO: Okay.

COMMISSIONER TUCCI: On page 9 -- oh, no,
page 9 was just my comment, nothing there. On page 11, we just want to make note that there -- if water -- in the event that it does need to be shut off, it would be shut off in conjunction with not only the water department regulation, but also health department regulations. And then page 14 -- correct, page 14, the annual fee, I believe there's a typo there, and that's it.

MR. GENITEMPO: The two-inch would be $200, not $300, correct?

COMMISSIONER TUCCI: Correct.

MR. GENITEMPO: Okay. I believe that's all.

COMMISSIONER TUCCI: Thank you.

MR. GENITEMPO: No problem.

MR. MOORE: Rory Moore, 462 Chestnut Street. Mr. Scarpelli, I just wanted to thank Mr. Tucci. I had -- I've been watching this as well as you did, but in the conference meeting, you asked more questions than I had, and you answered all my questions. I'd like to thank you for your due diligence. I thought that was very appropriate, and thank you. I thought that was -- you really amazed me that you looked out for the taxpayers in this ordinance, the way you handled it, and I appreciate that.
COMMISSIONER TUCCI: Thank you.

MR. MOORE: Thank you very much.

MAYOR SCARPELLI: Thank you. Does anybody else want to be heard on Ordinance Number 3399? Seeing none, move the ordinance.

COMMISSIONER TUCCI: Second.

THE CLERK: Move to close the public hearing?

MAYOR SCARPELLI: Well, move to close the public hearing?

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. Move the ordinance.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. I'd like to thank all the commissioners for their input, especially Commissioner Tucci. It was invaluable, his experience, not only as running the DPW, but as the Town Manager in getting this ordinance right, which is the goal that we always have, and thank you, Commissioner --

COMMISSIONER TUCCI: You're welcome, and --

MAYOR SCARPELLI: -- and commissioners.

COMMISSIONER TUCCI: -- I'm probably responsible for that year plus delay in getting this done, but you and your shop did a nice job.

Congratulations.

MAYOR SCARPELLI: Thank you. Ordinance Number 3401, Ordinance of the Board of Commissioners in the Township of Nutley in the County of Essex, creating Chapter 115, Officers and Employees, Article XXV, custodian of records of the Township Code.

I open up the public hearing. Anybody want to be heard on Ordinance Number 3401? Seeing none, I'll move to close the public hearing.
COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. I move the ordinance.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. Ordinance Number 3402, Ordinance of the Board of Commissioners of the Township of Nutley, in the County of Essex, amending Chapter 320, Fees Article I, Copies of Public Records,
of the Township Code.

I open it up for public hearing. Anybody want to be heard on Ordinance Number 3402? Seeing none, I move to close the public hearing.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. Move the ordinance.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye. Commissioner Evans?

COMMISSIONER EVANS: Thank you, Mayor.

Ordinance Number 3403 is an ordinance establishing the Business Entity Disclosure for Political Contribution for Municipal Candidates as well as county party candidates, establishing a threshold. The ordinance is consistent with state statute.

As a town that's currently receiving transitional aid as a compliance requirement this year, the State has required those towns to have a local ordinance on their books, so we're establishing this. We have followed this practice, historically following the state statute, but now we have the same statute on our local books.

MR. MOORE: Rory Moore, 462 Chestnut Street. I do have a few questions. I'm just trying to find them. According to Section -- page 4, Section D, it appears that the Mayor will appoint an individual to oversee this. Is that correct? Am I understanding that correctly?

COMMISSIONER EVANS: Page 4, Item D?

MR. MOORE: Page 4, looks like Paragraph D.

COMMISSIONER EVANS: For purposes of this section of the office that is considered to have ultimate responsibility of awarding the contract shall
be the township or commissioners. Yes, this -- any
contract that we do has to be approved by the Board of
Commissioners.

MR. MOORE: Right. I understand it has to be
approved by the Board of Commissioners, but it appears
that the Mayor could -- can appoint somebody to
overlook to make sure all the rules were followed prior
to. That's what it --

MAYOR SCARPELLI: It says or -- it says or
the mayor --

COMMISSIONER EVANS: It's not required. It's
an "or."

MR. MOORE: Oh, okay. That -- I just wanted
to see if anybody would be appointed for that.

MAYOR SCARPELLI: No one's being appointed.

MR. MOORE: And is that correct the threshold
for the contract is $100,000? That's on Page 2.

COMMISSIONER TUCCI: Uh-huh. On Page 2, last
paragraph, yeah.

MR. MOORE: Section D. And I just wanted to
make sure that -- what is the actual limit? The total
limit is $2,500. Is that correct? Is that county and
Nutley?

COMMISSIONER EVANS: Yeah. Basically it says
that it restricts making a reportable contribution,
which would be $300 or less.

MR. MOORE: There's other ones, but it says the total.

MAYOR SCARPELLI: Up to the maximum.

MR. MOORE: Maximum, that's what I was saying. I just wanted to make sure –

COMMISSIONER EVANS: Yes.

MR. MOORE: -- that was going to be -- that was the applicable one. In Section 5, Page 6, it says the contributions -- is that -- are you relying on a report from the (indiscernible) elect to determine that, or is somebody else going to be keeping track of that?

COMMISSIONER EVANS: The --

MAYOR SCARPELLI: Go ahead.

MR.GENITEMPO: This is what -- it's a triggering date, so it's using that as a date. So what it says is an entity that violated, it has a right to cure it within 30 days of that particular date when it's published. So it's just a triggering date more than anything else.

MR. MOORE: And is that based on that -- the Electric Port, is it --

MR.GENITEMPO: Right. Right. And it's a state -- this is a state statute, so that's what the
state statute --

MR. MOORE: Yes.

MR. GENITEMPO: Okay.

MR. MOORE: I just wanted to make sure of that.

MAYOR SCARPELLI: Yep.

MR. MOORE: And then the Section 6, exemptions. Paragraph 6 under that section, it refers to the fair and open process. Would the contracts -- moving forward, will they be designated as fair and open? Because I noticed in here, I think -- I believe it's Mr. Tucci has one, it's the -- it says this is a fair and open contract.

MR. GENITEMPO: It depends on the contract. So every situation might be different, so -- it might be different, excuse me. So if it's a professional services contract, it may not be. If it's a bidded contract, it would be exempt. So all this is really saying is, if it's an open and fair bid, it's -- they're not required to comply with those other requirements. Do you understand that, the difference, Mr. Moore?

MR. MOORE: Yes. I just wanted to make that --

MR. GENITEMPO: Sure.
MR. MOORE: I just wanted to make sure it was clear because it -- under here under the -- the rules don't apply if it's for the lowest bidder.

MR. GENITEMPO: Correct. That's why it's called a fair and open process --

MR. MOORE: Right.

MR. GENITEMPO: -- when it's bidding.
Right.

MR. MOORE: Okay. Thank you.

MAYOR SCARPELLI: Anybody else want to be heard --

MR. GENITEMPO: Thank you.

COMMISSIONER TUCCI: Mayor, just as a point of clarification, even though we're just adopting this pay to play ordinance this evening for our township, in the absence of an ordinance -- and, Alan, correct me if I'm wrong -- we would be governed by the state ordinance, the pay to play --

MR. GENITEMPO: Yes.

COMMISSIONER TUCCI: -- so we would --

MR. GENITEMPO: Absolutely. We require that, and every contract has to provide that information in accordance with the statute.

COMMISSIONER TUCCI: Right. So I don't want anyone to think that we were not being diligent in
exercising our duties --

MAYOR SCARPELLI: Memorializing policy --

MR. GENITEMPO: Exactly.

MAYOR SCARPELLI: -- and our procedures will not change at all.

COMMISSIONER TUCCI: Uh-huh.

COMMISSIONER EVANS: And as I had indicated, we had been following this --

COMMISSIONER TUCCI: Right.

COMMISSIONER EVANS: -- this is just now a compliance requirement to add, so absolutely, it's good reinforcement.

MAYOR SCARPELLI: Anybody else want to be heard on Ordinance Number 3403?

COMMISSIONER EVANS: Motion to close the public hearing?

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.
THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Move the ordinance.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?


Whereas, the agency has agreed and functioned in the past to provide behavioral health care for the residents of Nutley, and will continue to provide said services in accordance with the terms and conditions of this agreement, and whereas Nutley has agreed to make
annual grants of funds for the partial support and
maintenance of said services rendered by the agency to
Nutley residents, and whereas it is hereby agreed that
the agency will furnish and provide behavioral health
care services to residents of Nutley by professionally
qualified personnel; will cooperate with the other
Nutley community programs that deal with the provisions
of said services.

For services rendered by the agency and
described heretofore during said contractual period of
January 1, 2019, to December 31st, 2019, Nutley agrees
to pay the agency a grant in the amount of $20,000.
Payments on account of the obligation set forth shall
be made annually to the agency no later than
December 31st, 2019, in the amount of $20,000 for the
year. The agency will provide a therapist once a week
to see veterans in need of therapy at the Department of
Public Affairs: Health, located at 149 Chestnut Street
in Nutley.

Whereas, funds will be available from Account
Number 9-01-118-209, in the amount of $20,000, and will
be certified by the Chief Financial Officer and
certification being subject to the adoption of the 2019
municipal budget. And now therefore be it resolved by
the Board of Commissioners of the Township of Nutley,
County of Essex, State of New Jersey, that the Mayor of the Township Clerk be and they are hereby authorized to execute an agreement with Northwest Essex Community Healthcare Network.

Be it further resolved that the parties hereto have caused these presents to be executed by their respective mayor, officer, and attested by their respective Municipal Clerk or Secretary, and their official seal to be affixed hereto. So moved.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: I abstain.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER ROGERS: Resolution 298-18.

Whereas, the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the Township enter into an agreement with the New Jersey Association for Retarded Citizens, Essex County Unit, Incorporated,
a New Jersey Corporation, with officers on Naylon Avenue in the Township of Livingston, in Essex County, New Jersey, wherein the "Unit" agrees to provide services for mentally challenged individuals and their families in the Township of Nutley, effective January 1, 2018 through December 31, 2019, in consideration of payment by the Township of Nutley to the Unit of $1,000 payable in one sum per year as a partial reimbursement of the costs and services

And, whereas, funds are available in Account Number 8-01-116-209 for the year 2018, in the amount of $1,000, and Account Number 9-01-116-209 for the year 2019, in the amount of $1,000, subject to the adoption of the 2019 municipal budget, and have been certified by the CFO, said certification being attached to this resolution.

And be it resolved that the Mayor and the Township Clerk are hereby authorized and directed to execute said agreement. So moved.

COMMISSIONER PETRACCO: Second.
THE CLERK: Commissioner Rogers.
COMMISSIONER ROGERS: Aye.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER ROGERS: For the benefit of those who watch us on the TV networks, I spoke to my colleagues tonight; some of you were in the room before. We're going to look to strike that term ".retarded," retarded citizens. It just doesn't sit well, I don't think, with any of us, so next -- when I get back in January, I'm going to set up a meeting with the ARC, and we're going to see if we can get that name changed. That's something that shouldn't be there. Thank you.

Okay. Resolution Number 300-18. Whereas, pursuant to N.J.S.A. 40:67-23.1 et seq., Arbor Hills is recognized as a qualified private community.

And, whereas, the Township is responsible to reimburse a qualified community for certain services, including solid waste disposal, or to provide said services to the qualified private community in the same fashion as the municipality provides these services on public roads and streets.

Whereas, the Township has elected to
reimburse Arbor Hills for solid waste disposal services for the 2019 year in the amount of $18,144.

And, whereas, funds are available from Account Number 9-01-138-275, subject to the adoption of the 2019 Municipal Budget, and the certification of availability of funds has been attached to this resolution.

And now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, that the Mayor and Township are hereby authorized to enter into a municipal services agreement for solid waste collection and disposal with 432 Owners, 1 River Road, Nutley, known as Arbor Hills, in a form of approved by the Township Attorney.

A copy of this resolution, as well as the Municipal Services Agreement, shall be placed in the file with the Clerk, and notice of this action shall be printed once in the Nutley Sun. So moved.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
Whereas, the Uniformed Shared Services and Consolidation Act authorizes and empowers local units to enter into agreements with other local entities regarding shared services.

And, whereas, the Township and the Board of Education recognize the value of inter-local cooperation as a way of reducing duplication and overlap of services.

And, whereas, the Township and the Board of Education have previously entered into such an agreement in order to define the respective rights and obligations of the Township and the Board of Education regarding the employ of a physician/school physician to provide health services.

Now, therefore, be it resolved that the Township of Nutley and the Nutley Board of Education wish to extend the existing Shared Services Agreement for Physician/School Physician Services for the period of September 1, 2018 through August 31, 2019, for which the Township will be compensated $7,000 to be paid in
ten equal installments of $700.

This is one of those agreements that, when I took office in 2012, we had four positions. Four between the Board of Education and the Township, but we were able to reduce it to one and then split the cost. So there was a tremendous amount of savings by doing this. So moved.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER ROGERS: That's it, Mayor.

Thank you.

MAYOR SCARPELLI: Commissioner Tucci?

COMMISSIONER TUCCI: Yes. Thank you, Mayor.

Whereas, Resolution Number 256-18 was adopted by the Board of Commissioners, Township of Nutley, at their meeting held on Wednesday, November 7th, 2018,
authorizing the execution of a contract with Princeton Hosted Solution.

    And, whereas, the contract term was incorrectly stated on said resolutions, and it must be amended to read July 1, 2018 through June 30th, 2020.

    Now, therefore, be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that Resolution Number 256-18 be and is hereby amended to reflect the correct contract term with Princeton Hosted Solutions as effective from July 1, 2018, through June 30 of 2020. I move the resolution.

    COMMISSIONER EVANS: Second.

    THE CLERK: Commissioner Rogers.

    COMMISSIONER ROGERS: Aye.

    THE CLERK: Commissioner Tucci.

    COMMISSIONER TUCCI: Aye.

    THE CLERK: Commissioner Evans.

    COMMISSIONER EVANS: Aye.

    THE CLERK: Commissioner Petracco?

    COMMISSIONER PETRACCO: Aye.

    THE CLERK: Mayor Scarpelli?

    MAYOR SCARPELLI: Aye.

    COMMISSIONER TUCCI: Whereas a resolution was adopted on January 16th, 2018, awarding a contract to
Dujets Tree Experts, 54 Notch Road, Woodland Park, New Jersey.

And, whereas, the agreement entered into on the bid specifications between Dujets Tree Experts and the Township of Nutley on January 1, 2018 was for a period of one year, with the option to be extended for an additional year, not to exceed two years.

And, whereas, funds are available from 9-01-512-209, pending adoption of the 2019 Municipal budget, not to exceed $40,000 for the year, and have been certified or will be certified by the Chief Financial Officer, said certification being attached to this resolution.

Now, therefore, be it resolved that the Township of Nutley renew the contract with Dujets Tree Experts, Woodland Park, New Jersey, for tree removal services pursuant to the previously signed agreement.

I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER TUCCI: Whereas the Township of Nutley has a need to acquire specialized professional services as a fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.5.

   And, whereas, the Department of Parks and Public Property has determined that there is a need to acquire specialized professional services for electrical services.

   And, whereas, the Municipal Clerk is hereby authorized and she is directed to advertise for sealed bids for electrical services.

   Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that sealed bids shall be due on Thursday, December 27, 2018, at 11:00 a.m., addressed to the Municipal Clerk, Nutley Township Hall, One Kennedy Drive, Nutley, New Jersey, at which time they will be publicly opened and read. I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER TUCCI: Whereas, the Township of Nutley has a need to acquire specialized professional services as a fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.5.

And, whereas, the Department of Parks and Public Property has determined that there is a need to acquire specialized professional services for air conditioning, plumbing, heating, and refrigeration service and purchase of equipment.

And, whereas, the Municipal Clerk is hereby authorized and she is directed to advertise for sealed bids for air conditioning, plumbing, heating, refrigeration service, and purchase of equipment.

Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that sealed bids shall be
due on Thursday, December 27th, at 11:00 a.m.,
addressed to the Municipal Clerk, Nutley Township Hall,
One Kennedy Drive, Nutley, New Jersey, at which time
ey they will be publicly opened and read. I move the
resolution.

COMMISSIONER EVANS: Second.
THE CLERK: Commissioner Rogers.
COMMISSIONER ROGERS: Aye.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans.
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.
COMMISSIONER TUCCI: Be it resolved, by the
Board of Commissioners of the Township of Nutley,
County of Essex, New Jersey, that in accordance with
the provision of R.S. 40a:4-58, the following transfers
of appropriations in the 2018 budget be and THE same
are hereby authorized and approved.

In the Department of Parks and Public
Property, from group insurance, 31,000 to buildings
other expenses in the amount of 5,000. Parks, other
expenses, in the amount of 15,000. Recreation committee other expenses in the amount of $11,000, totaling $31,000 in total. I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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

MAYOR SCARPELLI: Commissioner Evans.

COMMISSIONER EVANS: Thank you. I'll be a while.

COMMISSIONER TUCCI: Oh, Jesus Christ.

MAYOR SCARPELLI: Some of those by title, Commissioner.

COMMISSIONER EVANS: Yeah, maybe you should have got some of those exercises --

COMMISSIONER PETRACCO: Did he say some by
title, Mayor? Some by title would be nice,
Commissioner.

COMMISSIONER EVANS: Yeah, so Resolution
Number 275-18. This is a resolution for legal services
to engage Inglesino, Webster, Wyciskala & Taylor as
counsel for the Township concerning our litigation with
Affordable Housing.

As we've previously discussed, that matter is
nearing a resolution. This will provide for the
continuation of their services, for an amount not to
exceed $25,000. This money does not come out of the
operating budget. It comes out of the COAH Trust
Account, so it's not paid for by the residents of
Nutley in the normal tax process. So where I will pick
it up is that whereas funds are available for purposes
from COAH Trust Account T-26-909-902, and certification
of availability has been filed by the Chief Financial
Officer of the Township in accordance with Local Budget

Whereas, the total amount of the services
rendered pursuant to this resolution shall not exceed
$25,000 in the aggregate.

Whereas, John P. Inglesino of Inglesino,
Webster, Wyciskala & Taylor has completed and submitted
a business entity disclosure certification which
certifies that he and the firm have not made any
disqualifying reportable contributions to a political
candidate or candidate committee in the township in the
previous one year that would violate N.J.S.A
19:44A-20.5 with the Township's Local Unit Pay to Play
Ordinance adopted by referendum, or by any other
relevant executive orders, or the New Jersey Election
Law Enforcement Commission disclosure requirements, and
that the contract will bar Mr. Inglesino from making
any reportable contributions for the term of this
contract.

Now, therefore, be it resolved by the Board
of Commissioners of the Township of Nutley in
accordance with local public contracts law hereby
authorizes and approves the award of professional
services contract to John P. Inglesino of the firm of
Inglesino, Webster, Wyciskala & Taylor, pursuant to a
fair and open process in accordance with the provisions
of N.J.S.A. 19:44A-20.5 as legal counsel in accordance
with a contract for professional services which shall
provide that the legal counsel and the attorney on the
staff shall be paid an hourly rate of $215 for legal
services by attorneys, and an hourly rate of $100 for
services performed by a paralegal or a law clerk.

Further resolved, that the Chief Financial
Officer has executed a certification of funds for the contract that is sufficient to -- sufficient funds are available.

Further resolved, that the total amount of services rendered shall not exceed $25,000 in the aggregate.

Further resolved, that the anticipated term of this contract will be for 12 months, beginning January 1, 2019, through December 31st, 2019.

And further resolved, that the Mayor and Clerk are hereby authorized and directed to execute, seal, and deliver said contract for professional services on behalf of and in the name of the Township.

And further resolved, that the business entity disclosure certification, said entity disclosure of campaign contributions shall be placed on file with this resolution.

And further resolved, that a copy of this resolution shall be published by law within 10 days of its passage. So moved.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: This next resolution, whereas, there exists a need by the Board of Commissioners of the Township of Nutley for legal counsel to advise and represent the Township on several special matters including, but not limited to, compliance and procedural issues involving the Open Public Records Act, N.J.S.A 47:1A-1.1, the Open Public Meetings Act, N.J.S.A 10:4-6, and other general matters as may be determined and directed by the Township attorney.

Whereas, the above need are for certain specified professional services to be rendered or performed by a person or persons authorized by law to practice or recognize a profession whose practice is regulated by law within the meaning of N.J.S.A 20A:11-1 as amended.

Whereas, the performance of said professional service requires knowledge of an advanced type in a field of learning required by a prolonged formal course
of specialized training study, as distinguished from
general academic instruction or apprenticeship and
training.

Whereas, funds are available for this purpose
from account 9-01-012-205, and a certificate of
availability has been certified by the Chief Financial
Officer in accordance with local budget law N.J.S.A
40A:4-57 and N.J.A.C 5:34-5.2.

Whereas, services rendered pursuant to this
resolution shall not exceed $35,000 in the aggregate.

Whereas, Inglesino, Webster, Wyciskala has
completed and submitted a bid disclosure certification
which certifies the firm has not made any disqualifying
reportable contributions to a political candidate or
candidate committee in the Township in the previous one
year that would violate either N.J.S.A 19:44A-20.5 or
the Township's Local Pay to Play Ordinance adopted by
referendum, or any and all relevant executive orders,
or the New Jersey Election Law Enforcement Commission
disclosure requirements that the contract will bar
Inglesino, Webster, Wyciskala & Taylor from making any
reportable contributions through the term of this
contract.

Whereas, Local Public Contracts Law N.J.S.A
40A:11.1 as a matter requires this resolution be
publicly advertised.

Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, in accordance with Local Public Contracts Law that hereby authorizes and approves the award of the services of the contract to the firm of Inglesino, Webster, Wyciskala & Taylor pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A 19:44A-20.5 as a legal counsel in accordance with a contract for professional services, which shall provide for the legal counsel and our attorney and his staff to be paid an hourly rate of $215 for legal services by attorneys and an hourly rate of $100 for paralegal or law clerks.

Be it further resolved, that the Chief Financial Officer has executed certification of funds.

Further resolved, that the services rendered in this resolution shall not exceed $35,000. That the term of the contract shall be from January 1, 2019, through December 31st, 2019.

Be it further resolved, that the Mayor and the Clerk are hereby authorized and directed to execute and seal and deliver said contract for professional services on the behalf of and in the name of the Township.
That the Business Disclosure Entity
Certification and Business Entity Disclosure of
campaign contributions shall be placed on file with
this resolution.

And a copy of this resolution shall be
published by law as required within 10 days of its
passage. So moved.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Whereas, in accordance
with N.J.A.C 17:27-3.2, each agent -- public agency
shall designate an individual to serve as its public
agency compliance officer, which serves as a liaison
between the Department of the Treasury, Division of
Public Contract Equal Employment Opportunity, and the
Township of Nutley.
Public Session

Whereas, the public agency compliance officer serves as the public agency's point of contact for all matters concerning the implementation and administration of the above-referenced statute, and is responsible for ensuring that no public contract may be awarded, nor any monies paid until the contractor has agreed to the contract performance which complies with the approved affirmative action plan.

Now, therefore, be it resolved by the Mayor and the Board of Commissioners that the County of Essex, State of New Jersey, hereby appoints Eleni Pettas, the Municipal Clerk, as the Township's public agency compliance officer for the calendar year 2019.

Be it further resolved, that in accordance with N.J.A.C 17:27-3.2, the Township Clerk is hereby authorized and directed to forward a certified copy of this resolution to the State of New Jersey, Department of the Treasury, Division of Contract Compliance and EEO in Public Contracts, P.O. Box 209, Trenton, New Jersey. So moved.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.
MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Be it further resolved, by the Board of Commissioners that--of the Township of Nutley that the treasurer be and she is hereby authorized to refund overpayments of water charges for $5,136.91 for Block 1001, Lot 1, Qualifier C5038. So moved.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Whereas, the Township of Nutley through the Department of Revenue and Finance
has a need to acquire a grant consulting services on behalf of the Township as a non-fair and non-open contract pursuant to the provisions of N.J.S.A 19:44A and 20.5 as appropriate.

Whereas, Millennium Strategies, LLC, 60 Columbia Avenue, Suite 230, Morristown, New Jersey, has submitted a proposal indicating that they will provide such services for a sum not to exceed $35,000.

Whereas, the term of this contract for the 12 months, January 1, 2019 through December 31st, 2019.

Whereas, Millennium Strategies has completed and submitted the business entity disclosure certification which certifies that its corporation has not made any reportable contributions to a political candidate or committee in the township in the previous one year, and that the contract will prohibit Millennium Strategies' partners from making any reportable contributions for the term of the contract.

Whereas, funds are available in Account 9-01-209-205, subject to the adoption of the 2019 budget, and will certify -- and will be certified by the Chief Financial Officer, said certification being attached to this resolution.

Now, therefore, be it resolved by the Board of Commissioners, one, that the contract shall be
entered into between the Township of Nutley and
Millennium Strategies as at the address indicated above
for an amount not to exceed $35,000, and a copy of this
resolution as well as the contract will be placed on
file in the Municipal Clerk's office. So moved.

    COMMISSIONER TUCCI: Second.

    THE CLERK: Commissioner Rogers?

    COMMISSIONER ROGERS: Aye.

    THE CLERK: Commissioner Tucci?

    COMMISSIONER TUCCI: Aye.

    THE CLERK: Commissioner Evans.

    COMMISSIONER EVANS: Aye.

    THE CLERK: Commissioner Petracco?

    COMMISSIONER PETRACCO: Aye.

    THE CLERK: Mayor Scarpelli?

    MAYOR SCARPELLI: Aye.

    COMMISSIONER EVANS: Whereas the Township has
the need to acquire the services of a registered
municipal accountant to conduct the annual audit of the
Township's books, accounts, and financial transactions,
inclusive of the Public Library, within five months
after the close of the fiscal year as a non-fair and
open contract pursuant to the provisions of N.J.S.A
19:44A-20.4 and 20.5, as appropriate.

    This resolution is the reappointment of
Nisivoccia and Company, who is our outside auditors, to perform the audit for the year coming to a close, 2018, and that they will do that during 2019. This contract does exceed the aggregate services of $30,000. The amount of this contract for Nisivoccia is in total of $156,881.95. This reflects a 2 percent increase this year. The contract last year was flat with the previous year, so it's been a while since they have had an increase, but it was held to 2 percent.

Nisivoccia Certified Public Accountants and Consultants has completed and submitted the business entity disclosure certification, which certifies that they have not made any disqualifying reportable contributions to a political or candidate committee in the township in the previous one year, and the contract will prohibit them from making any reportable contributions during the term of the contract.

Whereas, funds will be available from Account 8-01-222-0 in the amount of $91,833.06, and Account 9-05-706-205 in the amount of $65,048.89, and will be certified by the Chief Financial Officer subject to the adoption of the 2019 budget.

Now, therefore, be it resolved by the Board
of Commissioners, State of New Jersey, authorizes the
Mayor to enter into a contract with Nisivoccia to
provide the above services.

That the business entity disclosure
certification and determination of value be placed on
file with this resolution. So moved.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Aye.

COMMISSIONER TUCCI: Commissioner Evans voted
Aye.

THE CLERK: Yes.

COMMISSIONER EVANS: You got past me before I
could do it.

THE CLERK: Sorry, Commissioner.

COMMISSIONER EVANS: That's okay.
THE CLERK: I apologize.

COMMISSIONER EVANS: No, no, that's quite all right.

Whereas, the Township of Nutley has a need to acquire the services of a professional real estate appraiser to assist with real estate appraisals, tax appeals, tax court appearances, and to complete the necessary procedures pursuant to procedures to ensure the capture and assessments arising from ongoing improvements and activities, and the Township has a non-fair, non-open contract pursuant to the provisions of N.J.S.A 19:44A-20.4 and 20.5 as appropriate.

Whereas, the tax assessor has determined and certified in writing that the value of the aggregate services provided by the vendor will exceed $30,000.

Whereas, Hendricks Appraisal Company, 7 Hutton Avenue in West Orange, has submitted a fee schedule to provide such services for the total which is not to exceed $45,000. This actually reflects a reduction in our services from this current year as we were negotiating our costs down where we can.

Whereas, the anticipated term of the contract is 12 months, beginning in January and ending in December 31st.

Whereas, the funds will be available in
account 9-01-204-205 and will be certified by the Chief
Financial Officer, subject to the adoption of the 2019
Municipal Budget.

Whereas, Hendricks Appraisal Company has
completed and submitted the business entity disclosure
certification, which certifies that they have not made
any reportable or disqualifying contributions to a
political or candidate committee in the Township in the
previous one year, and that the contract will prohibit
them from making any reportable contributions through
the term of the contract.

Whereas, the business entity disclosure
certification to determine a value will be placed on
file with this resolution.

Now, therefore, be it resolved, the Board of
Commissioners authorizes the Mayor to extend and enter
into a contract with Hendricks Appraisal Company, LLC.
So moved.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: And my next resolution covers our municipal tax appeals for legal counsel related to that, pursuant to a non-fair and open contract under N.J.S.A 19:44A-20.4 and 20.5. The amount of the contract will exceed $30,000. The law firm of Piro, Zinna, Cifelli, Paris & Genitempo at 360 Passaic Avenue has submitted a fee schedule for providing such services, which total is not to exceed $50,000. This is again another reduction. It's a $10,000 reduction over the current year.

Whereas, the anticipated term of this contract is for 12 months, for -- between January 1, 2019, through December 31st.

Whereas, the firm has completed and submitted the business entity disclosure certification which certifies that they have not made any reportable disqualifying contributions to a political or candidate committee in the township in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract. Funds are available in Account 9-01-204-200,
and will be certified by the Chief Financial Officer
subject to the adoption of the 2019 budget.

    Now, therefore, be it resolved by the Board
of Commissioners that the Mayor be and is hereby
authorized to enter into a contract with Frank Zinna,
Esquire, of the law firm as a professional service fee.

    Be it further resolved, that a copy of this
resolution as well as the contract shall be placed on
file with the Clerk of the Township and a notice in
accordance with the local public contracts law of New
Jersey, and the form attached hereto shall be published
in the Nutley Sun. So moved.

    COMMISSIONER TUCCI: Second.

    THE CLERK: Commissioner Rogers?

    COMMISSIONER ROGERS: Aye.

    THE CLERK: Commissioner Tucci?

    COMMISSIONER TUCCI: Aye.

    THE CLERK: Commissioner Evans?

    COMMISSIONER EVANS: Aye.

    THE CLERK: Commissioner Petracco?

    COMMISSIONER PETRACCO: Aye.

    THE CLERK: Mayor Scarpelli.

    MAYOR SCARPELLI: Aye.

    COMMISSIONER EVANS: This next resolution
covers an attorney services for the Code Enforcement
Department regarding municipal land use law. The contract is less than $30,000, it's permitted as a specialized service under N.J.S.A 40A:11-5(1)(a)(I), which allows it to be a non-fair, non-open contract bid. Angelo Cifelli of the law firm of Piro, Zinna, Cifelli, Paris & Genitempo has submitted a proposal not to exceed $10,000. There's no increase in fee from the current year. This is held -- this fee's been held flat.

Whereas, funds are available from the Account 9-01-226-205, and will be certified by the Chief Financial Officer subject to the adoption of the 2019 budget. The term of the contract is January 1, 2019 through December 31st. The law firm of Piro, Zinna, Cifelli, Genitempo has completed and submitted the business entity disclosure certification, which certifies that they haven't made a reportable disqualifying contribution to a political or candidate committee in the township for the previous one year, and that the contract will prohibit them from making any reportable contributions for the term of the contract.

Now, therefore, be it resolved, by the Board of Commissioners of the Township of Nutley, that the Mayor is hereby authorized to enter into a contract
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with Angelo Cifelli of that law firm as a professional service. A copy of this resolution shall be, as well as the contract shall be, placed on file with the Clerk of the Township and notice in accordance with the public contracts law will be published in the Nutley Sun. So moved.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Whereas, Angelo Cifelli of the law firm of Piro, Zinna, Cifelli, Paris & Genitempo has been awarded a non-fair, non-open contract as a professional service, pursuant to N.J.S.A 19:44A-20.4 and 20.5 as appropriate to provide legal advice and services for the code enforcement department in connection with the Township's land use policies and procedures on December 19th, 2017 by Resolution 287-17.
Whereas, the services have exceeded the original contract amount of $10,000.

A change order was authorized August 7th in 2018 via Resolution 175-18 for an increase of $7500, and such services have exceeded the amount of the original contract and Change Order Number 1.

Whereas, the Director of Finance and Code Enforcement has recommended the additional change order from said contract, Change Order Number 2, to provide legal advice and services for the Code Enforcement Department in connection with land use policies and procedures in the amount of $3500.

Whereas, funds are available in 8-01-226-205 and have been certified by the Chief Financial Officer, said certification attached to this resolution.

Be it further -- now, therefore, be it resolved that the Board of Commissioners of the Township of Nutley that Change Order Number 2 in the amount of $3500 be and is hereby approved.

Just to be clear, I approved this as well as the previous one. These additional fees are related to the Mecca matter that is ongoing, and these fees will be fully reimbursed as part of that arrangement. These fees will not be incurred or borne by the residents of
Nutley. So moved.

    COMMISSIONER TUCCI: Second.

    THE CLERK: Commissioner Rogers.

    COMMISSIONER ROGERS: Aye.

    THE CLERK: Commissioner Tucci.

    COMMISSIONER TUCCI: Aye.

    THE CLERK: Commissioner Evans.

    COMMISSIONER EVANS: Aye.

    THE CLERK: Commissioner Petracco?

    COMMISSIONER PETRACCO: Aye.

    THE CLERK: Mayor Scarpelli.

    MAYOR SCARPELLI: Aye.

    COMMISSIONER EVANS: Whereas, Mikula Contracting submitted and paid for an underground storage tank removal permit at 92 Margaret Avenue.

    Whereas, the cost of the permit fee for the underground storage tank removal was collected in the amount of $75 and said amount was deposited in account C-01-904-903.

    The Township of Nutley has offered to refund the permit fee of $75. They're not proceeding with that work.

    The Board of Commissioners of the Township of Nutley, the County of Essex, authorizes that all permit fees in the amount of $75 related to Mikula Contracting
be refunded. So moved.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: This is my last resolution.

COMMISSIONER TUCCI: Thank God.

COMMISSIONER EVANS: This is for cap -- well, I hit the maximum limit. You're only allowed 12, so --

COMMISSIONER ROGERS: You've got to limit him, Mayor.

COMMISSIONER EVANS: We can revisit that if you guys like, but capital budget amendment. This relates to the ongoing digitization of our records in the code office, and now the municipal clerk's office, and this provides for an amendment which is fully funded, for $100,000 to cover the cost of that work.
That's continuing and will continue into 2019. So move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR SCARPELLI: Commissioner Petracco?

COMMISSIONER PETRACCO: Whereas the Township of Nutley Department of Public Safety has a need to acquire services of a labor counsel as a non-fair and open contract pursuant to the provisions of N.J.S.A. -- I'm going to move this by title. This is for Scarinci and Hollenbeck. I move Resolution 299-18.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: Whereas impaired drivers on our nation's roads kill more 10,000 people each year and cost society more than $37 billion annually.

And, whereas, 28 percent of motor vehicle fatalities in New Jersey in 2016 were alcohol related.

And, whereas, an enforcement crackdown is planned to combat impaired driving.

And, whereas, the season of the end of the year is traditionally a time for social gatherings, which often include alcohol.

And, whereas, the State of New Jersey, Division of Highway Traffic Safety, has asked law enforcement agencies throughout the state to participate in the Drive Sober or Get Pulled Over year-end holiday crackdown.

And, whereas, the project will involve increased impaired driving enforcement from
December 7th, 2018 through January 1st, 2019.

And, whereas, an increase in the road rage driving enforcement and a reduction in impaired driving will save lives on our roadways.

Therefore, be it resolved that the Township of Nutley declares its support for the Drive Sober or Get Pulled Over 2018 year-end holiday crackdown from December 7th, 2018 through January 1st, 2019, and pledges to increase awareness of dangers of drinking and driving.

Before I move this resolution, I -- we do this every year. Obviously, with Christmas approaching, all the holidays, the -- New Year's Eve, I have to tell you, every year I get a phone call and it's from a friend, a dear friend, hopefully not this year, of somebody that's got pulled over with drinking under the influence. Trust me, if you ever listen to one word I say up here, it's a lot easier to take Uber than to go through that.

So I know our children use Uber a lot more than we do, and I know they do, my kids do it all the time, which I'm very proud of, and I aspire to use -- to keep doing that. It's a good practice. And, you know, like I say to a lot of people, you know, why do you get pulled over for drunk driving? It's not what
you're going to do to yourself; it's what you have to live with, God forbid, if you do something to someone else. So please heed these words. I move the resolution.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: Be it resolved by the Board of Commissioners in the Township of Nutley, County of Essex, New Jersey, that in accordance with the provisions of R.S. 40A:4-58, the following transfers of appropriations in the 2018 budget be and the same are hereby authorized and approved:

From Fire Salary and Wage, 300,000 to Fire O/E. I move the resolution.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: That's all I have, thank you.

MAYOR SCARPELLI: Thank you, Commissioner.

Whereas, the Township of Nutley has the need to retain the services of legal counsel who specializes in matters of railroads and railroad crossings to represent the Township regarding grade railroad crossings by Norfolk Southern Industrial Railroad as a non-fair and open contract, pursuant to N.J.S.A 19:44A-20.4 or 20.5 as appropriate.

And, whereas, the law firm of Genova Burns, located at 494 Broad Street, Newark, New Jersey, possesses the necessary qualifications to represent and has submitted a proposal to provide these services at an hourly rate of $200 for all attorneys, and $75 for all paralegals and will not exceed $15,000.
Now, therefore, be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that the Mayor is hereby authorized to enter into a contract with the Law Firm of Genova Burns as a professional service. I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township of Nutley shall apply for community development block grant monies for the year 2019.

And, whereas, public hearings regarding CDBG grant program were held on November 8, 2018, and November 29th, 2018, at which time applications for grants were accepted.
Now, therefore, be it resolved that the Township of Nutley submits the following applications for funding for 2019 in this priority order:

  ADA Pathway at Father Glotzbach Park, $33,000.

  Duncan -- two, Duncan Place Reconstruction and Resurfacing, $132,290.

  Three, Witherspoon Street Reconstruction and Resurfacing, $130,290.

I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. This is Resolution Number 281-18, a resolution of the Board of Commissioners of the Township of Nutley authorizing the engagement of Inglesino, Webster, Wyciskala & Taylor as counsel for the Township of Nutley concerning
litigation related to the redevelopment of the former Hoffman La Roche campus. I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. Whereas, the Department of Public Works announces there will be free two-hour metered parking from December 10, 2018, through December 28, 2018.

And, whereas, the suspension of metered parking during the holiday is a Nutley tradition to promote our business district and support local merchants.

And, whereas, the free two-hour parking will allow ample time for residents to take the opportunity to leisurely walk and shop Nutley first.

Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of
Essex, State of New Jersey, will allow free two-hour metered parking from December 10, 2018, through December 28th, 2018. I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. Be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that Joseph P. Scarpelli and Kathy Rempusheski be appointed as representatives as the CDBG Grant Committee for the term January 1, 2019 through December 31, 2019. I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?
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    COMMISSIONER EVANS: Aye.

    THE CLERK: Commissioner Petracco?

    COMMISSIONER PETRACCO: Aye.

    THE CLERK: Mayor Scarpelli.

    MAYOR SCARPELLI: Aye. Be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that the following newspapers are hereby designated as the official newspapers for advertising the Township of Nutley for the year 2019: The Nutley Sun, the Star Ledger, the Herald News.

    Be it further resolved that Tap into Nutley be in hereby is designated as the electronic news source for which notices and all other matters are provided under the Open Public Meetings Act, N.J.S.A 10:4-6 to 10:21 of the State of New Jersey, otherwise known as "The Sunshine Law." And I move the resolution.

    COMMISSIONER TUCCI: Second.

    THE CLERK: Commissioner Rogers?

    COMMISSIONER ROGERS: Aye.

    THE CLERK: Commissioner Tucci?

    COMMISSIONER TUCCI: Aye.

    THE CLERK: Commissioner Evans?

    COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. Whereas, raffle applications have been received from St. Mary's Catholic Church, License Number 50-18 on premise 50/50 cash raffle to be held Friday, May 31, 2019.

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

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.
MAYOR SCARPELLI: Aye. That concludes the business portion of our meeting. Madam Clerk?

THE CLERK: Yes, Mayor. All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the board, each person should limit their address to five minutes.

All remarks to the board and its individual members must be addressed to the Mayor. The Mayor may defer citizens' comments to the appropriate member of the board. Dialogue between citizens and others addressing the board shall be allowed unless the Mayor or presiding officer or the majority of the membership of the board shall determine that in the interests of decorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

MS. ROSSI: Tammy Rossi, 28 Colonial Terrace. Good evening Commissioners, Mayor Scarpelli. I have a question regarding what transpired over the past few meetings regarding the ordinance for term limits on all appointed boards. While Commissioner Rogers agreed to table this for the time being, until we gather more information, this month there will be several term expirations on various boards.
Mayor Scarpelli, you agreed to post opportunities to serve on these various boards on the Nutley notification system. When do you plan to do this in light of the 12/31 term expirations? And I request if you haven't done so yet, which I haven't seen it, so I don't think they've been posted, that not only on the Nutley Notification System, these opportunities to serve on the various boards be posted, but also on the Nutley Cable Channel. So that was my first question.

My second question is, I am aware that you have received resumes from several citizens in town, and they have received a thank you acknowledgment for the receipt of their resumes, but these citizens have not been invited to interview. When will you interview them for these board positions that they show an interest in serving? That's it. Thank you.

MAYOR SCARPELLI: That's it? So, Ms. Rossi, as far as we're looking into what the IT department, and looking at how we can get that up on our website to announce the vacancies or term limits, anybody that wants to submit their resume. As far as the cable and the alert system, I'll take that under advisement, and I do plan on interviewing the people before the end of the year.
COMMISSIONER ROGERS: Mr. Mayor, may I just add something?

MAYOR SCARPELLI: Sure.

COMMISSIONER ROGERS: Ms. Rossi, I'm planning, as we agreed, the last meeting is to have a public discussion. And I'd like to maybe around -- if it would all right with my colleagues here, around mid-January. Holidays are over, people are back, and we widely would advertise anyone who had any position on that to come and to express their views. And then after that we'll be able to come to some sort of conclusion as to whether or how we're going to move forward.

I think the end game here is to widen the scope of allowing people to participate on these boards and in government. And we'll look, we'll see, there may be some obstacles that we just won't be able to overcome with regard to state law. It doesn't mean, though, there's not another way. I've been thinking out of the box, and I'm going to share with my colleagues first what I'm thinking about. I think we could achieve that end, if we run into some major roadblocks, but the key is to get more people involved. Just so you know that I haven't forgotten.

MS. ROSSI: Thank you.
COMMISSIONER ROGERS: You're welcome. Thank you, Mayor.

MAYOR SCARPELLI: Thank you, Commissioner.

MR. MOORE: Rory Moore, 462 Chestnut Street.

Mr. Scarpelli, I wanted to speak to Commissioner Rogers, what we -- what your plans were. Is it going to be a committee? You said that there will be an open discussion. Is that going to be at a meeting or a separate meeting?

COMMISSIONER ROGERS: Well, I think we agree that it would be a public meeting, that it would be at a public meeting like what we have here tonight, but I want to make sure, Mr. Moore, that it's widely advertised. That -- and we can do that. We've got the social media methodologies to make sure that this will be a very good public discussion. So we can do it at a public meeting on a Tuesday night, right, gentlemen?

Any objection to that?

MR. MOORE: The only -- the only concern that I would have is that there would be -- if you wanted to have it -- a restriction, we'll say that, we -- to say three minutes or five minutes. I'm sure some people will want to speak for or against it, that they should at least have an ample opportunity --

COMMISSIONER ROGERS: Yeah, I --
MR. MOORE: -- to express that, so that if it fell outside of the commissioner's meeting --

COMMISSIONER ROGERS: Yeah.

MR. MOORE: -- to say that, we get around the restrictions.

COMMISSIONER ROGERS: Well, that's a good point. Maybe can we kind of extend the courtesy, since it is going to be a specific topic, that will maybe be a little bit more than five or six minutes for people to explain? We certainly had people here last week, and it was a great meeting, and they had pretty much extended time to present their views, which was good. I mean, it was very interesting to hear some of the things we heard, but I agree, I think we should extend the courtesy, if the board would allow that.

MR. MOORE: If it fell after the meeting, you conclude the commissioner's meeting, then you can say, we could have a public discussion. I think it is such a vulnerable topic --

COMMISSIONER ROGERS: Yes.

MR. MOORE: -- there's -- it's going to be good and bad on each side, and I think everybody should have an ample opportunity to discuss it.

COMMISSIONER ROGERS: Even if it takes two meetings. You know, I think every single person who
has an opinion should be given the opportunity, whether
they're pro or con.

MR. MOORE: Yes. Absolutely.

COMMISSIONER ROGERS: So we might find, well,
you know, we've been here an hour, let's say, and
maybe, you know, we could extend the courtesy, or
extend the opportunity for people to come to the next
meeting. I really don't want to see this issue closed
until every single person who has something to say,
says it.

MR. MOORE: Yes.

COMMISSIONER ROGERS: I think that's
important.

MR. MOORE: Yes.

COMMISSIONER ROGERS: Good point.

MR. MOORE: One last -- Mr. Tucci, did you
ever complete that report to the ordinance that --

COMMISSIONER TUCCI: As I said -- sorry
about that. As I said at the last meeting, I'm in the
final stages of that, but in reviewing the water
ordinance, and the density ordinance, and the handbook
and everything else, it's been delayed because these
items were obviously a bit more crucial. But hopefully
by the end of the year, I'm going to have that white
paper completed.
MR. MOORE: And I get an emailed copy of that, correct?

COMMISSIONER TUCCI: Absolutely. I'll hand deliver it.

MR. MOORE: There's one issue I do want to bring up. I will be brief. There's a number of people complaining in town, and Mr. Petracco, I spoke to you about this, is that for overnight parking. And there seems to be a lot of the older apartments that don't -- do not have predesignated parking, that they got to park on the street. And I could see this starting to progress, to be some kind of an issue, especially moving forward. I realize that the new construction parking has to be -- put -- or offsite parking has to be provided. However, there is a lot of regular houses that have been here for a long, long, time --

COMMISSIONER TUCCI: Uh-huh.

MR. MOORE: -- that do not have it. Is there any possible way that, moving forward in 2019, we could look at something to help people who have no parking available to them? I'm not looking for an answer. I'd just like to --

COMMISSIONER PETRACCO: I think --

MR. MOORE: -- make a suggestion --

COMMISSIONER PETRACCO: -- I think that you
gave me the best answer, that it's a no-win situation, you know. And I hate to use your answer, but, you know, it is such an involved decision. I know we get calls from public safety from just overnight parking, for permission, and we've been, you know, trying to stop that to a certain degree as well, if it's not really for a good reason. You know, we've always said, you know, ask a neighbor, try to find a senior citizen that's not driving anymore, maybe you could use their card. I think we have the municipal lots, right, that we could -- that people can go to.

My own opinion, and I know it's been a topic on this Board of Commissioners, especially with the two-hour permit parking that we're trying to stray the commuting parking problem, you know, and unfortunately, truthfully, you know, that's why I did that as a pilot because it seems to push the problem to the next blocks, you know, and we're looking at that right now.

But I really am a firm believer in this is what separates Nutley from our surrounding communities is this overnight parking. More answers that, you know, it keeps cars off the street for the cops, you know, if they see a strange car, and safety reasons, plowing obviously, and I don't think this board is ready to even really have a conversation about banning
that overnight parking. But I hear what you said, Rory, and I'm welcoming all kinds of ideas. If we could solve that and relieve some of it, because I have to tell you, the 4:00 to 12:00 shift at that police department, in that dispatch center, the phone does not stop ringing from five o'clock to twelve o'clock at night about this overnight parking.

MR. MOORE: I think it is slowly becoming an issue, and I will conclude is that, if you don't address it now, you're going to address it at the next election.

COMMISSIONER PETRACCO: Well, the only thing to really address is either we stop it, you know, I mean, there's -- you -- at this point, I think that, you know, like you said, with the new developing going on in town, that they're -- that they have to have a --

MR. MOORE: Yes.

COMMISSIONER PETRACCO: -- enough parking. But there's a lot of old apartment buildings in Nutley, and you're right, so, you know, we'll look into it, and if you brainstorm it and everybody else, I mean, I'm open to suggestions. But I am in a no-win situation. I realize that.

MR. MOORE: Thank you.

COMMISSIONER PETRACCO: You're welcome.
MAYOR SCARPELLI: Anybody else wish to address the Board of Commissioners tonight?

MR. ALESSIO: Carmine Alessio, 81 East Center Street. Couple months ago, you know, I attended one of these meetings and outright asked about Center Street and the parking problems and traffic that is ongoing, going east and west on Center Street, in reference to the new Frank Cocchiola kiddie park that's been redeveloped, and now with this bridge, you know, undertaking needed construction, the limited parking. And my concern was, you know, we only have like 14 parking spots in that vicinity for, like, patrons to come with their children to park, you know, the cars and get out of the cars and go into the park.

And I asked Mr. Petracco -- well, you -- about if there would be any, like, on-site parking, which may, like, help the situation, because at the time, the police gave out, like, 68 tickets in one day. And, you know, my concern is that -- I frequent the Chase Bank like daily, and use the center of town, and it's throughout the years, it's been very congested, and I would say like, dangerous. The crosswalks ain't -- are not like painted properly, but I can understand construction was underway, and maybe the future would hold something a little bit better.
But as far as safety goes, but like I said, I don't -- I don't see any, like, infrastructure of widening the street or -- I went on site there and looked to see if there was any parking going to be, a block beyond that, maybe the Boots -- Boot Park side or anything like that, and the guy's telling me that they just basically fixing the road and --

COMMISSIONER PETRACCO: Well, that's a county park, right, Joe?

COMMISSIONER TUCCI: That's a county park.

COMMISSIONER PETRACCO: Yeah. That's a county park, so, I mean, as far as any site parking over there, I know we talked about it here for a while by -- actually, Town Hall, we're here, over here, and remember, we were doing something -- we know parking was a problem over here. I think when I first got elected, we talked to someone about freeing some parking in this green spot right behind this old bank here, but that didn't go very far. I mean, Green Acres, and I know Commissioner Tucci knows a lot more about it than I do, but there's so many restrictions of what you can do and what you can't do, and I would find it hard to believe that the county would want to put a parking lot by that -- the new park they did.

COMMISSIONER TUCCI: I'm not sure -- I'm not
privy to what the county's arrangements with Green Acres or even the conservatory that they utilize to fund some of these improvements are, but you're right. There are major restrictions that Green Acres imposes, and for every piece of park land that you take away, you need to swap it with another piece. So if you're going to take part of the park for parking, you need to compensate with some other green space.

MR. ALESSIO: Well, to be honest with you, I made a phone call, and talked -- tried to talk to the parks commissioner of the county, and what they did was hang up on me, and keep me on hold, and I feel in my heart that, hey, this is our town. We can dictate what we want. The park is actually going to be bigger now with the construction of the mixed-use building, which Mr. DiBiassi (phonetic) owns.

It's like a monstrosity, which I feel, according to the Municipal Land Use Act, was not the appropriate thing to do there in regards to the zoning. You know, but that's my opinion. I mean, these guys, they -- as long as they get what they want, their concern is not my concern, which is safety in the town. And this is my point, there's a thing called impact fee. When you put a monstrosity building and you're going to take parking from the citizens of the town who
are trying to frequent the main avenue, and do the 
right thing, and we're on top of each other, and 
there's driving congestions like on Kingsland Road and 
all that, where do you draw the line? Where does the 
line in the sand happen? Maybe somebody could like, 
answer this question that I -- so I don't have to come 
back?

COMMISSIONER PETRACCO: I don't mind --

MR. ALESSIO: Thank you.

COMMISSIONER PETRACCO: I don't mind taking a 
stab at it, as far as -- I -- I would say that, you 
know what? It seems like that the people of Nutley 
are, you know, yelling out about these apartments, so I 
think that we're making adjustments that, you know, 
we're going to address it, and we're an extension of 
the people and we're listening to them, you know, that 
they feel there's too many. But again, you can't have 
it both ways. You can't say, my taxes are going to 
stay the same if we don't develop, because the costs of 
running a municipality goes up. But I think that in 
the future, you know, we're looking at these 
applications very carefully, and reviewing them and 
seeing what kind of impacts they're going to have.

As far as impact fees, I know we talked about 
this here. I'm not an expert on impact fees or where
(indiscernible) at, but I think we're all on board with whatever impact people make with development, they should make a -- they should have to pay the fees.

MR. ALESSIO: Yeah, well, I kind of think it's spilled over right now, because it hasn't been done in the past, and now there's a market for, you know, lawsuits and all of that, that could occur, because some of these individuals got their buildings and whatnot like Mr. Mecca. He's become a part of the community now. And I was -- well, her --

MR. GENITEMPO: Mr. Mayor, five minutes is well up. We can't let --

MAYOR SCARPELLI: Finish your --

MR. ALESSIO: Excuse me, Mr. Genitempo, he -- Mr. Petracco did get some words in edgewise, that maybe I feel that I got --

MAYOR SCARPELLI: Mr. Alessio, finish what you were saying --

MR. ALESSIO: -- maybe a minute left. So getting back to my train of my thought is, the damage has been done now. It's all over. I don't -- I mean like drawing the line in the sand with this, this -- this kind of activity has to stop. The residents in the town do not want it. We don't want any more multi-dwellings. We have enough. The schools are too
small. In fact, Mr. Mecca has become a part of the community now, and I've heard that he wanted to fix Washington School. And it never happened.

Like now he's falling on his sword for all the misdeeds of the Planning Board, and all the other boards that allowed him to proceed, and in my opinion is, it's not cost effective for him to put a little two family house, the way he builds. He's a tremendous builder, he's -- he -- I've never seen buildings as beautiful, and the material he used is state of the art. I think the man's doing a pretty good job. In fact, I don't appreciate what has happened to me with this kind of letting him do this, and letting him do that with --

MAYOR SCARPELLI: Wrap it up, Mr. Alessio.

MR. ALESSIO: -- the -- that -- the variance, with the variances that Mr. DiBiassi sent, set the people within 200 feet, okay, what they've done to me, put a wall -- I -- it just -- I know my time's up, so I'm going to have to come back and get my thoughts together here, but.

MAYOR SCARPELLI: Thank you, Mr. Alessio.

MR. ALESSIO: Well, will I get any kind of response to any of the -- I'm sure I asked one or two questions here.
MAYOR SCARPELLI: Well, I think we'll work with the county to see what we can do about some of the safety concerns as the bridge gets opened up, and that should happen by the end of the month.

MR. ALESSIO: You do understand, Mayor Scarpelli --

MAYOR SCARPELLI: Mister --

MR. ALESSIO: -- once this is done, it's done. It's in the works right now, and I feel that they should work something out to accommodate, something like an impact fee, to accommodate the citizens and the young people, the young children that are going to frequent a park that's larger, and the bridge is even bigger.

MAYOR SCARPELLI: Thank you. Thank you, Mr. Alessio. Anybody else wish to address the Board of Commissioners this evening? Seeing none, motion to adjourn.

COMMISSIONER TUCCI: So moved.

THE CLERK: Commissioner Rogers?

COMMISSIONER EVANS: Motion to close the public hearing, comment. You know, this --

COMMISSIONER TUCCI: I just want to go home.

COMMISSIONER EVANS: I'm just sitting here thinking about, you know, the progress we've made
regarding term limits, all right. This issue that now comes up repeatedly about development in town, you know, there's the ongoing development of the Hoffman La Roche property, we're working with our planner, Topology.

I think this -- this is another area where we should be having, you know, good open conversation with the public to get all the views around it. I don't think we should do that in a vacuum, so just picking up on the idea that says we should hold the public meeting regarding term limits, I think this whole question about development and what's going on in town is an important one.

Commissioner Tucci has said he's working on a report. I think there's an opportunity connected with that to basically open up a public dialogue about this, because we as a board are going to be facing decisions in Phase III of the Hoffman La Roche site that I think would necessitate and it would be prudent to have more public input. So just a point to consider. Thank you, Mayor.

MAYOR SCARPELLI: Now can I have the motion to adjourn?

COMMISSIONER TUCCI: So moved again.

COMMISSIONER EVANS: Second.
THE CLERK:  Commissioner Rogers?

COMMISSIONER ROGERS:  Aye.

THE CLERK:  Commissioner Tucci.

COMMISSIONER TUCCI:  Aye.

THE CLERK:  Commissioner Evans?

COMMISSIONER EVANS:  Aye.

THE CLERK:  Commissioner Petracco?

COMMISSIONER PETRACCO:  Aye.

THE CLERK:  Mayor Scarpelli.

MAYOR SCARPELLI:  Aye.  See you on the 18th.

Goodnight, everybody.

THE CLERK:  The time is 9:48.

(End of recording)

* * * * *
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.

_____________________________ December 21, 2018
Ilene Watson
AAERT Cert. No. 447
Certified Court Transcriptionist
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In RE: Nutley Board of Commissioners

Public Session

Transcript of Proceedings

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In RE: Nutley Board of Commissioners

Public Session

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