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TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

)
CONFERENCE SESSION) TRANSCRIPT OF
) PROCEEDINGS:
)

August 7, 2018

7:04 P.M.

BEFORE:

- Mayor Joseph P. Scarpelli
- Commissioner Alphonse Petracco
- Commissioner Thomas J. Evans
- Commissioner Mauro G. Tucci
- Commissioner Steven L. Rogers

ALSO PRESENT:

- Alan Genitempo, ESQ, Board Attorney

Job No. NJ2986900

Transcribed by: Nicole Yawn

P R O C E E D I N G S

1
2 MADAM CLERK: Board of Commissioners public
3 meeting Tuesday, August 7th, 2018. The time is 7:03 p.m.

4 Pursuant to the requirements of the Open Public
5 Meeting Act, Chapter 231, Public Law 1975, notice of this
6 meeting was published in the December 14th, 2017 issues of
7 the Nutley Sun, the Herald News, and the Star Ledger. A
8 copy of this notice has been posted on the Nutley Town Hall
9 bulletin board, and a copy is on file in the municipal
10 clerk's office.

11 Commissioner Rogers?

12 COMMISSIONER ROGERS: Here.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Here.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Here.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Here.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Here.

21 MADAM CLERK: All present, Mayor.

22 MAYOR SCARPELLI: Thank you, Madam Clerk.

23 Commissioner Petracco, what do you have today?

24 COMMISSIONER PETRACCO: I have an ordinance
25 introduction about this permit parking. And then, I had a

1 couple resolutions as well., unpaid medical leave and award
2 of the contract to Nicolette Auto Body and Twin Towing,
3 because we're going to split that contract.

4 They do in Belleville, actually, right, Mauro?

5 COMMISSIONER TUCCI: Yes, sir.

6 COMMISSIONER PETRACCO: They split it there.

7 COMMISSIONER TUCCI: They do it the same way,
8 yeah.

9 COMMISSIONER PETRACCO: Yeah.

10 MAYOR SCARPELLI: Commissioner Evans?

11 COMMISSIONER EVANS: I have a report for the Code
12 Enforcement Department for July, and I have two resolutions,
13 one for a change order for Piro, Zinna, for Andy Cifelli's
14 services on land use policy and procedures for \$7,500 and
15 then, a refund of overpayment of taxes for \$5,700. And
16 that's all I have.

17 MAYOR SCARPELLI: Thank you, Commissioner.

18 Commissioner Rogers?

19 COMMISSIONER ROGERS: I have nothing, Mayor.

20 MAYOR SCARPELLI: Thank you, sir.

21 COMMISSIONER ROGERS: You're welcome.

22 MAYOR SCARPELLI: Commissioner Tucci?

23 COMMISSIONER TUCCI: Hello, Mayor. I have a shade
24 tree report for one of these months. I'm not sure which one
25 it is.

1 MADAM CLERK: July.

2 COMMISSIONER TUCCI: July. There we go. And I
3 have two resolutions, both for Viridian Environmental
4 Consultants, for ground water investigation at the -- one's
5 at the Tremont Garage. The other is at Chestnut Street.
6 And that's all I have, sir.

7 MAYOR SCARPELLI: Thank you, Commissioner.

8 I have a public hearing on the Phase II
9 Redevelopment Plan, and I have two resolutions, one for
10 various raffle licenses. The other is to award a contract
11 to AJM for Harrison Street Roadway improvements, which is
12 funded through NJDOT local aid municipal grant.

13 Madam Clerk?

14 MADAM CLERK: Yes, Mayor. We have regular meeting
15 minutes and executive session minutes. And under
16 communications, we have two requests from Holy Family. One
17 is to hold a Sunday raffle, and the other one is for a
18 social affairs program.

19 MAYOR SCARPELLI: Counselor?

20 MR. GENITEMPO: Just have a short executive with
21 John. I'll talk about the redevelopment agreement that
22 we're in draft, and that'll be pretty much it.

23 COMMISSIONER ROGERS: Mayor, I'm going to want a
24 short executive session.

25 MAYOR SCARPELLI: Yeah, I need one, too, for

1 pending litigation, personnel.

2 COMMISSIONER TUCCI: Just one question on the
3 minutes, as amended.

4 MADAM CLERK: I took that one off.

5 COMMISSIONER TUCCI: Oh, you took that one off?

6 MADAM CLERK: Yeah, it's not on here.

7 COMMISSIONER ROGERS: The executive session?

8 MADAM CLERK: The session two.

9 MR. GENITEMPO: Yeah, I sent out an email
10 with it, and you should have it in your email book. I added
11 what you put in and had everybody take a look at it.

12 MAYOR SCARPELLI: Okay.

13 MR. GENITEMPO: And if they have any
14 further comments, --

15 MAYOR SCARPELLI: Okay.

16 MR. GENITEMPO: -- we'll tell them we'll
17 put it on for the next meeting.

18 MADAM CLERK: So pending --

19 MAYOR SCARPELLI: That's fine.

20 MADAM CLERK: -- litigation and personnel?

21 UNIDENTIFIED SPEAKER: Yeah.

22 MAYOR SCARPELLI: Could I have a motion to go into
23 executive?

24 COMMISSIONER EVANS: Move it.

25 COMMISSIONER PETRACCO: Second.

1 MADAM CLERK: WHEREAS, Section VIII of the Open
2 Public Meeting Act, Chapter 231, Public Law 1975, permits
3 the exclusion of the public from meeting in certain
4 circumstances; and

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

7 WHEREAS, the Board of Commissioners of the
8 Township of Nutley in the county of Essex, in the state of
9 New Jersey, desires to proceed to closed executive session;
10 and

11 NOW, THEREFORE, be it resolved by the Board of
12 Commissioners of the Township of Nutley move into closed
13 executive session to discuss pending litigation, personnel,
14 and contract negotiations.

15 BE IT FURTHER RESOLVED that the time when such
16 discussion may be disclosed to the public shall be when and
17 as such disclosure may be made without adversely affecting
18 the Township of Nutley pending and/or anticipated legal,
19 personnel, contractual matters, and other matters
20 (indiscernible) exception provided for by statute.

21 Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

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COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

(Adjourned to closed executive session)

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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

August 7, 2018

7:55 P.M.

BEFORE:

- Mayor Joseph E. Scarpelli
- Commissioner Steven L. Rogers
- Commissioner Mauro Tucci
- Commissioner Thomas J. Evans
- Commissioner Alphonse Petracco

ALSO PRESENT:

- Alan Genitempo, ESQ.

Transcribed by: Nicole Yawn

P R O C E E D I N G S

1
2 MAYOR SCARPELLI: Would everybody, please stand
3 for the pledge, please?

4 (Pledge of Allegiance)

5 (Pause)

6 MAYOR SCARPELLI: Madam Clerk?

7 MADAM CLERK: Thank you, Mayor.

8 Board of Commissioners public meeting, Tuesday,
9 August 7, 2018. The time is now 7:55.

10 Pursuant to the requirements of the Open Public
11 Meeting Act, Chapter 231, Public Law 1975, notice of this
12 meeting was published in the December 14, 2017 issues of the
13 Nutley Sun, the Herald News, and the Star Ledger. A copy of
14 this notice has been posted on the Nutley Town Hall bulletin
15 board, and a copy is on file in the municipal clerk's
16 office.

17 Commissioner Rogers?

18 COMMISSIONER ROGERS: Here.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Here.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Here.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Here.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Here.

2 MADAM CLERK: All present, Mayor.

3 MAYOR SCARPELLI: Minutes, Madam Clerk?

4 MADAM CLERK: Yes, Mayor, we have regular meeting
5 minutes for June 7, 2018; June 19th, 2018; and July 3rd,
6 2018.

7 COMMISSIONER EVANS: Move the minutes.

8 COMMISSIONER TUCCI: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 MADAM CLERK: We have executive session minutes
20 for July 3rd, 2018, for sessions 1 and 2 and July 17th,
21 2018, for session 1.

22 COMMISSIONER EVANS: Move the minutes.

23 COMMISSIONER TUCCI: Second, as amended.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?
2 COMMISSIONER TUCCI: Aye.
3 MADAM CLERK: Commissioner Evans?
4 COMMISSIONER EVANS: Aye.
5 MADAM CLERK: Commissioner Petracco?
6 COMMISSIONER PETRACCO: Aye.
7 MADAM CLERK: Mayor Scarpelli?
8 MAYOR SCARPELLI: Aye.
9 MADAM CLERK: That's it --
10 MAYOR SCARPELLI: Communications?
11 MADAM CLERK: Communications -- Holy Family Church
12 has submitted a letter requesting permission to hold a
13 raffle on Sunday, September 23rd at 28 Brookline Avenue.
14 Need a motion.
15 COMMISSIONER EVANS: Move it.
16 COMMISSIONER ROGERS: Second.
17 MADAM CLERK: Commissioner Rogers?
18 COMMISSIONER ROGERS: Aye.
19 MADAM CLERK: Commissioner Tucci?
20 COMMISSIONER TUCCI: Aye.
21 MADAM CLERK: Commissioner Evans?
22 COMMISSIONER EVANS: Aye.
23 MADAM CLERK: Commissioner Petracco?
24 COMMISSIONER PETRACCO: Aye.
25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 MADAM CLERK: Holy Family Church has submitted an
3 application for a social affair permit to hold a 27th Annual
4 Festival from Thursday, September 20th through September
5 23rd, 2018.

6 Need a motion.

7 COMMISSIONER EVANS: Move it.

8 COMMISSIONER ROGERS: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 MADAM CLERK: St. Mary's Church has submitted an
20 application for a social affair permit on Friday, September
21 28th, from 6:00 p.m. to 12:00 p.m.

22 Need a motion.

23 COMMISSIONER EVANS: Move it.

24 COMMISSIONER ROGERS: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 MADAM CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 MADAM CLERK: The Nutley Thriving Survivors has
11 submitted an event application for their annual walk to be
12 held on Friday, October 5th, from 6:00 p.m. to 9:00 p.m.

13 COMMISSIONER EVANS: Move it.

14 COMMISSIONER ROGERS: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 MADAM CLERK: And that's it for communications.

1 MAYOR SCARPELLI: Reports, Commissioner Tucci?

2 COMMISSIONER TUCCI: Yes, I have a report -- a
3 shade tree report for the month of July.

4 MAYOR SCARPELLI: Commissioner Evans?

5 COMMISSIONER EVANS: Yes, I have a code
6 enforcement report for the month of July.

7 MAYOR SCARPELLI: Thank you both.

8 Bills, Madam Clerk?

9 MADAM CLERK: Yes, Mayor. Bill list for August 7,
10 2018 -- Public Affairs, \$97,968.53; Revenue and Finance,
11 \$7,129,468.35; Public Safety, \$64,062.94; Public Works,
12 \$460,907.14; Parks and Public Property, \$721,190.17; Water
13 Utility, \$87,010.92. Overtime payroll, \$53,698.79. Total
14 payroll, \$829,061.25, for a grand total of \$9,389,669.30.

15 COMMISSIONER EVANS: Move the bills.

16 COMMISSIONER ROGERS: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

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

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

5 Madam Clerk?

6 MADAM CLERK: Yes, Mayor. All persons addressing
7 the Board of Commissioners regarding community concerns
8 should approach the microphone and provide their name and
9 address for the record. Unless further time is granted by
10 the board, each person shall limit their address to three
11 minutes. All remarks to the board and its individual
12 members must be addressed to the mayor.

13 The mayor may defer citizens' comments to the
14 appropriate member of the board. Dialogue between citizens
15 and others addressing the board shall be allowed, unless the
16 mayor or presiding officer or the majority of the membership
17 of the board shall determine that the interests of decorum
18 and/or the expeditious conduct of municipal business are
19 being adversely affected by such dialogue.

20 MAYOR SCARPELLI: Would anybody wish to address
21 the Board of Commissioners on agenda items only?

22 Seeing none, close the public comment section.

23 Motion?

24 COMMISSIONER EVANS: Move it.

25 COMMISSIONER ROGERS: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 Commissioner announcements, Commissioners?

12 COMMISSIONER TUCCI: I just -- I have one
13 announcement. Actually, I have a couple of announcements,
14 but I'm going to try and keep them to a minimum.

15 We had originally planned on amending the salary
16 ordinance this evening, but we have some further revisions.
17 Both Commissioner Rogers offered some, and I had a few. And
18 the other commissioners all had input into it. So we're
19 hoping to do that at the next meeting, once we check with
20 our town attorney as to the legality of it. So that will --
21 that will probably happen at our next meeting.

22 As far as the -- I know people have been emailing
23 me and calling me about the recommendations that the
24 Planning Board put forth as far as some amendments. All
25 right? And we are still looking at that. We all have

1 questions, and we will be addressing those questions and
2 moving on that. I don't want anyone to think that we're
3 just kind of moving it off to the side and it's just kind of
4 like die on some shelf somewhere. That is absolutely not
5 going to happen.

6 Also, the -- back in February, at the joint
7 Planning and Zoning Board meeting, I said I would be
8 conducting a study, which I have been working on.
9 Unfortunately, life gets in the way sometimes, and it's
10 taking me a bit longer than I had originally anticipated. I
11 want to thank all the commissioners for all their input.

12 But the next step for me will be to actually sit
13 down with the commissioners and representatives from their
14 departments to speak about what I believe some of the
15 impacts are and to get their point of view as to how they
16 feel it will affect it. And moving forward, all right, we
17 will probably do a Phase II on this, where we'll actually
18 get professionals in. So my study will probably be more of
19 a white paper, as opposed to a study.

20 So for those that are concerned that this was
21 another sleight of hand and just something that sounded good
22 to say at the moment, no, it's for real. It's continuing.
23 It's moving on. But as we just said in the back, sometimes
24 in government, time passes and we don't realize exactly how
25 much time passes because of what's going on.

1 And the last thing I have -- I've also been
2 getting letters and emails, all right, concerning
3 Commissioner Evans' investigation into some of the
4 discrepancies.

5 And I'm sure we'll be getting -- I don't want to
6 speak for you, but I'm sure we'll be getting an update on
7 that some time soon?

8 COMMISSIONER EVANS: Yes.

9 COMMISSIONER TUCCI: Yes? Okay. Thank you.
10 That's all I have.

11 MAYOR SCARPELLI: Thank you, Commissioner.

12 Any other announcements?

13 COMMISSIONER TUCCI: No.

14 MAYOR SCARPELLI: All right.

15 Ordinance introductions.

16 Commissioner Petracco?

17 COMMISSIONER PETRACCO: I have Ordinance No. 3395.

18 And before I introduce it for introduction, I'd like to just
19 put where it says fees, make a change of the time period,
20 where it says the placard for two years. Instead of it
21 being two years, Counsel, could we make it for six months?

22 MR. GENITEMPO: Yes.

23 COMMISSIONER PETRACCO: Just submit a change for
24 that.

25 And I'd just like to make a couple comments.

1 We've been getting -- our phones at Public Safety are
2 ringing off the hook about the commuter parking and the
3 problems, that people can't park in front of their own
4 house. We tried time-limited parking. And then, they
5 couldn't park in front of their own house.

6 So we've -- we're trying to come up with a
7 solution, and I actually had Mrs. Sam Carella promise
8 the people on Oakley Terrace -- was it, Sam, that we would
9 introduce something tonight?

10 MS. CARELLA: Highfield Lane (ph).

11 COMMISSIONER PETRACCO: Highfield Lane. So I
12 want to keep to my word on that.

13 But I want to let everybody know. This is
14 absolutely a six-month pilot program. We're going to try
15 this. There seems to be no perfect solution to this
16 problem. There's some language in this ordinance that I'm
17 going to change, because I believe the Public Safety
18 director should have the discretion to take -- to make a
19 decision to take this case-by-case.

20 We had a good discussion before with Commissioner
21 Tucci. He has that trolley that goes around also. So to
22 alleviate -- not to chase the commuters out of Nutley, but
23 if we could put them on some type of commuter mass and
24 work hand-in-hand with another department to see that that
25 happens and maybe get some of these cars off the street that

1 way. So I want to thank you for that idea, and it's --

2 COMMISSIONER TUCCI: You're welcome.

3 COMMISSIONER PETRACCO: It's really a work on
4 progress. There's no simple solution, and I just want to be
5 clear, and I want to say this on the record is that again,
6 you know, this is subject to change, depending on the
7 outcome of it. So again, it's Ordinance No. 3395, an
8 ordinance to amend an ordinance codified in the Code of the
9 Township of Nutley, Chapter 228, entitled Vehicles and
10 Traffic, particularly Article 11, Section 32 entitled Permit
11 Parking.

12 I move that this ordinance be passed to a second
13 reading and advertised in the Nutley Sun, together with the
14 notice required by law and that further consideration of
15 said ordinance for final passage by the Board of
16 Commissioners to be held at a second reading. And I believe
17 that's September 18th.

18 MADAM CLERK: 18th, right.

19 COMMISSIONER PETRACCO: Yeah, we're going to
20 actually skip a meeting to give us a little more time to
21 sharpen this up before we put it out to the public. So that
22 next adoption will be September 18th, 2018.

23 I move the ordinance.

24 COMMISSIONER ROGERS: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye, as a six-month pilot
6 program. And it does not address or involve changing our
7 standing position on overnight parking.

8 Is that correct, Commissioner Petracco?

9 COMMISSIONER PETRACCO: Actually, we discussed
10 that already, so I think it's my position and the position
11 of the board even though there is a lot of issues with
12 overnight parking in town, the people struggle if they have
13 a single driveway and so forth and so on. But I think the
14 pros to that outweighs the cons, and I'm not onboard with
15 changing the overnight parking at any time soon. Thank you.

16 COMMISSIONER EVANS: Thank you.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 Public hearings? This is a public hearing on
22 Ordinance No. 3392, which is the Nutley Phase II
23 Redevelopment Plan.

24 Anybody wish to be heard on Ordinance No. 3392?

25 Seeing none, could I have a motion to close the

1 public hearing?

2 COMMISSIONER TUCCI: So move.

3 COMMISSIONER EVANS: Close the public hearing.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 Move the ordinance.

15 COMMISSIONER ROGERS: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 MADAM CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

1 Commissioners, I make a motion to approve Prism
2 (ph) to go to the Planning Board for subdivision and site
3 plan review, in accordance with the Redevelopment Plan.

4 Second?

5 COMMISSIONER TUCCI: Second.

6 MAYOR SCARPELLI: Roll call, Madam Clerk?

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 MADAM CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 Let's move to resolutions.

18 Commissioner Tucci?

19 COMMISSIONER TUCCI: WHEREAS, the Township of

20 Nutley entered into Contract No. 32-2017 with Viridian

21 Environmental Consultants, P.O. Box 3009, Upper Montclair,

22 New Jersey for Ground Water Investigation services,

23 authorized by Resolution No. 33-17; and

24 WHEREAS, the Director of Parks and Public Property

25 has recommended the following change order from said

1 contract, which is Change Order No. 2, Ground Water
2 Investigation services at the Tremont Garage in the amount
3 of: \$1,947.67;

4 WHEREAS, funds are available from Capital
5 Ordinance No. 3372D and have been certified by the Chief
6 Financial Officer, said certification being attached to this
7 resolution;

8 NOW, THEREFORE, BE IT RESOLVED by the Board of
9 Commissioners in the Township of Nutley, County of Essex,
10 State of New Jersey, that Change Order No. 2, in the amount
11 of \$1,947.67 be and is hereby approved.

12 I move the resolution.

13 COMMISSIONER EVANS: Second.

14 MADAM CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 COMMISSIONER TUCCI: WHEREAS, the Township of
25 Nutley entered into Contract No. 39-2017 with Viridian

1 Environmental Consultants, P.O. Box 3009, Upper Montclair,
2 NJ for Ground Water Investigation services, authorized by
3 Resolution No. 80-17; and

4 WHEREAS, the Director of Parks and Public Property
5 has recommended the following change order from said
6 contract. This is Change Order No. 3 for Ground Water
7 Investigation services at 228 Chestnut St. in the amount of:
8 \$2,942.50;

9 WHEREAS, funds are available from Capital
10 Ordinance No. 3372D and have been certified by the Chief
11 Financial Officer, said certification being attached to this
12 resolution;

13 NOW, THEREFORE, BE IT RESOLVED by the Board of
14 Commissioners in the Township of Nutley, County of Essex,
15 State of New Jersey, that Change Order No. 3, in the amount
16 of \$2,942.50 be and is hereby approved.

17 Just for clarification purposes, this is the last
18 step that needed to be taken with our previous consultant,
19 who did not complete this step. So once this ground water
20 investigation is, in fact, completed and all the information
21 submitted to the state, these two issues will be closed.

22 I move the resolution.

23 COMMISSIONER EVANS: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 Thank you, Commissioner.

10 Commissioner Evans?

11 COMMISSIONER TUCCI: You're welcome.

12 COMMISSIONER EVANS: Thank you.

13 WHEREAS, Angelo Cifelli, of the Law Firm of Piro,
14 Zinna, Cifelli, Paris & Genitempo, Passaic Avenue in Nutley,
15 has been awarded a non-fair and open contract as a
16 professional service pursuant to the provisions of N.J.S.A.
17 19:44A-20.4 or 20.5, as appropriate to provide legal advice
18 and services to the Code Enforcement Department in
19 connection with the Township's Land Use Policies and
20 Procedures on December 19th, 2017, Resolution No. 287-17;
21 and

22 WHEREAS, such services have exceeded the original
23 contract in the amount of \$10,000.00; and

24 WHEREAS, the Director of Revenue Finance and Code
25 has recommended the following change order from said

1 contract:

2 Change Order No. 1, provide legal advice and
3 services to the Code Enforcement Department in connection
4 with the Township's Land Use Policies
5 and Procedures in the amount of \$7,500.00

6 WHEREAS, funds are available from Account No. 8-
7 01-226-205 and have been certified by the Chief Financial
8 Officer, said certification being attached to this
9 resolution; and

10 NOW, THEREFORE, BE IT RESOLVED by the Board of
11 Commissioners of the Township of Nutley, County of Essex,
12 that Change Order No. 1, in the amount of \$7,500.00 be and
13 is hereby approved.

14 So move.

15 COMMISSIONER TUCCI: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 MADAM CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

1 COMMISSIONER EVANS: BE IT RESOLVED by the Board
2 of Commissioners of the Township of Nutley, in the County
3 of Essex, State of New Jersey, that the Treasurer be and she
4 is hereby authorized to refund overpayments of tax charges
5 in the amount of \$5,704.66 for the two accounts that are
6 listed in the resolution.

7 So move.

8 COMMISSIONER TUCCI: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 COMMISSIONER EVANS: Thank you, Mayor.

20 MAYOR SCARPELLI: Thank you, Commissioner.

21 Commissioner Petracco?

22 COMMISSIONER PETRACCO: BE IT RESOLVED by the
23 Board of Commissioners of the Township of Nutley, County of
24 Essex, State of New Jersey that Janice Garcia, an employee
25 in the Department of Public Safety, is granted a medical

1 leave of absence without pay effective September 5th, 2018
2 through October 12, 2018.

3 I move the resolution.

4 COMMISSIONER ROGERS: Second.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER PETRACCO: WHEREAS, Ordinance 3384
16 entitled Vehicles, Impoundment and Towing, was introduced on
17 May 1st, 2018, and its adoption was published on June 14,
18 2018; and

19 WHEREAS, proposals have been received from
20 Nicolette Auto Body and Twin Inc. t/a Twin Towing;

21 WHEREAS, Nicolette Auto Body Works and Twin Towing
22 will use the following rotating schedule beginning August
23 1st, 2018 and will change every other month. The schedule
24 will begin on the 1st of each month at 12:00 a.m. The
25 schedule for 2018 and 2019 is as follows:

1 I'm not going to read the whole schedule, but it's
2 noted if anybody would like to see it.

3 NOW, THEREFORE, BE IT RESOLVED by the Board of
4 Commissioners of the Township of Nutley, County of Essex,
5 State of New Jersey, that the contracts for towing in the
6 Township of Nutley be hereby awarded to Nicolette Auto Body
7 Works, located at 177 Passaic Avenue, Belleville, New
8 Jersey, and Twin Inc. t/a Twin Towing, located at 35 Mill
9 Street, Belleville, New Jersey.

10 I move the resolution.

11 COMMISSIONER ROGERS: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 COMMISSIONER PETRACCO: That's all I have.

23 MAYOR SCARPELLI: Thank you, Commissioner.

24 WHEREAS, raffle applications have been received
25 from the following organizations: Holy Family Catholic

1 Church, License No. 24-18; Money Wheel and License No. 25-
2 18, Hourly 50/50 Cash Raffle, to be held Thursday, September
3 20th through September 23rd, 2018.

4 NHS Soccer Booster Club, License No. 26-18, Off-
5 Premise 50/50 Cash Raffle to be held Tuesday, November 20th,
6 2018.

7 VFW Post # 493, License No. 27-18, On-Premise
8 Merchandise Raffle, to be held Friday, September 21st ,
9 2018; St. Mary's Church, License No. 28-18, On-Premise 50/50
10 Cash Raffle and License No. 29-18, On-Premise Merchandise
11 Raffle, to be held Friday, September 28th, 2018;

12 WHEREAS, the applications have been reviewed and
13 approved by the Municipal Clerk and the Police Department;

14 NOW, THEREFORE, BE IT RESOLVED by the Board of
15 Commissioners of the Township of Nutley, County of Essex,
16 State of New Jersey that the aforementioned licenses are
17 approved and the Municipal Clerk is authorized to issue the
18 raffle licenses.

19 I move the resolution.

20 COMMISSIONER ROGERS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 WHEREAS, Bids for the Harrison Street Roadway
7 Improvement Project (Section 4) Bloomfield Avenue-East
8 Passaic Avenue were received and opened on July 11, 2018;
9 and

10 WHEREAS, AJM Contractors, 300 Kuller Road,
11 Clifton, New Jersey, was the low bidder; and

12 WHEREAS, the Base Bid for the Harrison Street
13 Roadway Improvement Project (Section 4) is in the amount of
14 \$373,186.70, for a total bid amount of \$373,186.70; and

15 WHEREAS, funds are available from Account #G-04-
16 157-401 /Ordinance No.3391, in the amount of \$346,605 from
17 monies received via a grant from New Jersey Department of
18 Transportation Local Aid Municipal Grant, Account# G-04-104-
19 401/Ordinance No.3345, in the amount of \$26,581.70 and
20 subject to the caveat and have been certified by the Chief
21 Financial Officer, said certification being attached to this
22 resolution;

23 NOW, THEREFORE, BE IT RESOLVED by the Board of
24 Commissioners of the Township of Nutley, County of Essex,
25 State of New Jersey, that a contract be awarded to AJM

1 Contractors, Inc., not to exceed \$373,186.70 and that the
2 Mayor and Township Clerk are hereby authorized to enter into
3 and sign said contract for the Township of Nutley.

4 I move the resolution.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 That concludes the business portion of our
17 meeting.

18 Madam Clerk?

19 MADAM CLERK: Yes, Mayor.

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

1 mayor.

2 The mayor may defer citizens' comments to the
3 appropriate member of the board. Dialogue between citizens
4 and others addressing the board shall be allowed, unless the
5 mayor or presiding officer or the majority of the membership
6 of the board shall determine that the interests of decorum
7 and/or the expeditious conduct of municipal business are
8 being adversely affected by such dialogue.

9 MR. MOORE: Rory Moore, 62 Chestnut Street.

10 Mr. Tucci?

11 COMMISSIONER TUCCI: Yes?

12 MR. MOORE: A moment ago, during your colloquy,
13 did I understand you to say that upon the completion of your
14 study that you're conducting, that the commissioners were
15 going to sit down to breakfast to discuss concerns?

16 COMMISSIONER TUCCI: Sit down to breakfast?

17 MR. MOORE: Did I -- did I just --

18 COMMISSIONER TUCCI: I don't think so. He's a
19 little late, but Commissioner Petracco -- I don't think he's
20 eating breakfast.

21 COMMISSIONER PETRACCO: I don't -- I don't eat
22 breakfast.

23 MR. MOORE: No, no, I --

24 COMMISSIONER TUCCI: No, no, what I said was once
25 I'm done with my white paper and I come up with my findings

1 to verify what conclusions I have come to, which will only be
2 my conclusions, okay, I want to sit down with the respective
3 commissioners and staff from their departments, all right,
4 to review them to make sure that I got everything right and
5 that I didn't miss anything.

6 MR. MOORE: Doesn't that constitute a public
7 meeting, if you have more than three of the commissioners
8 there?

9 COMMISSIONER TUCCI: No, not at one time.
10 Individually. Individually, because I don't know what their
11 schedules are, and, quite frankly, I'm not sure what my
12 schedule's going to be. So, no, there will not be three
13 commissioners, which will constitute a quorum.

14 MR. MOORE: No, but my only concern is if you have
15 to do a study for your concerns.

16 COMMISSIONER TUCCI: Right.

17 MR. MOORE: Maybe the public has some concerns and
18 they'd like to find out before it goes to ordinance. That's
19 what it sounds like.

20 COMMISSIONER TUCCI: Well, it's not going to
21 ordinance, Rory. It's a white paper.

22 MR. MOORE: I understand that. But you're doing a
23 white paper for reason.

24 COMMISSIONER TUCCI: So, yeah -- well, no, I'm not
25 -- you're jumping way ahead. We're not even talking about

1 an ordinance at this point. We're just trying to take the
2 temperature as to what effect multi-family housing, all
3 right, is having on our community.

4 MR. MOORE: So you're --

5 COMMISSIONER TUCCI: Both services, both schools.
6 It's like a 500-foot flyover to take a snapshot as to what's
7 gone on over the last 8 to 10 years, all right, and where we
8 find ourselves today and what impact that will have on all
9 the departments, all right, on services, on water, on sewer,
10 on public safety, on public health, you know, on finance. I
11 mean, the whole gamut.

12 MR. MOORE: When you conclude your white paper,
13 I'd like to get a copy of that.

14 COMMISSIONER TUCCI: Absolutely.

15 MR. MOORE: Do I have to OPRA -- do I have to OPRA
16 --

17 COMMISSIONER TUCCI: Once I conclude my white
18 paper, it will be for public consumption. You don't even
19 have to OPRA it. I'll email it to you.

20 MR. MOORE: Thank you.

21 COMMISSIONER TUCCI: You're welcome.

22 MAYOR SCARPELLI: Anybody else wish to address the
23 Board of Commissioners this evening?

24 Seeing none, could I have a motion to close the
25 public comment section?

1 COMMISSIONER TUCCI: So move.

2 COMMISSIONER EVANS: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 May I have a motion to go back into executive
14 session to discuss personnel, contract --

15 MADAM CLERK: Negotiations?

16 MAYOR SCARPELLI: What was the other one,
17 Counselor?

18 MR. GENITEMPO: Potential litigation.

19 MAYOR SCARPELLI: Potential litigation.

20 COMMISSIONER PETRACCO: Move it.

21 COMMISSIONER ROGERS: Second.

22 MADAM CLERK: WHEREAS, Section VIII of the Open
23 Public Meeting Act, Chapter 231, Public Law 1975, permits
24 the exclusion of the public from meeting in certain
25 circumstances; and

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

3 WHEREAS, the Board of Commissioners of the
4 Township of Nutley in the county of Essex, in the state of
5 New Jersey, desires to proceed to closed executive session;
6 and

7 NOW, THEREFORE, be it resolved by the Board of
8 Commissioners of the Township of Nutley move into closed
9 executive session to discuss personnel, contract
10 negotiations, and potential litigation.

11 BE IT FURTHER RESOLVED that the time when such
12 discussion may be disclosed to the public shall be when and
13 as such disclosure may be made without adversely affecting
14 the Township of Nutley pending and/or anticipated legal,
15 personnel, contractual matters, and other matters within the
16 exception provided for by statute.

17 Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 We will be back -- coming back on the public
3 session, but no action will be taken.

4 MADAM CLERK: The time is 7:20.

5 MAYOR SCARPELLI: Have good night, everybody.

6 (Adjourned to closed executive session)

7 (Reconvened)

8 MAYOR SCARPELLI: Madam Clerk?

9 MADAM CLERK: Need a motion to adjourn.

10 COMMISSIONER EVANS: Second.

11 MADAM CLERK: Commissioner --

12 COMMISSIONER TUCCI: No, you've got to move it.

13 COMMISSIONER EVANS: Oh, motion to adjourn.

14 Motion to adjourn. Seconded by Commissioner Tucci.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 MADAM CLERK: The time is 10:13.

1 (Whereupon, these proceedings were concluded at 10:13

2 PM)

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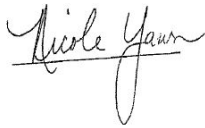
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C E R T I F I C A T I O N

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

A handwritten signature in cursive script that reads "Nicole Yawn". The signature is written in black ink and is positioned above the printed name.

Nicole Yawn

&	2019 29:25	460,907.14 14:12	absolutely 17:4
& 26:14	20th 12:4 31:3,5	493 31:7	19:14 36:14
0	21st 31:8	5	account 27:6
01-226-205 27:7	228 20:9 25:7	5,700 3:15	32:15,18
04 32:15	231 2:5 6:2 9:11	5,704.66 28:5	accounts 28:5
04-104 32:18	37:23	50/50 31:2,5,9	accurate 41:4
1	23rd 11:13 12:5	500 36:6	act 2:5 6:2 9:11
1 10:20,21 27:2,12	31:3	53,698.79. 14:13	37:23
1,947.67 24:3,11	24-18 31:1	5th 13:12 29:1	action 39:3
10 36:7	25 31:1	6	added 5:10
10,000.00 26:23	26,581.70 32:19	62 34:9	address 15:9,10,20
11 20:10 32:8	26-18 31:4	64,062.94 14:11	21:6 33:22,24
11166 41:7	27-18 31:7	6:00 12:21 13:12	36:22
12 29:2	27th 12:3	7	addressed 15:12
12:00 12:21 29:24	28 11:13	7 1:9 8:9 9:9 10:5	33:25
14 9:12 29:17	28-18 31:9	14:9	addressing 15:6
14th 2:6	287-17 26:20	7,129,468.35 14:11	15:15 17:1 33:20
157-401 32:16	28th 12:21 31:11	7,500 3:14	34:4
177 30:7	29-18 31:10	7,500.00 27:5,12	adjourn 39:9,13
17th 10:20	3	721,190.17 14:12	39:14
18 31:2	3 25:6,15	7:03 2:3	adjourned 7:6
18th 20:17,18,22	300 32:10	7:04 1:10	39:6
1975 2:5 6:2 9:11	3009 23:21 25:1	7:20 39:4	adoption 20:22
37:23	32 20:10	7:55 8:10 9:9	29:17
19:44a 26:17	32-2017 23:20	7th 2:3	adversely 6:17
19th 10:5 26:20	33-17 23:23	8	15:19 34:8 38:13
1st 29:17,23,24	3372d 24:5 25:10	8 27:6 36:7	advertised 20:13
2	3384 29:15	80-17 25:3	advice 26:17 27:2
2 10:20 24:1,10	3392 21:22,24	829,061.25 14:14	affair 12:3,20
2,942.50 25:8,16	3395 18:17 20:7	87,010.92. 14:13	affairs 4:18 14:10
20.4 26:17	346,605 32:16	9	affect 17:16
20.5 26:17	35 30:8	9,389,669.30.	aforementioned
2017 2:6 9:12	373,186.70 32:14	14:14	31:16
26:20	32:14 33:1	97,968.53 14:10	agenda 15:3,21
2018 1:9 2:3 8:9	39-2017 24:25	9:00 13:12	ago 34:12
9:9 10:5,5,6,20,21	3rd 10:5,20	a	agreement 4:21
12:5 14:10 20:22	4	a.m. 29:24	ahead 35:25
29:1,2,17,18,23,25	4 32:7,13	absence 29:1	aid 32:18
31:3,6,9,11 32:8	401 32:19		ajm 4:11 32:10,25
			alan 1:20 8:20

<p>allegiance 9:4 alleviate 19:22 allowed 15:15 34:4 alphonse 8:17 amend 20:8 amended 5:3 10:23 amending 16:15 amendments 16:24 amount 24:2,10 25:7,15 26:23 27:5,12 28:5 32:13,14,16,19 angelo 26:13 angie 3:13 announcement 16:13 announcements 16:11,13 18:12 annual 12:3 13:11 anticipated 6:18 17:10 38:14 anybody 15:20 21:24 30:2 36:22 application 12:3 12:20 13:11 applications 30:24 31:12 approach 15:8 33:21 appropriate 15:14 26:17 34:3 approve 23:1 approved 24:11 25:16 27:13 31:13 31:17 article 20:10 attached 24:6 25:11 27:8 32:21</p>	<p>attorney 1:20 16:20 august 1:9 2:3 8:9 9:9 14:9 29:22 authorized 23:23 25:2 28:4 31:17 33:2 auto 3:2 29:20,21 30:6 available 24:4 25:9 27:6 32:15 avenue 11:13 26:14 30:7 32:7,8 award 3:1 4:10 awarded 26:15 30:6 32:25 aye 6:22,24 7:1,3,5 10:10,12,14,16,18 10:25 11:2,4,6,8 11:18,20,22,24 12:1,10,12,14,16 12:18 13:1,3,5,7,9 13:16,18,20,22,24 14:18,20,22,24 15:1 16:2,4,6,8,10 21:1,3,5,18,20 22:5,7,9,11,13,17 22:19,21,23,25 23:8,10,12,14,16 24:15,17,19,21,23 25:25 26:2,4,6,8 27:17,19,21,23,25 28:10,12,14,16,18 29:6,8,10,12,14 30:13,15,17,19,21 31:22,24 32:1,3,5 33:7,9,11,13,15 37:4,6,8,10,12 38:18,20,22,24 39:1,16,18,20,22 39:24</p>	<p style="text-align: center;">b</p> <p>back 17:6,23 37:13 39:2,2 base 32:12 beginning 29:22 believe 17:14 19:17 20:16 belleville 3:4 30:7 30:9 bid 32:12,14 bidder 32:11 bids 32:6 bill 14:9 bills 14:8,15 15:2 bit 17:10 bloomfield 32:7 board 1:2,20 2:2,9 6:7,11 8:2 9:8,15 15:7,10,11,14,15 15:17,21 16:24 17:7 20:15 21:11 23:2 24:8 25:13 27:10 28:1,23 30:3 31:14 32:23 33:20,23,25 34:3,4 34:6 36:23 38:3,7 body 3:2 6:5 29:20 29:21 30:6 38:1 book 5:10 booster 31:4 box 23:21 25:1 breakfast 34:15 34:16,20,22 brookline 11:13 bulletin 2:9 9:14 business 15:18 33:16 34:7</p> <p style="text-align: center;">c</p> <p>c 2:1 9:1 41:1,1</p>	<p>call 23:6 calling 16:23 capital 24:4 25:9 carella 19:7 cars 19:25 case 19:19,19 cash 31:2,5,10 catholic 30:25 caveat 32:20 certain 6:3 37:24 certification 24:6 25:11 27:8 32:21 certified 24:5 25:10 27:7 32:20 certify 41:3 change 3:13 18:19 18:23 19:17 20:6 23:25 24:1,10 25:5,6,15 26:25 27:2,12 29:23 changing 21:6,15 chapter 2:5 6:2 9:11 20:9 37:23 charges 28:4 chase 19:22 check 16:19 chestnut 4:5 25:7 34:9 chief 24:5 25:10 27:7 32:20 church 11:11 12:2 12:19 31:1,9 cifelli 26:13,14 cifelli's 3:13 circumstances 6:4 6:6 37:25 38:2 citizens 15:13,14 34:2,3 clarification 25:17 clear 20:5</p>
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<p>clerk 2:2,13,15,17 2:19,21,22 4:1,13 4:14 5:4,6,8,18,20 6:1,23,25 7:2,4 9:6,7,19,21,23,25 10:2,3,4,9,11,13 10:15,17,19,24 11:1,3,5,7,9,11,17 11:19,21,23,25 12:2,9,11,13,15,17 12:19,25 13:2,4,6 13:8,10,15,17,19 13:21,23,25 14:8,9 14:17,19,21,23,25 15:2,5,6 16:1,3,5,7 16:9 20:18,25 21:2,4,17,19 22:4 22:6,8,10,12,16,18 22:20,22,24 23:6,7 23:9,11,13,15 24:14,16,18,20,22 25:24 26:1,3,5,7 27:16,18,20,22,24 28:9,11,13,15,17 29:5,7,9,11,13 30:12,14,16,18,20 31:13,17,21,23,25 32:2,4 33:2,6,8,10 33:12,14,18,19 37:3,5,7,9,11,15 37:22 38:19,21,23 38:25 39:4,8,9,11 39:15,17,19,21,23 39:25 clerk's 2:10 9:15 clifton 32:11 close 15:22 21:25 22:3 36:24 closed 6:9,12 7:6 25:21 38:5,8 39:6</p>	<p>club 31:4 code 3:11 14:5 20:8 26:18,24 27:3 codified 20:8 colloquy 34:12 come 19:6 34:25 35:1 coming 39:2 comment 15:3,22 36:25 comments 5:14 15:13 18:25 34:2 commissioner 1:14,15,16,17 2:11 2:12,13,14,15,16 2:17,18,23,24 3:5 3:6,7,9,10,11,17 3:18,19,21,22,23 4:2,7,23 5:5,7,24 6:21,22,23,24,25 7:1,2,3 8:14,15,16 8:17 9:17,18,19,20 9:21,22,23,24 10:7 10:8,9,10,11,12,13 10:14,15,16,22,23 10:24,25 11:1,2,3 11:4,5,6,15,16,17 11:18,19,20,21,22 11:23,24 12:7,8,9 12:10,11,12,13,14 12:15,16,23,24,25 13:1,2,3,4,5,6,7,13 13:14,15,16,17,18 13:19,20,21,22 14:1,2,4,5,15,16 14:17,18,19,20,21 14:22,23,24 15:24 15:25 16:1,2,3,4,5 16:6,7,8,11,12,17 18:3,8,9,11,13,16</p>	<p>18:17,23 19:11,20 20:2,3,19,24,25 21:1,2,3,4,5,8,9,16 21:17,18 22:2,3,4 22:5,6,7,8,9,10,11 22:15,16,17,18,19 22:20,21,22,23 23:5,7,8,9,10,11 23:12,13,14,18,19 24:13,14,15,16,17 24:18,19,20,21,24 25:23,24,25 26:1,2 26:3,4,5,6,9,10,11 26:12 27:15,16,17 27:18,19,20,21,22 27:23 28:1,8,9,10 28:11,12,13,14,15 28:16,19,20,21,22 29:4,5,6,7,8,9,10 29:11,12,15 30:11 30:12,13,14,15,16 30:17,18,19,22,23 31:20,21,22,23,24 31:25 32:1,2,3 33:5,6,7,8,9,10,11 33:12,13 34:11,16 34:18,19,21,24 35:9,16,20,24 36:5 36:14,17,21 37:1,2 37:3,4,5,6,7,8,9,10 37:20,21 38:17,18 38:19,20,21,22,23 38:24 39:10,11,12 39:13,14,15,16,17 39:18,19,20,21,22 commissioners 1:2 2:2 6:7,12 8:2 9:8 15:7,21 16:11,18 17:11,13 20:16 23:1 24:9 25:14 27:11 28:2,23</p>	<p>30:4 31:15 32:24 33:20 34:14 35:3 35:7,13 36:23 38:3,8 communications 4:16 11:10,11 13:25 community 15:7 33:21 36:3 commuter 19:2,23 commuters 19:22 complete 25:19 completed 25:20 completion 34:13 concern 35:14 concerned 17:20 concerning 18:2 concerns 15:7 33:21 34:15 35:15 35:17 conclude 36:12,17 concluded 40:1 concludes 33:16 conclusions 35:1,2 conduct 15:18 34:7 conducting 17:8 34:14 conference 1:5 connection 26:19 27:3 cons 21:14 consideration 20:14 constitute 35:6,13 consultant 25:18 consultants 4:4 23:21 25:1 consumption 36:18</p>
---	---	--	--

<p>continuing 17:22 contract 3:2,3 4:10 6:14 23:20 24:1,25 25:6 26:15,23 27:1 32:25 33:3 37:14 38:9 contractors 32:10 33:1 contracts 30:5 contractual 6:19 38:15 copy 2:8,9 9:13,15 36:13 correct 21:8 counsel 18:21 counselor 4:19 37:17 county 6:8 24:9 25:14 27:11 28:2 28:23 30:4 31:15 32:24 38:4 couple 3:1 16:13 18:25</p>	<p>dialogue 15:14,19 34:3,8 die 17:4 director 19:18 23:24 25:4 26:24 disclosed 6:16 38:12 disclosure 6:17 38:13 discrepancies 18:4 discretion 19:18 discuss 6:13 34:15 37:14 38:9 discussed 21:9 discussion 6:16 19:20 38:12 doing 35:22 draft 4:22 driveway 21:13</p>	<p>esq 1:20 8:20 essex 6:8 24:9 25:14 27:11 28:3 28:24 30:4 31:15 32:24 38:4 evans 1:16 2:15,16 3:10,11 5:24 6:25 7:1 8:16 9:21,22 10:7,13,14,22 11:3 11:4,15,21,22 12:7 12:13,14,23 13:4,5 13:13,19,20 14:4,5 14:15,21,22 15:24 16:5,6 18:3,8 21:4 21:5,16 22:3,8,9 22:20,21 23:11,12 24:13,18,19 25:23 26:3,4,10,12 27:20 27:21 28:1,13,14 28:19 29:9,10 30:16,17 31:25 32:1 33:10,11 37:2,7,8 38:21,22 39:10,13,19,20 evening 16:16 36:23 event 13:11 everybody 5:11 9:2 19:13 39:5 exactly 17:24 exceed 33:1 exceeded 26:22 exception 6:20 38:16 exclusion 6:3 37:24 executive 4:15,20 4:24 5:7,23 6:9,13 7:6 10:19 37:13 38:5,9 39:6</p>	<p>exist 6:6 38:2 expeditious 15:18 34:7</p> <hr/> <p style="text-align: center;">f</p> <hr/> <p>f 41:1 fact 25:20 fair 26:15 family 4:16 11:11 12:2 30:25 36:2 far 16:22,24 february 17:6 feel 17:16 fees 18:19 festival 12:4 file 2:9 9:15 final 20:15 finance 14:10 26:24 36:10 financial 24:6 25:11 27:7 32:21 find 35:18 36:8 findings 34:25 fine 5:19 firm 26:13 five 33:24 flyover 36:6 following 23:25 25:5 26:25 29:22 30:25 follows 29:25 foot 36:6 foregoing 41:3 forth 16:24 21:13 forward 17:16 frankly 35:11 friday 12:20 13:12 31:8,11 front 19:3,5 funded 4:12 funds 24:4 25:9 27:6 32:15</p>
<p style="text-align: center;">d</p> <hr/> <p>d 2:1 9:1 december 2:6 9:12 26:20 decision 19:19 decorum 15:17 34:6 defer 15:13 34:2 department 3:12 19:24 26:18 27:3 28:25 31:13 32:17 departments 17:14 35:3 36:9 depending 20:6 desires 6:9 38:5 determine 15:17 34:6</p>	<p style="text-align: center;">e</p> <hr/> <p>e 1:13 2:1,1 8:13 9:1,1 35:1 41:1 east 32:7 eat 34:21 eating 34:20 effect 36:2 effective 29:1 email 5:9,10 36:19 emailing 16:22 emails 18:2 employee 28:24 enforcement 3:12 14:6 26:18 27:3 enter 33:2 entered 23:20 24:25 entitled 20:9,10 29:16 environmental 4:3 23:21 25:1</p>		

<p>further 5:14 6:15 15:9 16:16 20:14 33:23 38:11</p>	<p>health 36:10 heard 21:24 hearing 4:8 21:21 22:1,3</p>	<p>introduce 18:18 19:9 introduced 29:16 introduction 2:25 18:18</p>	<p>l</p>
<p>g</p>	<p>hearings 21:21 held 13:12 20:16 31:2,5,8,11</p>	<p>introductions 18:15 investigation 4:4 18:3 23:22 24:2 25:2,7,20</p>	<p>l 8:14 land 3:14 26:19 27:4 lane 19:10,11 language 19:16 late 34:19 law 2:5 6:2 9:11 20:14 26:13 37:23</p>
<p>g 2:1 9:1 32:15,18 gamut 36:11 garage 4:5 24:2 garcia 28:24 genitempo 1:20 4:20 8:20 18:22 26:14 37:18 getting 18:2,5,6 19:1 give 20:20 go 4:2 5:22 23:2 37:13 goes 19:21 35:18 going 3:3 4:23 16:14 17:5,25 19:14,17 20:19 30:1 34:15 35:12 35:20 good 17:21 19:20 39:5 government 17:24 grand 14:14 grant 32:17,18 granted 15:9 28:25 33:23 ground 4:4 23:22 24:1 25:2,6,19</p>	<p>hello 3:23 herald 2:7 9:13 highfield 19:10,11 hold 4:17 11:12 12:3 holy 4:16 11:11 12:2 30:25 hook 19:2 hoping 16:19 hourly 31:2 house 19:4,5 housing 36:2</p>	<p>involve 21:6 issue 31:17 issues 2:6 9:12 21:11 25:21 items 15:3,21</p>	<p>leave 3:1 29:1 ledger 2:7 9:13 legal 6:18 26:17 27:2 38:14 legality 16:20 letter 11:12 letters 18:2 license 31:1,1,4,7 31:9,10 licenses 4:10 31:16 31:18 life 17:9 limit 15:10 33:24 limited 19:4 list 14:9 listed 28:6 litigation 5:1,20 6:13 37:18,19 38:10 little 20:20 34:19 local 32:18 located 30:7,8 longer 17:10 look 5:11 looking 16:25 lot 21:11 low 32:11</p>
<p>h</p>	<p>idea 20:1 ii 4:8 17:17 21:22 impact 36:8 impacts 17:15 impoundment 29:16 improvement 32:7 32:13 improvements 4:11 indiscernible 4:12 6:20 individual 15:11 33:25 individually 35:10 35:10 information 25:20 input 16:18 17:11 interests 15:17 34:6</p>	<p>involve 21:6 issue 31:17 issues 2:6 9:12 21:11 25:21 items 15:3,21</p>	<p>legal 6:18 26:17 27:2 38:14 legality 16:20 letter 11:12 letters 18:2 license 31:1,1,4,7 31:9,10 licenses 4:10 31:16 31:18 life 17:9 limit 15:10 33:24 limited 19:4 list 14:9 listed 28:6 litigation 5:1,20 6:13 37:18,19 38:10 little 20:20 34:19 local 32:18 located 30:7,8 longer 17:10 look 5:11 looking 16:25 lot 21:11 low 32:11</p>
<p>hall 2:8 9:14 hand 17:21 19:24 19:24 happen 16:21 17:5 happens 19:25 harrison 4:11 32:6 32:12</p>	<p>i</p>	<p>j</p>	<p>madam 2:2,13,15 2:17,19,21,22 4:1 4:13,14 5:4,6,8,18</p>
<p>h</p>	<p>idea 20:1 ii 4:8 17:17 21:22 impact 36:8 impacts 17:15 impoundment 29:16 improvement 32:7 32:13 improvements 4:11 indiscernible 4:12 6:20 individual 15:11 33:25 individually 35:10 35:10 information 25:20 input 16:18 17:11 interests 15:17 34:6</p>	<p>keep 16:14 19:12 kind 17:3,3 know 16:22 19:13 20:6 35:10 36:10 kuller 32:10</p>	<p>madam 2:2,13,15 2:17,19,21,22 4:1 4:13,14 5:4,6,8,18</p>
<p>h</p>	<p>idea 20:1 ii 4:8 17:17 21:22 impact 36:8 impacts 17:15 impoundment 29:16 improvement 32:7 32:13 improvements 4:11 indiscernible 4:12 6:20 individual 15:11 33:25 individually 35:10 35:10 information 25:20 input 16:18 17:11 interests 15:17 34:6</p>	<p>job 1:24 john 4:21 joint 17:6 joseph 1:13 8:13 july 3:12 4:1,2 10:5,20,20 14:3,6 32:8 jumping 35:25 june 10:5,5 29:17</p>	<p>madam 2:2,13,15 2:17,19,21,22 4:1 4:13,14 5:4,6,8,18</p>
<p>h</p>	<p>i</p>	<p>k</p>	<p>m</p>
<p>h</p>	<p>idea 20:1 ii 4:8 17:17 21:22 impact 36:8 impacts 17:15 impoundment 29:16 improvement 32:7 32:13 improvements 4:11 indiscernible 4:12 6:20 individual 15:11 33:25 individually 35:10 35:10 information 25:20 input 16:18 17:11 interests 15:17 34:6</p>	<p>keep 16:14 19:12 kind 17:3,3 know 16:22 19:13 20:6 35:10 36:10 kuller 32:10</p>	<p>madam 2:2,13,15 2:17,19,21,22 4:1 4:13,14 5:4,6,8,18</p>

<p>5:20 6:1,23,25 7:2 7:4 9:6,7,19,21,23 9:25 10:2,3,4,9,11 10:13,15,17,19,24 11:1,3,5,7,9,11,17 11:19,21,23,25 12:2,9,11,13,15,17 12:19,25 13:2,4,6 13:8,10,15,17,19 13:21,23,25 14:8,9 14:17,19,21,23,25 15:2,5,6 16:1,3,5,7 16:9 20:18,25 21:2,4,17,19 22:4 22:6,8,10,12,16,18 22:20,22,24 23:6,7 23:9,11,13,15 24:14,16,18,20,22 25:24 26:1,3,5,7 27:16,18,20,22,24 28:9,11,13,15,17 29:5,7,9,11,13 30:12,14,16,18,20 31:21,23,25 32:2,4 33:6,8,10,12,14,18 33:19 37:3,5,7,9 37:11,15,22 38:19 38:21,23,25 39:4,8 39:9,11,15,17,19 39:21,23,25 majority 15:16 34:5 mary's 12:19 31:9 mass 19:23 matters 6:19,19 38:15,15 mauro 3:4 mayor 1:13 2:19 2:20,21,22 3:10,17 3:19,20,22,23 4:7 4:14,19,23,25 5:12</p>	<p>5:15,19,22 7:4,5 8:13 9:2,6,7,25 10:1,2,3,4,17,18 11:7,8,10,25 12:1 12:17,18 13:8,9,23 13:24 14:1,4,7,9 14:25 15:1,2,3,6 15:12,13,16,20 16:9,10 18:11,14 21:19,20 22:12,13 22:24,25 23:6,15 23:16 24:22,23 26:7,8 27:24,25 28:17,18,19,20 29:13,14 30:20,21 30:23 32:4,5 33:2 33:14,15,19 34:1,2 34:5 36:22 37:11 37:12,16,19 38:25 39:1,5,8,23,24 mean 36:11 medical 3:1 28:25 meeting 2:3,5,6 4:14 5:17 6:2,3 8:5 9:8,11,12 10:4 16:19,21 17:7 20:20 33:17 35:7 37:23,24 member 15:14 34:3 members 15:12 33:25 membership 15:16 34:5 merchandise 31:8 31:10 microphone 15:8 33:21 mill 30:8 minimum 16:14</p>	<p>minutes 4:15,15 5:3 10:3,5,7,19,22 15:11 33:24 moment 17:22 34:12 money 31:1 monies 32:17 montclair 23:21 25:1 month 14:3,6 19:14 21:5 29:23 29:24 months 3:24 18:21 moore 34:9,9,12 34:17,23 35:6,14 35:17,22 36:4,12 36:15,20 motion 5:22 11:14 12:6,22 15:23 21:25 23:1 36:24 37:13 39:9,13,14 move 5:24 6:12 10:7,22 11:15 12:7,23 13:13 14:15 15:24 20:12 20:23 22:2,14 23:17 24:12 25:22 27:14 28:7 29:3 30:10 31:19 33:4 37:1,20 38:8 39:12 moving 17:2,3,16 17:23 multi 36:2 municipal 2:9 9:15 15:18 31:13 31:17 32:18 34:7</p>	<p>name 15:8 33:22 need 4:25 11:14 12:6,22 39:9 needed 25:18 negotiations 6:14 37:15 38:10 new 1:1 6:9 8:1 23:22 24:10 25:15 28:3,24 30:5,7,9 31:16 32:11,17,25 38:5 news 2:7 9:13 nhs 31:4 nicole 1:25 8:25 41:3,8 nicollette 3:2 29:20 29:21 30:6 night 39:5 nj 25:2 nj2986900 1:24 njdot 4:12 no.3345 32:19 no.3391 32:16 non 26:15 noted 30:2 notice 2:5,8 9:11 9:14 20:14 november 31:5 nutley 1:1 2:7,8 6:8,12,18 8:1 9:13 9:14 13:10 19:22 20:9,13 21:22 23:20 24:9,25 25:14 26:14 27:11 28:2,23 30:4,6 31:15 32:24 33:3 38:4,8,14</p>
		n	o
		<p>n 2:1 9:1 41:1 n.j.s.a. 26:16</p>	<p>o 2:1 9:1 41:1 oakley 19:8</p>

<p>october 13:12 29:2 offered 16:17 office 2:10 9:16 officer 15:16 24:6 25:11 27:8 32:21 34:5 oh 5:5 39:13 okay 5:12,15 18:9 35:2 onboard 21:14 once 16:19 25:19 34:24 36:17 one's 4:4 open 2:4 6:1 9:10 26:15 37:22 opened 32:8 opinion 6:5 38:1 opposed 17:19 opra 36:15,15,19 order 3:13 23:25 24:1,10 25:5,6,15 26:25 27:2,12 ordinance 2:24 16:16 18:15,17 19:16 20:7,8,8,12 20:15,23 21:22,24 22:14 24:5 25:10 29:15 32:16,19 35:18,21 36:1 organizations 30:25 original 26:22 originally 16:15 17:10 outcome 20:7 outweighs 21:14 overnight 21:7,12 21:15 overpayment 3:15 overpayments 28:4</p>	<p>overtime 14:13</p> <hr/> <p style="text-align: center;">p</p> <hr/> <p>p 2:1 9:1 p.m. 1:10 2:3 8:10 12:21,21 13:12,12 p.o. 23:21 25:1 paper 17:19 34:25 35:21,23 36:12,18 paris 26:14 park 19:3,5 parking 2:25 19:2 19:4 20:11 21:7 21:12,15 parks 14:12 23:24 25:4 particularly 20:10 passage 20:15 passaic 26:14 30:7 32:8 passed 20:12 passes 17:24,25 pause 9:5 pay 29:1 payroll 14:13,14 pending 5:1,18 6:13,18 38:14 people 16:22 19:3 19:8 21:12 perfect 19:15 period 18:19 permission 11:12 permit 2:25 12:3 12:20 20:10 permits 6:2 37:23 person 15:10 33:23 personnel 5:1,20 6:13,19 37:14 38:9,15 persons 15:6 33:20</p>	<p>petracco 1:17 2:17 2:18,23,24 3:6,9 7:2,3 8:17 9:23,24 10:15,16 11:5,6,23 11:24 12:15,16 13:6,7,21,22 14:23 14:24 16:7,8 18:16,17,23 19:11 20:3,19 21:8,9,17 21:18 22:10,11,22 22:23 23:13,14 24:20,21 26:5,6 27:22,23 28:15,16 28:21,22 29:11,12 29:15 30:18,19,22 32:2,3 33:12,13 34:19,21 37:9,10 37:20 38:23,24 39:21,22 ph 19:7,10,23 23:2 phase 4:8 17:17 21:22 phones 19:1 pilot 19:14 21:5 piro 3:13 26:13 placard 18:20 plan 4:9 21:23 23:3,3 planned 16:15 planning 16:24 17:7 23:2 please 9:2,3 pledge 9:3,4 pm 40:2 point 17:15 36:1 police 31:13 policies 26:19 27:4 policy 3:14 portion 33:16 position 21:7,10 21:10</p>	<p>post 31:7 posted 2:8 9:14 potential 37:18,19 38:10 premise 31:5,7,9 31:10 present 1:19 2:21 8:19 10:2 presiding 15:16 34:5 pretty 4:22 previous 25:18 prism 23:1 probably 16:21 17:17,18 problem 19:16 problems 19:3 procedures 3:14 26:20 27:5 proceed 6:9 38:5 proceedings 1:6 8:6 40:1 41:4 professional 26:16 professionals 17:18 program 4:18 19:14 21:6 progress 20:4 project 32:7,13 promise 19:7 property 14:12 23:24 25:4 proposals 29:19 pros 21:14 provide 15:8 26:17 27:2 33:22 provided 6:20 38:16 provisions 26:16 public 2:2,4,5 4:8 6:2,2,3,5,16 8:5</p>
---	--	--	---

<p>9:8,10,11 14:10,11 14:11,12 15:3,22 19:1,17 20:21 21:21,21 22:1,3 23:24 25:4 28:25 35:6,17 36:10,10 36:18,25 37:23,23 37:24 38:1,12 39:2 published 2:6 9:12 29:17 purposes 25:17 pursuant 2:4 9:10 26:16 put 5:11,17 16:24 18:19 19:23 20:21</p>	<p>record 15:9 20:5 33:22 41:4 redevelopment 4:9,21 21:23 23:3 refund 3:15 28:4 regarding 15:7 33:21 regular 4:14 10:4 remarks 15:11 33:24 report 3:11,24 14:2,3,6 reports 14:1 representatives 17:13 requesting 11:12 requests 4:16 required 20:14 requirements 2:4 9:10 resolution 23:23 24:7,12 25:3,12,22 26:20 27:9 28:6 29:3 30:10 31:19 32:22 33:4 resolutions 3:1,12 4:3,9 23:17 resolved 6:11,15 24:8 25:13 27:10 28:1,22 30:3 31:14 32:23 38:7 38:11 respective 35:2 revenue 14:10 26:24 review 23:3 35:4 reviewed 31:12 revisions 16:16 right 3:4 16:25 17:16 18:2,14 20:18 35:3,4,16</p>	<p>36:3,7,9 ringing 19:2 road 32:10 roadway 4:11 32:6 32:13 rogers 1:14 2:11 2:12 3:18,19,21 4:23 5:5,7 6:21,22 8:14 9:17,18 10:9 10:10,24,25 11:16 11:17,18 12:8,9,10 12:24,25 13:1,14 13:15,16 14:16,17 14:18 15:25 16:1 16:2,17 20:24,25 21:1 22:4,5,15,16 22:17 23:7,8 24:14,15 25:24,25 27:16,17 28:9,10 29:4,5,6 30:11,12 30:13 31:20,21,22 33:6,7 37:3,4,21 38:17,18 39:15,16 roll 23:6 rory 34:9 35:21 rotating 29:22</p>	<p>14:1,4,7,25 15:1,3 15:20 16:9,10 18:11,14 21:19,20 22:12,13,24,25 23:6,15,16 24:22 24:23 26:7,8 27:24,25 28:17,18 28:20 29:13,14 30:20,21,23 32:4,5 33:14,15 36:22 37:11,12,16,19 38:25 39:1,5,8,23 39:24 schedule 29:22,23 29:25 30:1 schedule's 35:12 schedules 35:11 schools 36:5 second 5:25 10:8 10:23 11:16 12:8 12:24 13:14 14:16 15:25 20:12,16,24 22:15 23:4,5 24:13 25:23 27:15 28:8 29:4 30:11 31:20 33:5 37:2 37:21 39:10</p>
<p>q</p>	<p>question 5:2 questions 17:1,1 quite 35:11 quorum 35:13</p>	<p>s 2:1 9:1 safety 14:11 19:1 19:17 28:25 36:10 salary 16:15 sam 19:7,8 says 18:19,20 scarpelli 1:13 2:19 2:20,22 3:10,17,20 3:22 4:7,19,25 5:12,15,19,22 7:4 7:5 8:13 9:2,6,25 10:1,3,17,18 11:7 11:8,10,25 12:1,17 12:18 13:8,9,23,24</p>	<p>seconded 39:14 section 6:1 15:22 20:10 32:7,13 36:25 37:22 see 19:24 30:2 seeing 15:22 21:25 36:24 sent 5:9 september 11:13 12:4,4,20 20:17,22 29:1 31:2,3,8,11 service 26:16 services 3:14 23:22 24:2 25:2,7</p>
<p>r</p>	<p>r 2:1 9:1 41:1 raffle 4:10,17 11:13 30:24 31:2 31:5,8,10,11,18 read 30:1 reading 20:13,16 real 17:22 realize 17:24 really 20:3 reason 35:23 received 29:19 30:24 32:8,17 recommendations 16:23 recommended 23:25 25:5 26:25 reconvened 39:7</p>	<p>roll 23:6 rory 34:9 35:21 rotating 29:22</p>	<p>roll 23:6 rory 34:9 35:21 rotating 29:22</p>

<p>26:18,22 27:3 36:5,9 session 1:5 4:15,24 5:7,8 6:9,13 7:6 10:19,21 37:14 38:5,9 39:3,6 sessions 10:20 sewer 36:9 shade 3:23 14:3 sharpen 20:21 shelf 17:4 short 4:20,24 side 17:3 sign 33:3 signature 41:7 simple 20:4 single 21:13 sir 3:5,20 4:6 sit 17:12 34:15,16 35:2 site 23:2 six 18:21 19:14 21:5 skip 20:20 sleight 17:21 snapshot 36:6 soccer 31:4 social 4:18 12:3,20 solution 19:7,15 20:4 soon 18:7 21:15 sounded 17:21 sounds 35:19 speak 17:14 18:6 speaker 5:2,9,13 5:16,21,25 19:10 split 3:3,6 st 12:19 25:7 31:9 staff 35:3 stand 9:2</p>	<p>standing 21:7 star 2:7 9:13 state 6:8 24:10 25:15,21 28:3,24 30:5 31:16 32:25 38:4 statute 6:20 38:16 step 17:12 25:18 25:19 steven 8:14 street 4:5,11 19:25 30:9 32:6,12 34:9 struggle 21:12 study 17:8,18,19 34:14 35:15 subdivision 23:2 subject 20:6 32:20 submit 18:23 submitted 11:12 12:2,19 13:11 25:21 sun 2:7 9:13 20:13 sunday 4:17 11:13 sure 3:24 18:5,6 35:4,11 survivors 13:10</p>	<p>21:15,16 26:9,12 28:19,20 30:23 36:20 thing 18:1 think 17:2 21:10 21:13 34:18,19 thomas 8:16 three 15:10 35:7 35:12 thriving 13:10 thursday 12:4 31:2 time 2:3 6:15 9:9 15:9 17:24,25 18:7,19 19:4 20:20 21:15 33:23 35:9 38:11 39:4 39:25 today 2:23 36:8 tonight 19:9 total 14:13,14 32:14 towing 3:2 29:16 29:20,21 30:5,8 town 2:8 9:14 16:20 21:12 township 1:1 6:8 6:12,18 8:1 20:9 23:19 24:9,24 25:14 27:11 28:2 28:23 30:4,6 31:15 32:24 33:2 33:3 38:4,8,14 township's 26:19 27:4 traffic 20:10 transcribed 1:25 8:25 transcript 1:5 8:5 41:3</p>	<p>transportation 32:18 treasurer 28:3 tree 3:24 14:3 tremont 4:5 24:2 tried 19:4 trolley 19:21 true 41:4 try 16:14 19:14 trying 19:6 36:1 tucci 1:15 2:13,14 3:5,7,22,23 4:2 6:23,24 8:15 9:19 9:20 10:8,11,12,23 11:1,2,19,20 12:11 12:12 13:2,3,17,18 14:1,2,19,20 16:3 16:4,12 18:9,13 19:21 20:2 21:2,3 22:2,6,7,18,19 23:5,9,10,18,19 24:16,17,24 26:1,2 26:11 27:15,18,19 28:8,11,12 29:7,8 30:14,15 31:23,24 33:5,8,9 34:10,11 34:16,18,24 35:9 35:16,20,24 36:5 36:14,17,21 37:1,5 37:6 38:19,20 39:12,14,17,18 tuesday 2:3 9:8 31:5 twin 3:2 29:20,20 29:21 30:8,8 two 3:12 4:3,9,16 5:8 18:20,21 25:21 28:5 type 19:23</p>
	<p>t</p>		
	<p>t 29:20 30:8 41:1,1 take 5:11 19:18,19 36:1,6 taken 25:18 39:3 talk 4:21 talking 35:25 tax 28:4 taxes 3:15 tell 5:16 temperature 36:2 terrace 19:8 thank 2:22 3:17,20 4:7 9:7 14:7 17:11 18:9,11 20:1</p>		

u	wish 15:20 21:24 36:22
understand 34:13 35:22	word 19:12
unfortunately 17:9	work 19:24 20:3
unidentified 5:2,9 5:13,16,21,25 19:10	working 17:8
unpaid 3:1	works 14:11 29:21 30:7
update 18:6	y
upper 23:21 25:1	yawn 1:25 8:25 41:3,8
use 3:14 26:19 27:4 29:22	yeah 3:8,9 4:25 5:6,9,21 20:19 35:24
utility 14:13	years 18:20,21 36:7
v	z
various 4:10	zinna 3:13 26:14
vehicles 20:9 29:16	zoning 17:7
verify 35:1	
vfw 31:7	
view 17:15	
viii 6:1 37:22	
viridian 4:3 23:20 24:25	
w	
walk 13:11	
want 4:23 17:2,11 18:5 19:12,13 20:1,4,5 35:2	
water 4:4 14:12 23:22 24:1 25:2,6 25:19 36:9	
way 3:7 17:9 20:1 35:25	
we've 19:1,6	
welcome 3:21 20:2 26:11 36:21	
wheel 31:1	
white 17:19 34:25 35:21,23 36:12,17	