In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings
April 16, 2019
Conference Session
TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

*** CONFERENCE SESSION ***

DATE: April 16, 2019

BOARD OF COMMISSIONERS:

JOSEPH P. SCARPPELLI, MAYOR

MAURO G. TUCCI, COMMISSIONER

THOMAS J. EVANS, COMMISSIONER

STEVEN L. ROGERS, COMMISSIONER

ALSO APPEARING:

ALAN GENITEMPO, TOWNSHIP ATTORNEY
(Recording begins)

THE CLERK: Okay. Board of Commissioners public meeting, Tuesday, April 16th, 2019. The time is 7:04. Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the November 29, 2018 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 will be with us shortly. Mayor Scarpelli?

MAYOR SCARPELLI: Here.

COMMISSIONER TUCCI: God bless you.

THE CLERK: All present, Mayor, except Commissioner Petracco.

MAYOR SCARPELLI: Thank you, Madam Clerk.

Commissioner Evans, what do you have on the agenda tonight?
COMMISSIONER EVANS: Let me just put my glasses on so I can actually tell you. I have a communication just relates I have to share with you. We did our bond anticipation amount for $2,036,000, and we successfully closed that on the 17th of April, at a net interest rate of 1.84 percent for one year. So we're maintaining our low interest rate, which will continue to keep our debt service down. So I just have to read that into the record.

I have reports for the Code Enforcement Department for the first quarter of '19 as well the month of March. I have also -- I have an ordinance which is going to allow us to set aside the money for the reevaluation. So I have an ordinance to enter introduction, that's from the Mecca settlement.

And then I have a couple of resolutions this evening. One is for Northwest Financial, which -- because we have bond debts -- bonds outstanding, and they're just subject to an independent financial audit, so -- Ann Dudley (phonetic) does that for $1500, and that's the same amount year over year.

I have a refund, a temporary appropriation for our debt service, and I -- and a resolution appointing Appraisal Systems to do the reevaluation of the town, as part of the Fair and Open Contract. Okay?
MAYOR SCARPELLI: Thank you, Commissioner.

Commissioner Rogers?

COMMISSIONER ROGERS: Nothing, Mr. Mayor.

Thank you.

MAYOR SCARPELLI: Thank you. Thank you for coming. Commissioner Tucci?

COMMISSIONER TUCCI: I have three short ones. One authorizing the contract with Trane North for two commercial rooftop air conditioning units for the Parks Department building, the gym at 44 Park Avenue. The second one is proclaiming May 4th, 2019, as Arbor Day, and the third is a change order for Viridian Environmental Consultants for Owens.

MAYOR SCARPELLI: Thank you.

COMMISSIONER TUCCI: All right -- Owens, I'm sorry, Glotzbach. Glotzbach, because when we did the returf, they wanted another preliminary investigation, so we had to drill more holes and hope not to hit oil. And that's a --

MAYOR SCARPELLI: Or anything else.

COMMISSIONER TUCCI: That's right.

MAYOR SCARPELLI: I have some raffle license applications, I have a change order for Integrity for our commingled, for their second -- that runs from July 1st through June 30th, so that's the second half
of that -- the change order for AJM Contractors, and
the change order for Topology for $1900.

    COMMISSIONER TUCCI: Are they ever going to
    finish?

    MAYOR SCARPELLI: Commissioner?

COMMISSIONER TUCCI: Topology? Do we have
anything from them?

    UNIDENTIFIED: Tonight we'll see some stuff.

    COMMISSIONER TUCCI: Well, I see a change
order, I didn't see any work product. I mean, I know
this is very detailed, esoteric work, but, Jesus, isn't
the --

    MAYOR SCARPELLI: Tonight.

    COMMISSIONER TUCCI: Oh, tonight? Okay. I
hope so.

    MAYOR SCARPELLI: Commissioner?

    COMMISSIONER PETRACCO: Good evening, ladies
and gentlemen.

    COMMISSIONER TUCCI: Welcome, Commissioner.

    COMMISSIONER PETRACCO: Sorry I'm a little
late. Counsel?

    MR. GENITEMPO: Commissioner.

    COMMISSIONER PETRACCO: Did you read my one
resolution or no?

    MAYOR SCARPELLI: No, we skipped you.
COMMISSIONER PETRACCO: Because I have a resolution.

MAYOR SCARPELLI: So you have a resolution and a report, I think that's all you have.

COMMISSIONER PETRACCO: Okay.

(indiscernible) for a --

MAYOR SCARPELLI: Leave of absence.

COMMISSIONER PETRACCO: Leave of absence, yeah. That's all I have, then. That's the conference.

MAYOR SCARPELLI: Madam Clerk?

THE CLERK: We have minutes from March 19th, and we have three applications. One is for Jim Dandy's for the Spring Festival, two are from Holy Family. One is for their annual Italian Festival, and one for -- to hold a raffle drawing on a Sunday. And that's it.

MAYOR SCARPELLI: Counselor?

MR. GENITEMPO: We need executive session for a litigation matter.

MAYOR SCARPELLI: That's it?

MR. GENITEMPO: Or two.

MAYOR SCARPELLI: Or two?

MR. GENITEMPO: Depending on how far we go.

MAYOR SCARPELLI: All right. Can I have a motion to --

COMMISSIONER TUCCI: Mine's short.
Conference Session

1  MR. GENITEMPO:  Commissioner Tucci --

2  COMMISSIONER TUCCI:  Are you counting mine in there?

3  MR. GENITEMPO:  Yes.

4  COMMISSIONER TUCCI:  Okay.

5  MR. GENITEMPO:  Yours is short.

6  COMMISSIONER TUCCI:  Because mine's like a ten second thing.

7  MR. GENITEMPO:  Oh, yeah.

8  MAYOR SCARPELLI:  Perfect.

9  COMMISSIONER PETRACCO:  Mine is a ten second one, too.

10 MR. GENITEMPO:  We can get rid of that one first.

11 COMMISSIONER TUCCI:  How about the change order, you know.

12 THE CLERK:  Are they all litigation?

13 MR. GENITEMPO:  Yeah.

14 THE CLERK:  Okay.

15 MR. GENITEMPO:  We can get rid of that one today (indiscernible).

16 COMMISSIONER EVANS:  I'm sorry. I'm on -- were we supposed to be prepared for litigation executives? I'm not prepared. I don't have one.

25 MR. GENITEMPO:  You should be.
COMMISSIONER TUCCI: Uh-oh.

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

COMMISSIONER PETRACCO: Move it.

COMMISSIONER TUCCI: You have enough stuff.

MAYOR SCARPELLI: Second?

COMMISSIONER TUCCI: Second.

THE CLERK: One -- okay. You're welcome.

Whereas, Section 8 of the Open Public Meeting Act, Chapter 231, Public Law 1975, permits the exclusion of public from 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 litigation. Be it further resolved that the time when such discussion may be disclosed to the public shall be when 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 exceptions 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?

    COMMISSIONER PETRACCO: Aye.

    THE CLERK: Mayor Scarpelli?

    MAYOR SCARPELLI: Aye.

    THE CLERK: The time is 7:10.

    (End of recording)

    * * * * *
CERTIFICATION

I, Ilene Watson, court-approved transcriber, hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

ILENE WATSON, AAERT NO. 447       DATE:  May 1, 2019
ACCESS TRANSCRIPTS, LLC
In RE: Nutley Board of Commissioners

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April 16, 2019
Public Session

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ALSO APPEARING:

ALAN GENITEMPO, TOWNSHIP ATTORNEY
(Recording begins)

MAYOR SCARPELLI: Everybody please stand for the flag salute.

(Pledge of Allegiance)

MAYOR SCARPELLI: Madam Clerk?

THE CLERK: Thank you, Mayor. Board of Commissioners Public Meeting, Tuesday, April 16, 2019.

The time is now 8:11.

Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the November 29th, 2018 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: Minutes, Madam Clerk?

THE CLERK: We have minutes for approval from March 19th, 2019. I need a motion.

COMMISSIONER EVANS: Move it.

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: That's it for minutes, Mayor.

COMMISSIONER EVANS: Thank you, Mayor. I just note for the record that on April 17th, we completed our short-term bond sale. It's a one-year note for $2,036,808, at a net interest rate of 1.84 percent. Thank you, Mayor.

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

THE CLERK: Thank you, Mayor. We have three applications for approval. The first one is Jim Dandy's has submitted an application for an extension of premises for the Spring Festival event, which is scheduled for June 13th, 2019, from 6:00 p.m. to 10:00 p.m.

COMMISSIONER EVANS: Move it.

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: Holy Family Church has submitted an event application requesting permission to hold their 28th Annual Italian Festival from Thursday, September 19th through Sunday, September 22nd.

COMMISSIONER EVANS: Move it.

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: Holy Family has also submitted a letter requesting permission to hold a raffle drawing on Sunday, September 22nd, 2019, at 9:00 p.m.
COMMISSIONER EVANS: Move it.
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 communications.

MAYOR SCARPELLI: Reports? Commissioner Evans?

COMMISSIONER EVANS: Yes, Mayor. I have two reports, both for the Code Enforcement Department. One is for the first quarter of 2019, the other is for the month of March, 2019.

MAYOR SCARPELLI: Thank you. Commissioner Petracco?

COMMISSIONER PETRACCO: I have my monthly Public Safety report.

MAYOR SCARPELLI: Thank you. Bills, Madam Clerk?

THE CLERK: Thank you. Bill list for April 16th, 2019: Public Affairs, $87,160.75; Revenue and Finance, $3,542,639.32; Public Safety, $154,003.15; Public Works, $452,586.51; Parks and Public Property, $104,231.07; Water Utility, $16,521.61.

COMMISSIONER TUCCI: (Indiscernible) the bills.

COMMISSIONER EVANS: You're going to move the bills?

COMMISSIONER TUCCI: Second --

THE CLERK: No. I'm sorry. I'm sorry.

Total Payroll, $816,985.44, for a grand total of
$5,174,127.85.

COMMISSIONER EVANS: Okay, now move the bills.

COMMISSIONER TUCCI: Second it again.

THE CLERK: Thank you. 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: That's it for bills, Mayor.

MAYOR SCARPELLI: Public comment on 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 the presiding officer or the majority of the membership of the Board shall determine that the interests of the quorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

MAYOR SCARPELLI: Does anybody wish to address the Board of Commissioners on the agenda items only? Seeing none, Board of Commissioner announcements?

COMMISSIONER TUCCI: I have one, Mayor. On tomorrow evening at seven o'clock, we will have our annual Flashlight Easter Egg Hunt at Reinheimer Park. It's a great time everyone should come and experience at least one time.

MAYOR SCARPELLI: Thank you, Commissioner. Anybody else?

COMMISSIONER EVANS: I have multiple -- yes, Mayor. I have just a reminder that on Wednesday, April 24th, Thursday, April 25th, and on Tuesday, April 30th, the Clerk's Office will be open until eight p.m., to -- because we're in the month of April for the annual renewal for dog and cat licenses. So
we're extending the hours to accommodate as many people as possible.

     MAYOR SCARPELLI: Thank you, Commissioner.

     COMMISSIONER PETRACCO: I'd just like to add that I know as elected officials we go to many, many events here in town, and they're all great, but I have to tell you, Saturday night, I went to the SYA, Special Young Adults event. It was really, really nice to see Annie Rotondo (phonetic) there. I got to meet the new director, Dee, I don't know if any of you has met her, a lovely woman.

     And, most importantly, I got to see all the kids that are there, and I have to tell you, it was held at the Chandelier. They really, really, are doing God's work over there. It was incredible, the kids are unbelievable, and I'd just like to give them all a shout out and say, terrific job to them. Thank you.

     MAYOR SCARPELLI: I saw you dancing, Commissioner.

     COMMISSIONER PETRACCO: You saw me dancing. I'm trying to hide that one, but it got out.

     MAYOR SCARPELLI: I have a -- electronics recycling will be this Saturday, and the next -- on April 27th, we'll have compost day. So two events coming up. Ordinance introductions?
Commissioner Evans?

COMMISSIONER EVANS: Yes, Mayor, I have one, 3419. This establishes a capital ordinance for the purpose of the reevaluation of the township. As we had previously announced, the settlement monies from the Mecca settlement will be used towards offsetting the costs of the reevaluate of the town -- reevaluation of the town. This ordinance establishes our ability to collect those dollars.

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 its second reading on May 21st, 2019. So move.

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. Let's move to resolutions. Commissioner Tucci?

COMMISSIONER TUCCI: Yes, thank you, Mayor.

Whereas, the Township of Nutley, pursuant to N.J.S.A. 52:34-6-2:c139, may by resolution and without advertising for bids purchase goods or services through the use of the nationally recognized, accepted cooperative purchasing program that has been developed utilizing a competitive bidding process by another contracting unit within the State of New Jersey, or within any other state when available.

And whereas, the Board of Commissioners of the Township of Nutley passed Resolution Number 31218 on December 18th, 2018, authorizing the purchasing agent to purchase certain goods or services from an approved U.S. Communities Government Purchasing Alliance vendors pursuant to all conditions of the individual contracts for the 2019 year, commencing January 1, '19, through December 31st, '19.

And whereas, the Municipal Clerk of the Township of Nutley has advertised the Township's Notice of Intent to award a contract under the National Cooperative Purchasing Agreement in the March 29, 2019 issue of the Herald News.

And whereas, the Township of Nutley, in
Public Session

particular, Public Parks and Public Property Department, intends to purchase two Trane commercial rooftop air conditioning units and related accessories from Trane North New Jersey, 19 Chapin Road, Pine Brook, New Jersey, a vendor affiliated with the OMNIA Partners/U.S. Communities' Government Purchasing Alliance Cooperative, which is subject to all conditions applicable to the utilization of a national buying cooperative.

And whereas, the Department of Parks and Public Property has researched commercial rooftop air conditioning units and related accessories and have determined that the Trane rooftop unit model SFHLF20E, whatever that means, and related accessories is best suited for the township's needs based on performance, cost savings, and minimal downtime.

And whereas, Trane North New Jersey has provided a quote for two Trane rooftop units in the amount of $88,200.

And whereas, funds are available in the account, capital ordinance number 3408E, Account Number G-04-159-405, in the amount of $88,200, and have been certified by the Chief Financial Officer, said certification being attached to this resolution.

Now, therefore, be it resolved that the
Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the purchasing be and she is hereby authorized to purchase two Trane rooftop units and related accessories in the amount of $88,200 from Trane North New Jersey, who is an approved OMNIA Partners U.S. Communities Government Purchasing Alliance Cooperative vendor.

Before I introduce this I just want everyone to know that by doing it this way, purchasing the units ourselves, we will save a minimum of $15,000 on this. 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, in 1949, the Legislature set aside the last Friday of April as Arbor Day to promote the planting of trees and to
encourage the protection of our forests from fires and
pests that destroy the beauty and usefulness of our
woodlands.

And whereas, half of New Jersey's total land
area is forested or tree covered.

And whereas, trees play an important role in
the ecosystem in which we live, and trees reduce the
erosion of our precious topsoil caused by wind and
water, clean the air we breathe and the water we drink,
produce oxygen, provide habitat for birds and wildlife,
and reduce heating and cooling costs by moderating
temperature.

And whereas, trees are a renewable resource,
giving us paper for fine literature, wood for homes,
fuel for fires, and countless other wood products.

And whereas, trees provide increased property
value, enhanced economic viability, and pleasing
aesthetic qualities along streets and properties in
municipalities.

And whereas, tree planting in yards and farms
and schoolyards and parks and along streets and
highways creates an enduring heritage for the
generations that follow.

And whereas, the Township of Nutley has
completed its 32nd year as a member of Tree City, USA.
And whereas, I, Commissioner Mauro Tucci, Director of Parks and Public Property of the Township of Nutley, do hereby proclaim May 4th, 2019, as Arbor Day in the community of Nutley and urge all citizens to support efforts to protect our trees and woodlands, and to support our town's Urban Forestry Program. Further, I urge all citizens to plant trees to gladden hearts, and promote the well-being of present and future generations. 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 entered into a contract with Viridian Environmental Consultants, Upper Montclair, New Jersey, for preliminary assessment for Father Glotzbach Field. And whereas, the Director of Parks and
Public Property has recommended the following change order from said contracts:

Change Order Number 1: Preliminary Assessment for Father Glotzbach Field in the amount of $9,000.

And whereas, funds are available from Account Number G-04-105-404, Capital Ordinance Number 33:44D, and have been certified by the Chief Financial Officer, said certification being attached to this resolution.

Now, therefore, be it resolved by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that Change Order Number 1 in the amount of $9,000 be and is hereby approved. 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: Thank you, Commissioner.

Commissioner Evans?

COMMISSIONER EVANS: Thank you, Mayor.

Resolution Number 102-19.

Whereas, the Township of Nutley in the County of Essex, New Jersey, has previously issued its bond anticipation notes and other debt obligations in connection with the issuance of certain bonds, and for the purposes of assisting underwriters to comply with Rule 15c-12 under the Security Exchange Act of 1934, the Township has covenanted and/or entered into one or more undertakings or agreements to provide continuing disclosure to the public marketplace.

Whereas, the Township is desirous of retaining a professional firm that specializes in continuing disclosure of matters to make the necessary filings at the specific places and specified times as part of the Township's continuing disclosure obligations.

Whereas, funds are available from Account 9-01-208-205, subject to the adoption of the 2019 budget, and have been certified by the Chief Financial Officer, said certification is attached to this resolution.
Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley in the County of Essex:

One, the Mayor and Township Clerk are hereby authorized and directed to execute an agreement with N.W. Financial Group, 2 Hudson Place, Hoboken, for the services of professional financial audit, for a total amount not to exceed $1,500 in accordance with the proposal dated April 10th, 2019.

Two, this contract is awarded without competitive bidding as a professional service in accordance with N.J.S.A. 40a11-5(1)(a) of the Local Public Contracts Law, because the contract is for a service performed by a person's -- a person authorized by law to practice a recognized profession that is regulated by law. Notice of this action shall be printed once in the Nutley Sun, and the legal newspaper of the Township 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, New Jersey Statute 54:4-3.3 provides certain war veterans who have suffered serious disability while in service full tax exemption from their principal residence.

Whereas, Michael Walsh was granted full exemption from payment of property taxes from July 30th, 2017, and all subsequent years thereafter from Block 5500, Lot 10, known as 43 Gerard Road, on August 15th, 2017, through Resolution Number 170-17.

Whereas, Mr. Walsh received a homestead rebate in error for the year 2016, which applied -- which was applied to the second quarter of 2019 property tax record.

Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, the Treasurer be and she is hereby authorized to refund the 2016 Homestead Rebate in the amount of $419.19, applied to the second quarter of 2019 property tax of Mr. Walsh. So move.

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, New Jersey Statute 40A:4-19 provides that where debt service is to be paid prior to the 2019 -- in 2019 prior to the time of the final adoption of the 2019 budget, appropriations should be made for the amount of such debt service in the manner and time provided therein.  
Whereas, the date of this resolution is subsequent to December 20th, 2018.
Whereas, debt service will become due during the first six months of 2019.
Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley that the following temporary appropriation be made:  interest on bonds, $74,066, for Account 9-01-818-254.  So moved.

COMMISSIONER TUCCI:  Second.

THE CLERK:  Commissioner Rogers?
Public Session

1
COMMISSIONER ROGERS: Aye.

2
THE CLERK: Commissioner Tucci?

3
COMMISSIONER TUCCI: Aye.

4
THE CLERK: Commissioner Evans?

5
COMMISSIONER EVANS: Aye.

6
THE CLERK: Commissioner Petracco?

7
COMMISSIONER PETRACCO: Aye.

8
THE CLERK: Mayor Scarpelli?

9
MAYOR SCARPELLI: Aye.

10
COMMISSIONER EVANS: Whereas, the Township of Nutley has been ordered by the Essex County Board of Taxation and the new -- and the Taxation under the New Jersey Division of Taxation to conduct a revaluation of all real property within the municipality for the year 2021. To perform this revaluation, the Township has the need to acquire the services of a revaluation firm as a fair and open contract, pursuant to the provisions of N.J.S.A. 19:44A--19:44A-20.5 as appropriate -- or 20.4, it's missing in here.

19
Whereas, January 15th, 2019, the Township issued a request for proposals.

24
Whereas, the Appraisal Systems of 226 Harrison Town Road, Suite 302 in Glen Rock was the lowest responsive and qualified bidder, and they have
submitted a proposal indicating that they will provide
the requested services for an amount not to exceed
$487,305. A hundred percent of this cost will be
covered through the monies received as part of the
settlement on the Mecca matter.

Whereas, Appraisal Systems has completed and
submitted the business entity disclosure certification
which certifies that said corporation has not made any
reportable contributions to a political or candidate
committee in the Township of Nutley in the previous
year, and that the contract will prohibit the
Appraisal System partners from making any reportable
contributions through the term of the contract.

Whereas funds are made available from
Account C-01-905-901, subject to the adoption of the
special emergency Ordinance Number 34-19, which was
read this evening and will be certified by the
Chief Financial Officer.

Now, therefore, be it resolved by the Board
of Commissioners of the Township of Nutley, County of
Essex, that a contract bidding is hereby awarded to
Appraisal Systems, Inc., of Glen Rock, New Jersey, in
the form satisfactory to the Township Attorney in an
amount not to exceed $487,305.

Be it further resolved that the Mayor and the
Municipal Clerk are hereby authorized to enter into a contract with Appraisal Systems to conduct the revaluation of all real property within the Township of Nutley. The term of this contract extends to the submission of the 2021 tax list, to the Essex County Tax Board and provides two years of county tax appeal defense in the years 2021 and 2022.

Be it further resolved that a copy of this resolution shall -- as well -- shall -- as well as the contract shall be placed on file with the Township Clerk, and be transmitted to the Essex County Board of Taxation. A copy of the contract shall be submitted to the Division of Taxation for the State of New Jersey. So move.

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.

Commissioner Petracco?

COMMISSIONER PETRACCO: Be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that Meredith Donatello, an employee of the Department of Public Safety, be granted a medical leave of absence without pay effective February 1st, 2019, through June 1st, 2019. 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: Thank you.

MAYOR SCARPELLI: Thank you, Commissioner.

Whereas, raffle applications have been received from the following organizations; Melissa A. Centrella
Scholarship Fund, License Number 22-19, on premise 50/50 cash raffle to be held Saturday, May 4th, 2019, and Special Dragons, License Number 23-19, on premise merchandise raffle, to be held Tuesday, May 28th, 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. The Municipal Clerk is authorized to issue the raffle licenses. 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 Township of Nutley advertised for proposals for the marketing of recyclable materials
on March 17th, 2015.

Whereas, the requests for proposals for the marketing of recycled materials were accepted by the Township Clerk on May 8th, 2015.

Whereas, the Township of Nutley reviewed and analyzed all submitted proposals.

Whereas, the proposals received from Integrity Recycling and Waste Solutions, 111 Route 31, Suite 223, Flemington, New Jersey, was the most favorable proposal for the Township of Nutley.

Whereas, Integrity Recycling and Waste was recommended for a three-year contract, award for two one-year options for contract extensions effective July 1st, 2015.

And whereas, the Township has elected to exercise the option to extend the contract for one year, and the term of the contract for one year, effective July 1st, 2018, through June 30th, 2019.

Whereas, the change order Number 1 to the contract is authorized for an increase to the contract in the amount of $30,000.

And whereas, funds are available from Account Number 9-01-423-209 in an amount not to exceed $30,000, have been certified by the Chief Financial Officer, said certification to be attached to this
resolution.

And whereas, the original contract amount is being increased in the amount of $30,000, for a total adjusted contract of $60,000.

Now, therefore, be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that Change Order Number 1 is a change for the contract previously made by the Township of Nutley with Integrity Recycling Waste Solutions, and is hereby authorized and approved. 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, bids for the 2017 CDBG Roadway Improvement Project, Princeton Street-Hunt Place-Bayard Street, were received and opened on Wednesday,
February 14th, 2018.

And whereas, AJM Contractors, 300 Kuller Road, Clifton, New Jersey, was the low bidder.

Whereas, the township entered into a contract with AJM Contractors for the amount of $235,674.30.

And whereas, there was a typographical error and Resolution Number 97-18 was listed the base bid in the amount of $146,422.30, the correct base bid is in the amount of $146,423.30, for a total contract price in the amount of $234 -- 35,675.30.

And whereas, Change Order Number 1 to the contract has been authorized for a decrease in the base bid amount of $17,935.25, and a decrease in the ultimate number one in the amount of $29,964.39.

And whereas, the original contract amount is being decreased in the amount of $47,899.64, to be credited to Account Number G-04-113-401, G-04-110-401, and to reflect an adjusted contract price of $187,775.66.

Now, therefore, be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that Change Order Number 1 as attached is a change from the contract previously made by the township, with a 400 -- $47,899.64 decrease for project known as 217 CDBG Roadway Improvement Project,
Princeton Street-Hunt Place-Bayard Street, and is hereby authorized in approval with 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, Topology, 60 Union Street, Number N, Newark, New Jersey, has been awarded a non-fair and open contract as a professional service as pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as appropriate to provide professional planning service for (indiscernible) related to the ongoing redevelopment of Hoffman/LaRoche and the Ciccolini properties in the Township of Nutley on June 8th, 2017 by Resolution 133-17

And whereas, such service has exceeded the original contract in the amount of $50,000.

And whereas, Change Order Number 1 was
authorized on January 15, 2019 by Resolution Number 15-19, for an increase in the amount of $64,000, which services -- which such services have exceeded the amount in the original contract and Change Order Number 1.

And whereas Mayor Scarpelli on the behalf of the Board of Commissioners, recommended the following change order from said contract: Change Order Number 2, provide professional planning services primarily related to the ongoing redevelopment of the Hoffman/LaRoche, Ciccolini properties attached to Nutley in the amount of $1,900.

Whereas funds are available from Account Number 8-01-226-205, and certified by the Chief Financial Officer, said certification to be attached to this resolution.

Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Change Order Number 2 in the amount of $1900 is hereby approved. 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. Just a clarification, Mayor. I believe that this is -- this $1,900 actually relates to LaRoche, not the Ciccolini property.

MAYOR SCARPELLI: I think the contract is for both. So --

COMMISSIONER EVANS: But I think the services relate --

MAYOR SCARPELLI: Correct.

COMMISSIONER EVANS: -- only to Hoffman/LaRoche.

MAYOR SCARPELLI: Correct.

COMMISSIONER EVANS: All right. Thank you.

MAYOR SCARPELLI: Which are reimbursable.

COMMISSIONER EVANS: Yes. Absolutely.

MAYOR SCARPELLI: And the others won't be.

THE CLERK: And Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

THE CLERK: Thank you, Mayor.

MAYOR SCARPELLI: That concludes the business portion of our meeting. Madam Clerk?

THE CLERK: Thank you, 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 the interests of the quorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

MR. MOORE: Rory Moore, 462 Chestnut Street. Mr. Scarpelli, I have four questions this evening. I have three for you, and I have one for Mr. Petracco. But for the three, do you have any updates on the Ciccolini Building, the Davis Building, or any information about the pool, the (indiscernible* 00:27:11) the Nutley Pool?

MAYOR SCARPELLI: On the Ciccolini Building, we referred that to the Planning Board to look at as an area in need of redevelopment. On the Davis property, I have no update. Commissioner?

COMMISSIONER TUCCI: We are in discussion
with the Board of Education, because, Rory, as you
know, we purchased that building for the Board, because
they needed that property in the event that the -- the
school referendum went through. They still have a need
for that property, so we're still in discussion with
them, and ultimately I see us transferring title to
them and getting reimbursed for our expenses.

MR. MOORE: We're just going to give the
Board of Ed the Davis property. Is -- am I
understanding that correctly?

COMMISSIONER TUCCI: Yeah, the Davis
property.

MR. MOORE: The -- with the Ciccolini
Building, you said -- you just announced there was a
Change Order 1 and 2. It seems like we're paying more
money for contracts but nobody's come up with any
ideas. Am I understanding that correctly?

MAYOR SCARPELLI: Not at this point,
Mr. Moore, but they will be forthcoming.

MR. MOORE: They will be forthcoming.

MAYOR SCARPELLI: Absolutely.

MR. MOORE: And recently we heard that the --
MAYOR SCARPELLI: You had a third question,
didn't you?

MR. MOORE: I'm sorry?
MAYOR SCARPELLI: Didn't you have a third question?

MR. MOORE: Yes, I did. Did you get --

MAYOR SCARPELLI: To discuss the?

MR. MOORE: The pool. The Nutley Pool. It's not opening this year?

MAYOR SCARPELLI: Mr. Genitempo, would you handle that?

MR. GENITEMPO: Yes, Mr. Mayor. Mr. Moore, that's in litigation right now, so we really can't discuss the details of it. I'm sure you're aware of the public filings that were already made. But we're really not at liberty to discuss that right now.

MR. MOORE: Thank you. And Mr. Petracco, do we have any date that we could discuss overnight parking (indiscernible)?

COMMISSIONER PETRACCO: I have to tell you, you know what, I have to tell you, I've been thinking about that, too, but -- and I think we should go through that exercise, although I have to tell you, and I won't speak for my fellow commissioners and the mayor, I don't think we have any support to change that overnight parking ordinance at all here. I could be wrong, but, you know, if we're going to go through an exercise when we know that nobody's going to vote to
change it, I don't know why we're going through the exercise.

           MR. MOORE: Okay.

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

           MR. ALESSIO: Yeah, good evening. Carmine Alessio, 81 East Centre Street. I'm over here looking at the agenda resolution that Mauro Tucci presented, 112-19, and I'll just read the first little paragraph.

           "In 1949, legislature set aside last Friday of April as Arbor Day to promote the planting of trees and encourage the protection of our forests and fires and pests that destroy the beauty and usefulness of our woodlands."

           Okay. In 2002, we do have, in my neck of the woods, there's construction going on, and things do change. In 2002, the house next door to me was knocked down without a permit, okay, and I inquired about it, and it was true, and eventually, the permit was ordered, and in the meantime, I had a string of hemlocks down the east side of my property. Before you know it, the guys that knocked down the house were with power pruners chopping up my hemlocks, and if you know anything about trees, the hemlocks do not get better.
They eventually have insect problems, and they die.

Now, this is 18 years later. But, taking a step back, trailers were put on that empty lot abutting my fence to where I couldn't go on the other side and actually try to prune them down and take care of them, because I do have a license for like 30 years, in tree activity, with the state. Just so you know. And I'm willing to just like throw that in the garbage, because I get no respect.

Now, the trees died with Sandy, a few of the branch -- like branches fell over, it's because of what I just stated the problem is, butchering a neighbor's tree like mine and creating the problem. Okay. So we'll live with that. Came to plenty of meetings, no one did anything about it. No one assisted me in any kind of like, trying to like, refurbish these trees or -- as far as I'm concerned, they're no good no more.

Now, 2012 comes by. The industrial site behind me, Benjamin Moore, there's no more industry in Nutley, you know. Let's leave it at that. Mecca comes along and builds all of these apartments behind me, builds a wall. Puts the wall two feet up against my beautiful white pines, two that I've had for -- since -- for 20-something years, that were in perfect condition. Not one thing wrong with them, they were
naturally by me, and they grew to be lovely white pines.

He comes by, puts the wall there, the branches start falling. Okay? There's things involved here that if you damage a tree using a bucket loader, like cutting them up from his side of the property.

All right then, I got a police report and all of that. I was told they would be removed. Okay. I inquired about it before the wall was built. But no, because Mr. Alessio has -- is opinionated, nothing gets done. Now it's years later, the limbs are falling down, it's -- it has flux coming out of it, the two trees. There's -- it's scaling, there's a problem with these trees. And they're falling -- if you go to my property now, you'll see that I just do absolutely nothing, I just leave them there, because I'm not ready to sink money into trees that were in perfect condition. I mean perfect. They were beautiful, okay.

It's my understanding that the law is when a developer comes into town, he's supposed to -- as far as -- help the neighbor when something like this occurs. Like if there's rats coming from the -- from a woodland area, and they infest the neighbor's property, there's supposed to be some kind of an action to where this stuff gets handled properly and humanely, which nothing has ever been done down there, according to
what I'm stating over here.

Now, in closing this, okay, across the street right now from me, the park entrance, there's a maple tree that's been scaling back. It's -- it definitely has a disease. The limbs are falling on the burning bush which is below it, and maybe the town wants Mr. Alessio to look at this stuff, and they get me mad. But you know what? It doesn't get me mad. This is what gets me mad. This is like a bunch of baloney, here. In fact --

MAYOR SCARPELLI: Thank you, Mr. Alessio.

MR. ALESSIO: -- me, I come here and complain, and I get the letter in the mail, saying that, in closing, that the trees are on my property, it's dangerous to the community, although I did absolutely nothing to create the damage.

So that is your department, Mr. Tucci, that has done that in the past. Now I'm coming here, and I'm telling you that the white pines, they're going to fall down. I wired them up, and they're going to stay like that. So, you know, that is a bunch of baloney right there.

MAYOR SCARPELLI: Thank you, Mr. Alessio.

MR. ALESSIO: I purposely didn't want to --

MAYOR SCARPELLI: Your time is up,
Mr. Alessio.

MR. ALESSIO: -- speak to -- so you -- could you address this question that I'm asking? Is somebody going to do something about this stuff?

MAYOR SCARPELLI: I didn't hear a question, to tell you the truth.

COMMISSIONER TUCCI: What was your question?

MR. ALESSIO: Like fix the trees by the park entrance. Either straighten them out, cut the limbs --

COMMISSIONER TUCCI: Mr. Alessio.

Mr. Alessio, with all due respect --

MR. ALESSIO: They're falling down.

COMMISSIONER TUCCI: -- we fix all the trees throughout the township. All right? If there's something wrong with that tree, I'm sure Mr. DeMaio is aware of it, all right --

MR. ALESSIO: But I came here two years ago, and I said that these trees --

COMMISSIONER TUCCI: You said a lot. You say a lot of things. You say a lot of things at a lot of meetings, and sometimes it's clear. Sometimes it's not so clear.

MR. ALESSIO: It's not so clear?

COMMISSIONER TUCCI: You're asking me about that tree. I'm answering you, and telling you, we will
check it out. And if the tree is hazardous, all right, or if the tree is dying or dead, we will address it.

MR. ALESSIO: Okay. Now, for Mr. Evans, I can close --

MAYOR SCARPELLI: Whoa, whoa, whoa.

Mr. Alessio, that's it.

COMMISSIONER TUCCI: Easy, there.

MAYOR SCARPELLI: Your time's up.

MR. ALESSIO: What's with the white pines? It's my responsibility to have the damaged trees fall on my house after they've been damaged by the variances that have been passed by this town? It's my responsibility?

MAYOR SCARPELLI: Mr. Alessio, I think that's really an issue between you and your neighbor.

MR. ALESSIO: It's not going to be a simple issue, either, because they're going to fall -- I don't -- I could care less, I'm wiring them up, and they'll let them fall, and they'll proceed from there.

MAYOR SCARPELLI: Mr. Alessio, I would suggest you contact your neighbor and see if he can help you out. That would be my suggestion.

MR. ALESSIO: My neighbor?

MAYOR SCARPELLI: Your neighbor.

MR. ALESSIO: Which neighbor are you talking
about? Mr. Mecca? I have already --

MAYOR SCARPELLI: Mr. Mecca.

MR. ALESSIO: --I sent him letters, but that's not the agenda for the town. When you do a variant, you're supposed to help the neighbor when things like occur as far as problems. It's called an impact procedure.

You're going to ruin these two trees that are going to damage Mr. Alessio's house, so therefore, when you present the variance, and there's a hundred percent proof on that issue that I'm stating right now, they're -- the developer's supposed to take -- remove the trees. That's what the law is. Okay?

MAYOR SCARPELLI: Thank you, Mr. Alessio.

MR. ALESSIO: You're welcome.

MAYOR SCARPELLI: Have a great night.

Anybody else wish to address the Board of Commissioners this evening? Seeing none, we're going to go back into executive session. We will come back on the record. There will be no action taken. Can I have a motion to go into executive session to discuss -- Mr. Genitempo?

MR. GENITEMPO: Litigation and contract negotiation.

MAYOR SCARPELLI: Litigation and contract
negotiation.

            COMMISSIONER PETRACCO: Move it.

            MAYOR SCARPELLI: Need a second.

            COMMISSIONER TUCCI: Second.

            COMMISSIONER ROGERS: Second.

            THE CLERK: Whereas, Section 8 of the Open Public Meeting 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 a closed executive session.

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

            Be it further resolved that a time when such discussions may be disclosed to the public shall be when and such disclosures may be made without adversely affecting the Township of Nutley, pending and/or anticipated legal, personnel, contractual matters, and other matters within the exceptions 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?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

THE CLERK: The time is 8:50.

(Proceedings move to executive session)

MAYOR SCARPELLI: Madam Clerk, back on the

record, what time?

THE CLERK: The time is now 11:05.

COMMISSIONER TUCCI: Later than we wanted.

MAYOR SCARPELLI: I file a motion to adjourn.

COMMISSIONER TUCCI: So moved.

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: The time is now 11:05--

(End of recording)

* * * * *
CERTIFICATION

I, Ilene Watson, court-approved transcriber, hereby certify that the foregoing is a correct transcript from the official electronic sound recording of the proceedings in the above-entitled matter.

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"When every word counts"
In RE: Nutley Board of Commissioners

Public Session

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