Conference Session

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

*** CONFERENCE SESSION ***

DATE: May 21, 2019

BOARD OF COMMISSIONERS:

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

ALSO APPEARING:

ALAN GENITEMPO, TOWNSHIP ATTORNEY
Conference Session

(Recording begins)

THE CLERK: Board of Commissioners public meeting, Tuesday, May 21st, 2019. The time is now 7:02. 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's absent, excused.

Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

THE CLERK: All present, Mayor, except for Commissioner Tucci. He's absent, excused, this evening.

MAYOR SCARPELLI: Commissioner Petracco, what do you have on the agenda?
Conference Session

COMMISSIONER PETRACCO: I just have a report, I believe.

COMMISSIONER ROGERS: Could you pass the --

THE CLERK: Sure.

COMMISSIONER PETRACCO: No, I don't see anything else.

MAYOR SCARPELLI: Can you take Commissioner Tucci's first --

COMMISSIONER PETRACCO: Sure.

MAYOR SCARPELLI: Commissioner Rogers, could you take Commissioner Tucci's third one?

COMMISSIONER ROGERS: Sure.

MAYOR SCARPELLI: All right. And on --

COMMISSIONER ROGERS: It's a resolution?

THE CLERK: Yes.

MAYOR SCARPELLI: Yeah, three resolutions.

COMMISSIONER ROGERS: Okay. Sure.

COMMISSIONER PETRACCO: And you want me to take which ones?

THE CLERK: The first two.

MAYOR SCARPELLI: The first two.

COMMISSIONER PETRACCO: Okay.

MAYOR SCARPELLI: Thank you.

COMMISSIONER ROGERS: And I'll take Number 3.

MAYOR SCARPELLI: Commissioner Rogers? Thank
you.

COMMISSIONER ROGERS: Okay.

COMMISSIONER PETRACCO: You want me to read into the record what he has on his agenda? So the first one is to authorize for a refund for a tree removal for Metz -- for G. Westbrook, 23 Prospect --

THE CLERK: Do you have an extra pen?

UNIDENTIFIED: Yes.

THE CLERK: For Commissioner Rogers.

COMMISSIONER PETRACCO: -- and the second one is going to deal with an authorized refund for a tree removal for a Sal Scarpa. And Steven's got the last one. It's authorized for a contract.

COMMISSIONER ROGERS: Thank you.

MAYOR SCARPELLI: Good. Commissioner Evans?

COMMISSIONER EVANS: I have -- let's see, I have a Code Enforcement Department monthly report for the month of April. I have a -- the public hearing on the readout, setting up the capital for the township revaluation, which if you recall is fully funded by the Mecca settlement. So we'll have a public hearing on that, and then I have one, two, three, four, five resolutions. The first two are just refunds related to two individuals that are veterans who are property tax exempt, and then the other -- there's another two
refunds of escrow money and overpayment of taxes, and
then the temporary emergency appropriation for
Municipal Shared Services.

MAYOR SCARPELLI: Thank you, Commissioner. I
have various reports. I have four resolutions. One's
a 50/50 raffle for the Rotary, a proclamation declaring
-- a proclamation for National Public Works Week, the
19th through the 25th, authorizing award of a contract
to Cifelli and Sons for Ernest Street improvements,
that's through a CDBG grant, and approval to submit a
grant application for Grant Avenue for Section 2, we
already received Section 1, which we'll be working on
this summer.

I also have a introduction of an ordinance on
the Phase II-A redevelopment plan. We're going to name
an executive to discuss that beforehand. It would just
be some changes to the plan, so we're going to have to
go over those. And then -- so we'll be going to
executive after the meeting, and run back out, and we
may take action, so --

THE CLERK: After the meeting, Mayor?

MAYOR SCARPELLI: Right. Not after the
meeting, but after the -- at the end.

THE CLERK: At the end. At the end of the
meeting. Sure.
Conference Session

MAYOR SCARPELLI: Madam Clerk, what do you have?

THE CLERK: We have minutes for approval for April 16th, 2019, and we have two applications for extension of premises for the Spring Festival. One is from Bella Luce and the other is Cubanelle. And that's it, Mayor.

MAYOR SCARPELLI: Mr. Genitempo?

MR. GENITEMPO: I have a couple of matters, but we can do them later. Nothing urgent.

MAYOR SCARPELLI: We can -- okay. Let's go off the --

MR. GENITEMPO: (Indiscernible).

MAYOR SCARPELLI: Let's go out there and get it done.

(End of recording)

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Rizman Rappaport (973)992-7650
"When every word counts"
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: June 6, 2019
ACCESS TRANSCRIPTS, LLC
In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings
May 21, 2019
Public Session
TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

*** PUBLIC SESSION ***

DATE:  May 21, 2019

BOARD OF COMMISSIONERS:

JOSEPH P. SCARPELLI, MAYOR

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MAURO G. TUCCI, COMMISSIONER A/E

ALSO APPEARING:

ALAN GENITEMPO, TOWNSHIP ATTORNEY
Public Session

(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, May 21st, 2019. The time is now 7:08. 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 is absent, excused, this evening.

Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.
Public Session

THE CLERK: All present, Mayor, except for Commissioner Tucci. He's absent, excused.

MAYOR SCARPELLI: Minutes.

THE CLERK: We have Board of Commissioner meeting minutes for April 16th, 2019.

COMMISSIONER EVANS: I move the minutes.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: 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 minutes, Mayor.

MAYOR SCARPELLI: Communications?

THE CLERK: We have two applications for an extension of premise for the Spring Festival for June 13, 2019, from 6 p.m. to 10 p.m. The first one is Bella Luce, and the second one is Cubanelle.

COMMISSIONER EVANS: Move it.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: 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, I have the monthly progress reports for the Department of Public Works.

Commissioner Evans?

COMMISSIONER EVANS: I have the Code Enforcement report for the month of April.

MAYOR SCARPELLI: Commissioner Petracco?

COMMISSIONER PETRACCO: And I have my monthly report also.

MAYOR SCARPELLI: Bills, Madam Clerk?


Payroll for May 3rd, 2019, the total payroll is $809,144.65; payroll for May 17th, total payroll for May 17th, 2019, is $823,175.53, for a grand total of $4,545,195.91.
1 COMMISSIONER EVANS: Move the bills.

2 COMMISSIONER PETRACCO: Second.

3 THE CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

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

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

13 THE CLERK: Yes, Mayor. All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the Board, each person shall limit their address to three minutes. All remarks to the Board and its individual members must be addressed to the Mayor.

The Mayor may defer citizens' comments to the appropriate member of the Board. Dialogue between citizens and others addressing the Board shall be allowed unless the Mayor or presiding officer or 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 three questions. I do -- wanted to ask Mr. Tucci, he's not here this evening, so I'll save my question for later on. On your bill list, Mr. Evans, you had the Rutger's class around 235. What was that class for?

COMMISSIONER EVANS: The Rutger's class? I don't recall.

MR. MOORE: And, Mr. Petracco, on Page 3, I think it is, National Association of Chief of Police.

COMMISSIONER PETRACCO: (Indiscernible) but what's the amount for it?

MR. MOORE: 1,667.

COMMISSIONER PETRACCO: I talked to the Chief this morning about that, actually. That's -- they're from the Chiefs Convention that he attends every year.

MR. MOORE: Is there any harm if he doesn't attend that?

COMMISSIONER PETRACCO: Well, I -- you know what, truthfully, as a resident, I think that's a great question, and I could understand you asking that
because even when I first got involved here, I thought the same way. But the intelligence that these chiefs share, Rory, and just being in the network of what's happening down south, what's happening in the middle of the state, you know, what crimes, what's trending? Is it car break-ins, is it -- you know, things that are -- rise higher than that?

MR. MOORE: Is that a yes, that he would never have this information other than --

COMMISSIONER PETRACCO: Well, I mean, they do it, they do it in -- you know, they're always constantly sharing information, but I just think that it's the relationships that you foster with these other towns, you know, if something's up, to be able to pick up the phone. So, to me, for the thousand dollars --

MR. MOORE: Two thousand, really.

COMMISSIONER PETRACCO: -- I -- I -- about a thousand, you know, I understand the question, but I think it's really money well spent. I know that the guy is away from his family for the week, too, and it is summertime, and, you know, all that stuff. So, you know, I mean, obviously, also, what you could do tomorrow is you could call him and ask him exactly what they do and what the value to the Township is. I think he would be the best person to call to see, you know,
the dialogue that you could have with that.

MR. MOORE: Oh, I will. And I have one technical --

COMMISSIONER PETRACCO: Let me know how you make out with that.

MR. MOORE: -- question --

COMMISSIONER PETRACCO: I'd like to hear it.

MR. MOORE: Oh, I will.

COMMISSIONER PETRACCO: I know you will.

MR. MOORE: I do have one technical question, I think it's to Mr. Genitempo. Tonight, Mister -- I think -- I might be out of order, I'm not sure. He's going to introduce an ordinance, but then you're going to have an executive session on possibly changing it? Is that going to change the date for the public hearing?

MR. GENITEMPO: I don't know. I won't know until we get to it. We're not -- we haven't gotten to it yet.

MR. MOORE: Okay. But it --

MR. GENITEMPO: It's not -- it hasn't been introduced yet. We're going to go into executive.

MR. MOORE: Yes.

MR. GENITEMPO: There's some legal issues involved. If -- depending on what those discussions
are, we may come back out and introduce it. If we do, then the public hearing will still be on June 6th. If we don't, there may be a different date. We don't know.

MR. MOORE: Well, if you have some changes, whatever that may be --

MR. GENITEMPO: We're going to come back out after our executive, and we're going to address it publicly.

MR. MOORE: But will the public have time to ask questions?

MR. GENITEMPO: Your question -- about the document?

MR. MOORE: About the change.

MR. GENITEMPO: Well, we're going to have a public hearing at some point in time to --

MR. MOORE: Okay.

MR. GENITEMPO: -- to go over those. That's when you'll have a chance to discuss it.

MR. MOORE: Okay.

MR. GENITEMPO: It's only up for introduction today, that's all.

MR. MOORE: Well, it's the introduction, but I -- if there was a change made --

MR. GENITEMPO: If it's introduced, tomorrow,
we will have a draft available at the Clerk's Office. That's why I was confused last time because I thought we were going to introduce it and we ended up not introducing it. So that was my mistake, Mr. Moore.

MR. MOORE: Okay.

MR. GENITEMPO: But once we introduce it, we put it on file for review. Okay?

MAYOR SCARPELLI: Anyone else like to address the Board of Commissioners on the agenda items only?

UNIDENTIFIED: I have something to add.

MAYOR SCARPELLI: Not on the agenda?

UNIDENTIFIED: I don't believe so.

MAYOR SCARPELLI: You'll have your chance in about 10 to 15 minutes.

UNIDENTIFIED: All right, thank you.

MAYOR SCARPELLI: Board of Commissioner announcements. Commissioner, you have an event for Memorial Day? Memorial Day?

COMMISSIONER ROGERS: Yeah.

MAYOR SCARPELLI: Do you have a couple of events?

COMMISSIONER ROGERS: Yeah, I will be at the Oval with you. I don't know if I'll be marching, but I'll be at the Oval with you. We have, also, yeah, we
do have -- not on Memorial Day, but this week -- I'll
get that to you, Mayor. I'll get --

    MAYOR SCARPELLI: All right.

    COMMISSIONER ROGERS: Did you come and get
those -- the information?

    MAYOR SCARPELLI: I believe we did.

    COMMISSIONER ROGERS: Yeah, okay. Thanks,
Mayor, I should have brought it with me, but I've been
rather preoccupied.

    MAYOR SCARPELLI: I know. Commissioner has a
couple of events this week. On Thursday, there'll be a
showing of the 1918 Nutley movie, with comments by
John Demmer and Anthony Buccino. We believe that's the
first Memorial Day parade. It'll be at the library,
Thursday, seven o'clock. And the Memorial Day Parade,
it's our hundredth parade, we'll step off at
eleven o'clock. Promises to be a great parade. We
will be with the veterans, visiting the memorials in
the morning. So I think that schedule was sent out to
everybody, but --

    COMMISSIONER EVANS: I have it now.

    MAYOR SCARPELLI: -- just check your email,
we'll send it out again before Monday. Any other
announcements? As we said, the ordinance introduction
we're going to hold until later on.
Commissioner Evans, public hearing?

COMMISSIONER EVANS: Yes. We're going to have a public hearing on our special emergency appropriation, which is for $550,000. It's an ordinance for a revaluation of the township. It is fully funded. It doesn't require raising of taxpayer dollars. It's being paid for out of the settlement funds from the Mecca matter. So tonight, we just have the public hearing on that.

MAYOR SCARPELLI: Anybody wish to be heard on Ordinance Number 3419? Seeing none.

COMMISSIONER EVANS: Move to close.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Move the ordinance.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.
THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

MAYOR SCARPELLI: Commissioner Petracco, can you take Commissioner Tucci's first two resolutions?

COMMISSIONER PETRACCO: Sure.

Whereas, the Township of Nutley Ordinance Number 665-22, Preservation of Trees, states that Tree Removal Permits must be obtained for a cost of $50 per tree.

And, whereas, the Township of Nutley Department of Parks and Public Property authorizes a refund for each tree permit submitted upon the planting of the new tree on the said property; replacement's tree size, species, must be approved in advance by the Township Forester.

And, whereas, the funds will be available from Account C-01-904-905.

And now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Treasurer is authorized to refund the tree permit fee
collected as per the Shade Tree Preservation Ordinance.

I move the resolution.

COMMISSIONER ROGERS:  Second.

THE CLERK:  Commissioner Rogers?

COMMISSIONER ROGERS:  Aye.

THE CLERK:  Commissioner Evans?

COMMISSIONER EVANS:  Aye.

THE CLERK:  Commissioner Petracco?

COMMISSIONER PETRACCO:  Aye.

THE CLERK:  Mayor Scarpelli?

MAYOR SCARPELLI:  Aye.

COMMISSIONER PETRACCO:  Whereas, the Township of Nutley Ordinance Number 665-22, Preservation of Trees states that tree removal permits must be obtained for a cost of $50 -- am I reading the same one?

MAYOR SCARPELLI:  It's different, a different address.

COMMISSIONER PETRACCO:  Okay. This one's a different address.

Whereas, the Township of Nutley Department of Parks and Public Property authorizes a refund for each Tree Permit submitted upon planting of the new tree on the said property; replacement size, species, must be approved by the Township Forester.

And, whereas, the funds will be available
from Account C-01-904-905.

And now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Treasurer is authorized to refund the Tree Permit Fee collected as per the Shade Tree Preservation Ordinance.

I move the resolution.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: You want to take this one?

MAYOR SCARPELLI: Commissioner Rogers, take the third one?

COMMISSIONER ROGERS: Okay. And, Mr. Mayor, I just got the word about one event on Thursday. It's a painting party at Pinot's Palette, 6:00 to 8:30 p.m. Anyone's invited. It's for veterans --

MAYOR SCARPELLI: Thank you, Commissioner.
COMMISSIONER ROGERS: -- (indiscernible) with their therapy, too. Okay, thank you.

Okay. This is a resolution on behalf of Commissioner Tucci.

Whereas, sealed bids for electrical services were received by the Township of Nutley on December 28, 2018, as appropriate.

And, whereas, on January 15, 2019, the Board of Commissioners adopted Resolution 18-19, which awarded a one-year contract for electrical services to Sal Electric Company, Incorporated, 83 Fleet Street, Jersey City, New Jersey, beginning on January 1st, 2019.

And, whereas, after a successful bidder's challenge and court order dated April 22nd, 2019, the Township of Nutley must rescind Resolution 18-19.

And, whereas, TSUJ Corporation, located at P.O. Box 4621, Wayne, New Jersey, has now been determined to be the lowest bidded -- the lowest qualified bidder, and has provided the township with the following labor billing rates per hour for their services: Foreman, $79; Journeyman, $75; Apprentice, $35; Materials Plus, Minimum Service charge, $0 each.

And, whereas, the term of this contract will be for the period of April 22nd, 2019 through
December 31st, 2019.

And, whereas, the contract is not to exceed $90,000, and funds are available from Account Number 9-01-508-200 in the amount of $40,000, subject to the final adoption of the 2019 Municipal Budget, and $50,000 from Capital Ordinance 3408A, Account Number G-04-159-401, 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, does hereby rescind Resolution 18-19.

And be it further resolved that the mayor and the municipal clerk are hereby authorized to enter into a contract for electrical services with TSUJ Corporation located in Wayne, New Jersey, at an hourly -- at the hourly rates stated herein, for a contract period beginning on April 22nd, 2019 through December 31st, 2019. So move.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
Public Session

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye. Thank you, Commissioner, I'm glad you're here and you're on the mend.

COMMISSIONER ROGERS: Thanks very much, Mayor, appreciate it.

MAYOR SCARPELLI: Commissioner Evans?
COMMISSIONER EVANS: Thank you, Mayor.

Whereas, New Jersey Statute 54:4-3.30 provides certain war veterans who have suffered serious disability while in service full tax exemption on their principal residence.

Whereas, Daniel Fasanelli was granted a full exemption from taxes from February 19th, 2019, which was read into the record on May 7th, through Resolution 128-19.

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

Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, State of New Jersey, the treasurer be and she is hereby authorized to refund the 2016 homestead rebate in the
amount of $408.16 applied to the second quarter 2019 property tax for Mr. Fasanelli. So move.

MAYOR SCARPELLI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: He's not here, guys.

COMMISSIONER PETRACCO: You sure?

COMMISSIONER EVANS: Whereas, similarly as to the first resolution, it's basically the same for Dennis Cedrone, where he's granted a full exemption on -- through Resolution 129-19 on May 7th. He received a homestead rebate in error. He also had a -- an automatic withdrawal from his escrow account by the bank in error, which both need to be refunded.

Now, therefore, be it resolved by the Board of Commissioners in the Township of Nutley, the County of Essex, State of New Jersey, and the treasurer be and she is hereby authorized to refund the 2016 homestead rebate in the amount of $404.37 in the second quarter.
Actually, in the automatic escrow disbursement in the amount of $2,322.62, which was applied to the second quarter of 2019. So move.

MAYOR SCARPELLI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the treasurer be and she is hereby authorized to refund -- excuse me, to refund escrow monies for land use applications in the amount of $8,330 for the accounts listed herein. So move.

MAYOR SCARPELLI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Be it resolved by the Board of Commissioners that the treasurer is hereby authorized to refund overpayment of tax charges in the amount of $1,454.18 for those accounts listed in the resolution. So move.

MAYOR SCARPELLI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: 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, NJSA 40A:4-20 provides that where contracts, commitments, or payments are to be made prior to the final adoption of the 2019 budget, an emergency appropriation may lawfully be made for the purposes and the amounts required in the manner and time wherein provided.

Whereas, the total emergency temporary resolution adopted in the year 2019, pursuant to the
provisions of the Chapter 96, P.L. 1951, including this resolution total $14,307,577.

Now, therefore, be it resolved that in accordance with N.J.S.A. 40A:4-20: One, an emergency temporary appropriation be and the same is hereby made for the total amount of $26,342. That said emergency temporary appropriations will be provided for in the 2019 budget as follows:

The Nutley Board of Education-Physician Services, $3,675; Health Services-Montclair Health Officer, $22,667; for a total of $26,342. So move.

MAYOR SCARPELLI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: 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.

Whereas, raffle applications have been received from the Nutley Rotary -- from the Rotary Club of Nutley, License Number 26-19, off-premise 50/50 cash
raffle, to be held Wednesday, September 4th, 2019.

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

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

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

Whereas, public works professionals focus on infrastructure, facilities, and services that are of vital importance to sustainable and resilient communities and to the public health, high quality of life, and well-being of the people of the Township of Nutley.

Now, therefore, be it resolved by the Board
of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, do hereby proclaim the week of May 19th through the 25th as National Public Works Week. I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: 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 Ernest Street improvements were received and opened on Wednesday, April 24th, 2019.

Whereas, Cifelli and Son General Contracting, 81 Franklin Avenue, Nutley New Jersey, was the lowest responsible bidder.

Whereas, the base bid for Ernest Street improvements are in the amount of $177,464.50, for a total bid of $177,464.50.

Whereas, the award of this contract is subject to the availability and appropriation of specific funds from the Essex County Community
Development Block Grant, Account Number T-19-909-901, in the amount of $156,800; Budget Account number G-04-133-401 in the amount of $55; budget Account G-04-135-401 in the amount of $3,612.20; and Budget Account Number G-04-130-401 in the amount of $16,997.30; and subject to the caveat, having been served by the Chief Financial Officer, said certification being attached to this resolution.

Now, therefore, be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to Cifelli and Sons General Contracting for the total bid in the amount not to exceed $177,464.50, and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley, subject to the final approval and funding by the Essex County Community Development Block Grant. I move the resolution.

COMMISSIONER EVANS: Second.
THE CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.

Resolution 145-19, approval to submit a grant application and execute a grant contract with the New Jersey Department of Transportation for the Township of Nutley Grant Avenue improvement project, Section 2, Myrtle Avenue to River Road. I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye. That concludes most of the business portion of this meeting. We're going to open up the meeting to the public.

Madam Clerk?

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

The mayor may defer citizens' comments to the appropriate member of the Board. Dialogue between citizens and those addressing the Board shall be allowed, unless the mayor, 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: Anyone wish to address the Board of Commissioners this evening?

MR. WEINGARTNER: Yes, good evening. William Weingartner, 20 Daily Street. I'm a resident of Nutley since 1985. My question to you, Mayor, is, is there a street sweeping policy in the Township of Nutley? If so, what is it? If not, I would like to make a motion so that there is a street sweeping policy. I understand there's only one street sweeper in the town of Nutley --

MAYOR SCARPELLI: That's correct.

MR. WEINGARTNER: -- and it goes from one end to the other.

MAYOR SCARPELLI: That's correct.
MR. WEINGARTNER: And it takes a long time to do a town like Nutley.

MAYOR SCARPELLI: It takes about a month.

MR. WEINGARTNER: Towns like Belleville have four street sweepers. Three of them are out from March through December, doing the streets on a weekly basis. This time of year, when the leaves and all that stuff falls from the trees, the landscapers don't really clean up a hundred percent, street sweepers should be there, doing that, that job, and I'm asking for a street sweeping policy.

MAYOR SCARPELLI: We're going to continue sweeping the way we're sweeping, but if you have a complaint, you give us a call, we'll make sure that we get there, to your street.

MR. WEINGARTNER: But there is no street sweeping policy?

MAYOR SCARPELLI: We go from one end of town to the other. We do the Franklin Avenue, and the parking lots, three days a week.

MR. WEINGARTNER: Well, I can't somehow get this board to address some sort of policy so that it's done all year round, and to get some more street sweepers?

MAYOR SCARPELLI: Well, more street sweepers
cost more money, cost more manpower, and if you've been
paying attention to what we've been doing, we're
cutting down on our manpower to save taxpayer money.
And the streets are swept. They're relatively clean.
If we have any problem areas, we address it. And if
you have a problem on Daily Street, you call our
office, and we'll make sure that they're there.

MR. WEINGARTNER: My other concern is how
often do you redo the streets as far as paving? How do
I get on that list? Is there a list? And what is the
budget this year for paving streets in Nutley? Main
streets particularly, like Bloomfield Avenue, I noticed
they're doing a little bit today or yesterday,
Passaic Avenue, the main streets that there's a lot of
potholes.

MAYOR SCARPELLI: The -- we budget $350,000 a
year for paving. That's through our capital projects.
We also have a Department of Transportation grant.
That's -- you heard today, we're applying that for
Grant Avenue. We'll be paving Grant Avenue with that.
There's also CDBG money, which we've talked about also
on tonight's agenda. We'll be doing Ernest Street.
That's only certain areas where we can use
that money. The projects as they're going on now,
that's a public service, where they've dug up the
roads, and we're going to get a majority of our roads on the west side of town between Bloomfield Avenue and Harrison Street repaved. So, last year, with public service, on the west side of -- on the east side of town, we've got from Nutley Avenue to the Clifton line, and from Passaic Avenue down, most of those streets repaved.

So public service is going to continue that project next year on the east side of town from Grant Avenue to the Belleville line. So they'll be digging up those roads there. So their project is continuing. Spending a lot of money on doing some roads, not knowing where they're going to be next, after next year, and they don't know yet.

We've been a little judicious in what we're going to do. We're trying to get those sections of town done, a street here or there that Public Service hasn't dug up, but is in that section, we're trying to get those done. So, we have a priority system where the roads are rated, and we kind of use those priorities for the most part to rate when we're going to do a road.

MR. WEINGARTNER: Thank you for that. I wanted to thank Commissioner Evans. Actually, I stopped down here a week ago to get a pothole fixed. I
actually paid my taxes, and I saw Commissioner Evans, and I said, how do I get a pothole fixed? I called three times. I went down there and visited, the lady showed me my name on the list, and I was on the first list, and sure enough, the next day, my pothole was fixed.

MAYOR SCARPELLI: That's because he --

MR. WEINGARTNER: Just so --

MAYOR SCARPELLI: -- that's because he texted me.

MR. WEINGARTNER: Well, thank you for that. I just had one other thing --

MAYOR SCARPELLI: Sure.

MR. WEINGARTNER: -- it has nothing to do with much, but I'm wondering if Commissioner Rogers may know the answer to this? I am leaving next Friday night to go to Normandy, France, because my father was a D-Day survivor. And I was wondering if there's any Nutley residents that actually died on D-Day or shortly thereafter, so I could pay my respects at the cemetery.

COMMISSIONER ROGERS: I tell you what, I'll find out for you. If you could leave your phone number with the clerk, I'll -- I'm sure she'll give me the phone number, and I'll get somebody on this tomorrow. When are you leaving?
MR. WEINGARTNER: We're going to be in Normandy from June 1st until about the 10th.

COMMISSIONER ROGERS: All right. So you're not leaving before the 6th --

MR. WEINGARTNER: (Indiscernible).

MR. WEINGARTNER: We're leaving next Friday evening.

COMMISSIONER ROGERS: Okay. I will actually get somebody on that. And was Mayor Chenoweth, was he a Normandy --

MAYOR SCARPELLI: I'm not sure, Commissioner.

COMMISSIONER ROGERS: -- survivor? Okay. All right, I'll check for you, sir, okay, and we'll get back to you.

MR. WEINGARTNER: Thank you, Commissioner.

COMMISSIONER ROGERS: Thank you.

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

THE CLERK: Thank you.

MAYOR SCARPELLI: Thank you.

MR. ALESSIO: Carmine Alessio, 81 East Centre Street. I'm looking at Mr. -- Mayor Scarpelli's resolution, 142-19. It refers to whereas, Public Works professionals focused on infrastructure, facilities, services, and other vital importance, sustainable and
resilient communities -- to the public health, high quality of life, and well-being of the people and the Township of Nutley, and then it says, whereas, blah, blah, blah, blah, blah, public buildings and other structures and facilities essential for our citizens.

And, whereas, it is public interest for the citizens and all the children of the township to gain a whatever. Now, the reason why I'm pointing this out is I've been here numerous times and, you know, I do have a house, and my family has two other houses on East Centre Street. Would you think that this would apply to the empty lot that has a trailer with no wheels and is frequented -- all but -- frequented all day long as a -- like a utility house for contractors to leave all their stuff, tools and that, all over the lot, and use the lot that's on the tax record as being an empty lot for a facility like that? Does that fall under your department, Mr. Mayor?

MAYOR SCARPELLI: No, it does not.

MR. ALESSIO: Well, it's my understanding that there's like not one specific department that it falls under. Could you tell me --

COMMISSIONER EVANS: Mr. Alessio --

MR. ALESSIO: -- what other department it might be? Because I have an insight that it's code
enforcement, but then again parts of it could be Public Works. Now, you know, is there a specific pinpoint answer to that?

COMMISSIONER EVANS: Yes. It's Code Enforcement.

MR. ALESSIO: Okay. Like -- I'll address this to you then, Mr. Evans. What's the logic behind having an empty lot next door to a residential house not conforming in the B-4 business zone, which, you know, every 10 years, the zone seems to be changed.

Now, if I had to describe the zone, it went from a B-4 business, and it's still B-4 business, but yet there's mixed use, maybe a hundred feet from the B-4 business, which I am living in as you could say a non-conforming one family dwelling.

Aren't there certain guidelines? I mean, you have to respect a house that's been there since 1919, and not have an empty lot next door to a house like that that's -- has trailers off wheels, trucks all over the place. It's used by the Parks Department for people who frequent the park and play softball. It's like, loaded with cars all summer long. To me, it's a complete catastrophe, and I think that it shouldn't go on for another 20 years. It's already been like that since 2002.
Now, my position is, when I bought grandpa's house, that as long as I don't bother anybody, and I'm paying for commercial land, which is a lot higher than residential land, for like maybe 20 years, and I was allowed to bring my -- because I'm in the industrial zone -- to bring my van or, you know, some commercial vehicles on that property.

Now, it's one way or the other. I mean, I don't disrupt my neighbors. I have respect, I keep -- try to keep my property clean, but it hinders me to keep my property clean when I got a complete disaster right next door to me. I don't think it's fair, like I'm on the books as a house, in the B-4 business zone over there, and you have an empty lot that's used commercially, there's like, 15 trucks on it at any given time.

There's debris all over the place. There's a trailer with no wheels. It's used -- I mean like, wouldn't it be nice to bring tax revenue into the town and put like a garage there if that's what the owner would like? To have a garage? Rather than to have it like that? I mean, I have other words to call it, but I don't think it's an appropriate setting to like, you know, permit these words out of my mouth.

Now, I've came here numerous times as a
citizen and a property -- what would you like me to do
as a citizen to keep my property nice? Because I can't
put good money where bad money is. It's not feasible
or in the cards for anybody to --

MAYOR SCARPELLI: Mr. Alessio --

MR. ALESSIO: -- be that dumb.

MAYOR SCARPELLI: Mr. Alessio, wrap it up,

all right?

MR. ALESSIO: Yes? Do you have an answer for
that?

COMMISSIONER EVANS: So Mr. Alessio, a couple
of things. You have complained to me before about the
property next door to you, and when you did complain, I
had sent inspectors there, violation notices were
issues. Summons were issued, and the owner ended up in
Belleville Municipal Court, and action was taken.

It is a valid piece of use that was granted a
variance a number of years ago, so it's legally used,
all right, according to the terms of the variance that
was granted. It's not allowed to have large trucks
there, they're not allowed to have landscaping debris
and waste there. If they're doing that again, I will
send the inspectors --

MR. ALESSIO: How about -- excuse me for
interrupting. How about like a stationary trailer that
sits there like it's being used as a garage?

COMMISSIONER EVANS: And I will have the --

MR. ALESSIO: Okay, now I keep coming to these --

MAYOR SCARPELLI: Mr. Alessio. Mr. Alessio, you ask the question --

MR. ALESSIO: I'm trying to --

MAYOR SCARPELLI: -- let the commissioner --

MR. ALESSIO: -- yeah, but he's going to be --

MAYOR SCARPELLI: -- let the commissioner finish his answer --

MR. ALESSIO: -- (indiscernible) the issue --

MAYOR SCARPELLI: Let the --

MR. ALESSIO: He's going to (indiscernible) around the issue.

COMMISSIONER EVANS: Mr. Alessio --

MAYOR SCARPELLI: Let --

MR. ALESSIO: The issue is, is the trailer --

MAYOR SCARPELLI: Mr. Alessio, if you're not going to let him finish, then you're going to have to sit down.

MR. ALESSIO: Yeah, but he's not hitting on the -- on the right thing.

MAYOR SCARPELLI: You haven't given him an opportunity.
MR. ALESSIO: Okay. Here's your opportunity.

COMMISSIONER EVANS: Thank you, Mayor.

So, Mr. Alessio, as I told you before, we have -- there are terms under the variance that was granted that the owner of the property must stick to. If he's violating that, we will notice him again, we will issue a summons, and we will take him to court again.

As it relates to the trailer or the -- whatever, the storage facility that's on that site, I don't know whether or not that's an allowed use, but I will have the inspectors inspect the property in the morning. So to the extent that there's anything there that doesn't belong there, we will make sure that it's removed.

MR. ALESSIO: Now --

COMMISSIONER EVANS: I can't -- I cannot tell a private citizen as to what they should develop on their property. That's up to that person.

MR. ALESSIO: No. No, you shouldn't be able -- have to -- have to prove it --

COMMISSIONER EVANS: I can't insist on somebody's development --

MR. ALESSIO: But if you take it a step back initially --
MAYOR SCARPELLI: Mr. Alessio --

MR. ALESSIO: -- when the house was knocked down --

COMMISSIONER EVANS: Mr. Alessio.

MR. ALESSIO: -- there's supposed to be a site plan for revitalization. Not to run trucks over it like --

COMMISSIONER EVANS: I'm sorry --

MR. ALESSIO: -- it's a hell --

COMMISSIONER EVANS: -- I'm sorry, Mr. Alessio. The matter was --

MR. ALESSIO: -- like hell. That's against the law.

COMMISSIONER EVANS: Mr. Alessio, are you going to continue to interrupt me? Is that your intent?

MR. ALESSIO: I'm trying not to, but you're not answering my --

COMMISSIONER EVANS: I have answered your question --

MR. ALESSIO: -- my question specifically.

COMMISSIONER EVANS: Let me answer your question --

MR. ALESSIO: Does that mean that's the variance is legal? I don't think it's -- I know it's
COMMISSIONER EVANS: I'm going to ask you this one more time.

MR. ALESSIO: Okay, here we go.

COMMISSIONER EVANS: Are you going to allow me to answer or not?

MR. ALESSIO: Yes, I will. I've been allowing you, I just don't agree with what you're telling me. It's not --

COMMISSIONER EVANS: Well, actually --

MR. ALESSIO: -- it's -- it's not --

COMMISSIONER EVANS: -- not -- not being able to get out my comment right now because you're interrupting me.

MR. ALESSIO: Okay. Go ahead.

COMMISSIONER EVANS: Okay? The simple fact is, the property was granted a variance for its use. To the extent that the owner is complying with the terms of the variance that was granted by the Zoning Board of Adjustment a number of years ago, it's a legal use of the property. To the extent that he is violating that use, it will be inspected again -- once again, tomorrow morning, and if necessary, summonses will be issued. I made that commitment to you already. You know that. I shook your hand. And I told you --
MR. ALESSIO: Yes, but nothing's -- it hasn't been accomplished.

COMMISSIONER EVANS: I -- now --

MR. ALESSIO: Now --

MAYOR SCARPELLI: Mr. Alessio, that's it.

COMMISSIONER EVANS: -- I beg to differ with you on that. It has been -- if you --

MR. ALESSIO: Can I just wrap this up?

COMMISSIONER EVANS: -- if he did not comply -- abide by it, we will enforce it again. See, your point is, it's a matter before -- it was a matter before the Board of Adjustment. If he chooses not to put a house on that, or a garage, that is the private owner's right to do that. I can -- no one, this board, cannot insist on telling somebody what you must develop on your property.

MAYOR SCARPELLI: Thank you, Mr. Alessio.

Anybody wish to address the Board of Commissioners this evening?

MR. ALESSIO: Can I close on this?

MAYOR SCARPELLI: No. You're done.

MR. ALESSIO: It's not fair. You're not --

MAYOR SCARPELLI: It is fair. I gave you a lot more leeway than five minutes.

MR. ALESSIO: But does -- does a variance,
does that mean that that's a legal variance that was
issued from day one? I don't think so.

COMMISSIONER EVANS: Well, that would be a
matter before the Board of Adjustment.

MR. ALESSIO: Everything they do is, like,
not -- on a level of illegal --

MAYOR SCARPELLI: Mr. Alessio, please.

MR. ALESSIO: But you know, I understand.

You're picking up the pieces where that property's not
-- neither residential or commercial. So what is it
when it's got like 15 trucks on it, debris all over, a
trailer with no wheels on it, what is it called, so I
can --

MAYOR SCARPELLI: Thank you, Mr. Alessio.

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

COMMISSIONER EVANS: And I assure you, it
will be inspected first thing in the morning tomorrow.

MAYOR SCARPELLI: Anybody else wish to
address the Board of Commissioners? Seeing none, can I
have a motion to close public comment?

COMMISSIONER PETRACCO: Moved.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.
THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. We need a motion to go into executive session --

COMMISSIONER ROGERS: Before we do that, Mayor --

MAYOR SCARPELLI: Yeah, sure.

COMMISSIONER ROGERS: -- I have two things. One is, 30 young people from Nutley were killed at Normandy Beach. Two survived. They subsequently came back to Nutley, and they -- I think one died recently, so 30 of our young men died at Normandy Beach. That's number one.

Number two, Mayor, I had the opportunity to learn that your dad was given a great tribute over at the Senior Citizen Housing Area here, and I want to congratulate you on that, I mean, that is an honor to have his picture up there. It's good for -- I know your family's proud of him, but the town's proud of him. It's really nice, and I just want to congratulate you.

MAYOR SCARPELLI: Thank you, Commissioner.
It was nice to go there to unveil the picture that the board of trustees -- it was a long time coming. He knew about the plaque.

COMMISSIONER ROGERS: Wow.

MAYOR SCARPELLI: Before he passed away. It was just some production, I guess, with it, the -- in getting it finally put up, but --

COMMISSIONER PETRACCO: Who could we blame for that, Mr. Mayor?

MAYOR SCARPELLI: I don't know some --

COMMISSIONER PETRACCO: Tommy Spizota (phonetic) maybe? Tommy Spizota?

COMMISSIONER ROGERS: Sam, it had to be a good feeling for you.

MAYOR SCARPELLI: It was a little emotional, to tell you the truth, Commissioner.

COMMISSIONER PETRACCO: I'd like to congratulate you too, Joe. That's -- you know, your father and your whole family have done a lot for the township, and to have something that's going to be there forever, that's a family legacy, and that's nice. Congratulations.

MAYOR SCARPELLI: I appreciate that, Commissioners.

COMMISSIONER EVANS: Commissioner Tucci and I
offer the same congratulations.

    MAYOR SCARPELLI: Thank you. Thank you. So
before we -- so we will go into executive session, and
then we'll come back out. We may take action,
Mr. Genitempo?

    MR. GENITEMPO: Yes, Mr. Mayor. We have to
announce we're going in for a contract negotiation and
litigation, and then we may come back out and take
official action.

    MAYOR SCARPELLI: Can I have a motion?

    COMMISSIONER PETRACCO: Move it.

    COMMISSIONER ROGERS: Second.

    THE CLERK: Commissioner Rogers?

    COMMISSIONER ROGERS: Aye.

    THE CLERK: Commissioner Evans?

    COMMISSIONER EVANS: Aye.

    THE CLERK: Commissioner Petracco?

    COMMISSIONER PETRACCO: Aye.

    THE CLERK: Mayor Scarpelli?

    MAYOR SCARPELLI: Aye.

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

        And, whereas, the public is of the opinion
that such circumstances exist.

And, whereas, the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey, decides to proceed to a closed executive session.

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

Be it further resolved that at a time when such discussion may be disclosed to the public shall be when that 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 that are provided for by statute, and the time is now 7:50.

MAYOR SCARPELLI: Vote. Roll? No?

THE CLERK: We're good. No, we're good.

MAYOR SCARPELLI: We're good? We're good?

THE CLERK: Yes, Mayor.

MAYOR SCARPELLI: All right. Everybody, we'll see you at the hundredth Memorial Day Parade on Monday. Madam Clerk, we're back on the record?

THE CLERK: Yes, Mayor, the time is now 9:10 p.m.
MAYOR SCARPELLI: Do I have a motion to introduce Ordinance Number 34-20? Seeing none, could I have a motion to adjourn?

COMMISSIONER ROGERS: Motion to adjourn?

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: 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 the time is now 9:11 p.m.

MAYOR SCARPELLI: Happy Memorial Day, everybody.

(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:  June 6, 2019
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