In The Matter Of:
In RE: Nutley Board of Commissioners

Transcript of Proceedings
January 2, 2020
Conference Session
TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

*** CONFERENCE SESSION ***

DATE: JANUARY 2, 2020

BOARD OF COMMISSIONERS:

JOSEPH P. SCARPELLI, MAYOR

MAURO G. TUCCI, COMMISSIONER

THOMAS J. EVANS, COMMISSIONER

ALPHONSE PETRACCO, COMMISSIONER

STEVEN L. ROGERS, COMMISSIONER A/E

Also Present:

ANGELO CIFELLI, JR., TOWNSHIP ATTORNEY
Conference Session

(Recording begins)

MAYOR SCARPELLI: Madam Clerk?

THE CLERK: Thank you, Mayor. Board of Commissioners public meeting Thursday, January 2nd, 2020. 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 28th, 2019 issue 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 is absent, excused.

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, except for Commissioner Rogers. He's absent excused.

MAYOR SCARPELLI: Commissioner Petracco, what do you have on the agenda tonight?
COMMISSIONER PETRACCO: That's a good question. I have a couple public hearings, I know. One is for -- I believe FMBA, and one is for dispatchers. I was looking early, and I have some handicapped parking locations, to take signs down, I believe, so they're not used anymore, and then I have a couple resolutions. I need a new pair of glasses. I have a medical leave. What do I have? And this is -- I have the resolution for the dispatchers as well.

COMMISSIONER TUCCI: Is he okay?

COMMISSIONER PETRACCO: Who?

COMMISSIONER TUCCI: Mazzitelli?

COMMISSIONER PETRACCO: I don't know, I just saw that.

COMMISSIONER TUCCI: No?

MS.CARELLA: Yeah, he's having a --

COMMISSIONER TUCCI: Hold on.

MS.CARELLA: He's having surgery.

COMMISSIONER TUCCI: I'm sorry to hear that.

MAYOR SCARPELLI: Commissioner Evans?

COMMISSIONER EVANS: I have just one resolution, for a cooperative purchasing arrangement with the New Brunswick Parking Authority.

MAYOR SCARPELLI: Commissioner Rogers has none. Commissioner Tucci?
COMMISSIONER TUCCI: I have one resolution, it's a -- it's approval of the bylaw amendment for the JIF, we're changing our name from Suburban Essex Joint Insurance Fund to Suburban Metro.

MR. GENITEMPO: Really?

COMMISSIONER TUCCI: Yeah. We feel that it'll be a better draw, because most of our towns are no longer from Essex County. So I guess they were -- felt a little uneasy, so --

MR. GENITEMPO: Yeah, well, it's been that way for a while, right?

COMMISSIONER TUCCI: Uh-huh. So now we're Metro.

MR. GENITEMPO: Wow.

COMMISSIONER TUCCI: And that's all I have.

MR. GENITEMPO: Metro's cool.

MAYOR SCARPELLI: Metro Boulevard.

COMMISSIONER TUCCI: One hundred, two hundred, no parking.

MR. GENITEMPO: Gene might have something to say about it.

MAYOR SCARPELLI: I have a public hearing for non-union employees, on the behalf of the commissioners. And I don't have a resolution, I don't -- Madam Clerk, what do you have? Anything?
THE CLERK: I don't have anything else.

MAYOR SCARPELLI: Counselor?

COMMISSIONER TUCCI: Praise Jesus.

MR. GENITEMPO: Just a reminder that I have Sam Schwartz coming in for executive after the regular meeting. They're going to --

COMMISSIONER PETRACCO: That's wonderful, Allan.

MR. GENITEMPO: -- be here at 7:30.

COMMISSIONER PETRACCO: That's fantastic.

MR. GENITEMPO: And I have John Conn -- I invited John, he wants to be there, too, so he'll be here.

MAYOR SCARPELLI: Okay. Anything else, Commissioners?

COMMISSIONER EVANS: I'm good.

COMMISSIONER TUCCI: I just have a question.

Why do we have a meeting on -- I understand the 31st is the close-out meeting, but --

MAYOR SCARPELLI: I don't know, Commissioner.

COMMISSIONER TUCCI: But we had a Thursday, a Tuesday, and now a Thursday --

COMMISSIONER PETRACCO: Commissioner --

COMMISSIONER TUCCI: I mean --

COMMISSIONER PETRACCO: -- we want to spend
the holidays with you. Don't you get it? We want to be together. That's what that's about, right?

COMMISSIONER EVANS: We're hoping to have a meeting tomorrow. Are you available?

COMMISSIONER TUCCI: What time? That's a lot of meetings, we should look at that.

THE CLERK: Absolutely.

COMMISSIONER TUCCI: Thank you.

THE CLERK: I'm good with that.

COMMISSIONER TUCCI: Good.

THE CLERK: I would love to.

COMMISSIONER TUCCI: Don't you think? I mean that -- was there an -- I'm not sure, and I'm not being a wiseguy. Was there a reason to have that close-out meeting? Did we need to have that? Was there anything on there that we couldn't have done today? Transfers you can still do, so what was --

THE CLERK: That's up to you --

COMMISSIONER TUCCI: Other than just to get together and say Happy New Year.

THE CLERK: -- that's up to the Board.

COMMISSIONER TUCCI: Yeah.

THE CLERK: Whatever you gentlemen decide.

Whatever you guys decide is --

COMMISSIONER TUCCI: No, I know that, but was
there anything that we couldn't do tonight?

    COMMISSIONER EVANS: I don't remember what was on the agenda. It was two days ago.

    COMMISSIONER TUCCI: Oh, Sam. Okay. It's that time of year. Okay. I was just curious.

    COMMISSIONER EVANS: There was a holiday in between.

    COMMISSIONER TUCCI: Right? I don't know either, that's why I asked the question.

    COMMISSIONER EVANS: I was hoping we could have avoided the Tuesday, but --

    COMMISSIONER TUCCI: It's always nice seeing -- well, I didn't see you, but I did talk to you, I felt your presence. At nine o'clock in the morning.

    MAYOR SCARPELLI: Counselor, I think we need a short executive for possible litigation.

    MR. GENITEMPO: Okay.

    THE CLERK: Right now? Right now?

    MAYOR SCARPELLI: Yeah.

    THE CLERK: Okay. Motion?

    MR. SCARPELLI: Motion.

    COMMISSIONER PETRACCO: Move it.

    COMMISSIONER TUCCI: Second.

    COMMISSIONER EVANS: Second.

    THE CLERK: Thank you. Are you still
UNIDENTIFIED: Yeah.

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 -- 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 and 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 move into closed executive session to discuss?

MR. GENITEMPO: Potential litigation.

THE CLERK: Potential litigation. And be it further resolved that at the time when such discussion may be disclosed to the public shall be when and such disclosure may be made without adversely affecting the Township of Nutley and/or the anticipated legal, personnel, contractual matters, and other matters within the exceptions provided for by statute.

Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Here. Aye.
THE CLERK: Mayor Scarpelli? Thank you.
MAYOR SCARPELLI: Aye.
THE CLERK: The time is 7:08.

(End of recording)

* * * * *
CERTIFICATION

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

_____________________________     January 17, 2020

Alicia Jarrett
AAERT Cert. No. 428
Certified Court Transcriptionist
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*** PUBLIC SESSION ***

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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, Thursday, January 2nd, 2020. The time is now 7:24. Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the November 28th, 2019 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 is absent, excused, this evening.

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, except for
Commissioner Rogers. He's absent, excused, this evening.

MAYOR SCARPELLI: Let's go to bills first, Madam Clerk.

THE CLERK: Sure. Bill list for January 2nd, 2020. Public Affairs, $81,000; Revenue and Finance, $3,025,107.38; Public Safety is zero, Public Works is zero, Parks and Public Property, $5,551,987 -- I'm sorry. $551,987.01. Water Utility, $71,631.78. Payroll for December 27th, the -- for the Teamsters is $254,391.02. For the Fire Retro payroll is $69,994.12. Regular overtime is $64,828.83. Total Payroll for December 27th is $882,391.65, for a grand total of $4,936,502.96.

COMMISSIONER EVANS: Move the bills.

COMMISSIONER TUCCI: Second.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.
THE CLERK: And that's it for bills.

MAYOR SCARPELLI: I just want to address the community and the people that are here tonight. There's a video that's been circulating that is very unfortunate, that it's from students that live in this town. And I want to make it clear that as a township, we do not condone this kind of speech, and as a board, we want to ensure that Nutley is a place to feel safe, secure, and welcome. And I'm sure we'll have further to say as we get further into the investigation of this video.

Let's move to public comment on agenda items only, 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 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.

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

MS. O'MALLEY: Hello. My name's
Karen O'Malley, 81 Coeyman Avenue. I just wanted to
talk about the minimum base salaries. You have here
several instances, $8 an hour, but the New Jersey state
minimum wage is $11 an hour as of this year. So is
that something you wanted to make an adjustment to?
That's --

MAYOR SCARPELLI: I don't know the individual
line item, but there are some exceptions.

MS. O'MALLEY: There are several of them that
have $8 an hour, like Clerk I part-time. Several of
them, instances, and some of them are $10 an hour;
Clerk I. Receptionist/telephone operator, part-time,
$8 an hour, and the minimum wage is $11. I just wanted
you to know that.

MAYOR SCARPELLI: Yeah. I think there's some
exceptions to the minimum wage, and that may be
addressed in those. I'm not really sure.

MS. O'MALLEY: I'm not --

MAYOR SCARPELLI: I know that we had our
people look at that, so --

MS. O'MALLEY: Okay.

MAYOR SCARPELLI: Commissioner --

MS. O'MALLEY: I just wanted to --

MAYOR SCARPELLI: -- do you have anything further on that?

MS. O'MALLEY: -- bring that to your attention.

MAYOR SCARPELLI: All right. Thank you very much. Anybody else wish to address the Board of Commissioners on the agenda items only? Seeing none, Board of Commissioner announcements. Commissioners? Let's move to ordinance introductions. Ordinance -- public hearings. Ordinance Number 3431. An ordinance to fix the salaries of certain officers and employees of the Township of Nutley, County of Essex, State of New Jersey, effective January 1st, 2018. Does anybody want to be heard on Ordinance Number 3431?

MR. MOORE: Rory Moore, 462 Chestnut Street. Mr. Scarpelli, I just have a technical question. When you have your base and your maximum, how do you arrive at those numbers?

MAYOR SCARPELLI: Mr. Moore, as we've had this discussion in the past, there's a base and a maximum. Right? There's a -- the base minimum and
base maximum. They're there in case there's a change
early on, that you still have the ability to hire
somebody at a lower level than they may be there.

   MR. MOORE: No, no, I --

   MAYOR SCARPELLI: And usually -- let me
finish.

   MR. MOORE: Go ahead.

   MAYOR SCARPELLI: That the person's salary
lies somewhere in the middle of there.

   MR. MOORE: No, no, I understand that. But
how do you arrive at --

   MAYOR SCARPELLI: Well, I'm going to -- we'll
talk for each of our departments, but we -- you know,
we have a pretty good idea of where those positions
should fall, based on what's out there in the different
other communities. You're able to do a search and find
that -- what the average salary is for those positions,
and that's -- I would say -- I'm not going to speak for
all departments, but that's how we do it at Public
Works Department.

   MR. MOORE: Generally. It's --

   MAYOR SCARPELLI: Generally.

   MR. MOORE: -- you -- because the salary
range -- the League of Municipalities just released
theirs. I just got my copy, so I really couldn't even
look at it before, but I was just wondering --

MAYOR SCARPELLI: Like I said, there's tools out there for us to use, so --

MR. MOORE: And I was just curious what tools you use. That's -- was my only question. Thank you.

MAYOR SCARPELLI: You're welcome. Anybody else wish to be heard on Ordinance Number 3431? Seeing none, I move to close the public hearing.

COMMISSIONER EVANS: Move it.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. I move the ordinance.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.
THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. Ordinance Number 3433. Commissioner Petracco?

COMMISSIONER PETRACCO: An ordinance to amend an ordinance codified in the code of the Township of Nutley, Chapter 228, entitled Vehicles and Traffic, particularly Article 7, Special Zones and Areas, Section 29-A, entitled Handicapped Parking. To add or remove the locations set forth thereon. I move -- I open the public portion of the meeting.

MAYOR SCARPELLI: Anybody wish to be heard on Ordinance Number 3433?

MR. MOORE: Rory Moore, 462 Chestnut Street. Mr. Petracco, I just have like one question. When you said in the ordinance there's no parking other than a person that has that handicap, I believe there's another handicap, I'm just asking if we were doing it or not, I'm not getting any -- Mr. Genitempo would know better. If you -- anybody has a handicap, they can park in that spot. I was just curious.

COMMISSIONER PETRACCO: You know what, that's actually a really good question. Counsel, do we --

MR. MOORE: I know there's a couple towns that I think have that.

MR. GENITEMPO: I think that some towns have
it designated for a particular license plate number or car, but I don't think we do it that way, but I'm not a hundred percent sure. We could look at it.

COMMISSIONER PETRACCO: Yeah.

MR. MOORE: No, I was just curious, because if somebody else were to park and a handicapped park there --

MAYOR SCARPELLI: I think you may be misreading that -- what that says, Mr. Moore. It doesn't mean that that person in particular. It means no other person --

MR. MOORE: It looks like it said --

MAYOR SCARPELLI: -- no other person who's not -- who doesn't have a handicapped placard gets to park in that spot.

MR. MOORE: Yes, but usually if it's outside somebody's house, it's usually for that person. But what I have seen in the past in a couple places, is if you have any kind of a handicapped placard, you can park there.

COMMISSIONER PETRACCO: That's a great question. I'm going to look into --

MAYOR SCARPELLI: I believe that's still true, though.

MR. MOORE: Pardon me?
MAYOR SCARPELLI: I believe that's true. The way we have it set up, anybody can park there.

MR. MOORE: I was just being -- does it --

MAYOR SCARPELLI: Anybody in front of the person's --

MR. MOORE: -- have to be designated in the ordinance when you --

MAYOR SCARPELLI: Well, that's --

MR. MOORE: -- put that in? Other people could park there.

MAYOR SCARPELLI: Commissioner Petracco said he's going to look into it.

COMMISSIONER EVANS: Just if I may make a comment. In the Section 29-A, Streets. It says, "In accordance with the provisions of N.J.S.A. 39:41975,"

all right, if you read -- you know, it's for the following streets, but it's in the second sentence, it says, "Such spaces are for the use by persons who have been issued special identification cards or plates or placards by the DMV or a temporary placard by the Chief of Police." So it's not personalized to an individual.

It's to the group.

MR. MOORE: Okay. I just wanted to -- I just wanted to ask the question.

COMMISSIONER EVANS: It just -- it just --
yeah, it is --

MR. MOORE: Yeah, I saw that before, that --

COMMISSIONER EVANS: Yeah, I didn't look at it that closely, but when you read it, it's designating a group.

MR. MOORE: I was just down in Newark they have that, anybody could park there, and it caused a lot of controversy, because people think that this is my spot.

COMMISSIONER EVANS: Yeah, I would think sometimes that would --

MR. MOORE: Thank you.

MAYOR SCARPELLI: Anybody else wish to be heard on Ordinance Number 3433?

COMMISSIONER PETRACCO: Move to close.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. Move the ordinance.

COMMISSIONER PETRACCO: Move the ordinance,
thank you.

COMMISSIONER TUCCI: Second.

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: Okay. Ordinance Number 3434, an ordinance to fix the salaries of certain officers and employees of the Township of Nutley, County of Essex, State of New Jersey, effective January 1st, 2018. Is there -- I'd like to make a motion to open the public portion of the meeting.

MAYOR SCARPELLI: Anybody wish to be heard on Ordinance Number 3434?

COMMISSIONER PETRACCO: Seeing none, we'll move to close.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Petracco.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: Move the ordinance.

COMMISSIONER TUCCI: Second.

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: Ordinance Number 3435, an ordinance to fix the salaries of certain officers and employees of the Township of Nutley, County of Essex, State of New Jersey, effective January 1st, 2018. Move to open the public portion of the meeting.

MAYOR SCARPELLI: Anybody want to -- wish to be heard on Ordinance Number 3435?

COMMISSIONER PETRACCO: Seeing no one, move to close.

COMMISSIONER TUCCI: Second.

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:  I move the ordinance.

COMMISSIONER TUCCI:  Second.

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 on to resolutions. Commissioner Tucci?

COMMISSIONER TUCCI:  Yes, thank you, Mayor.

This is a resolution for approval of a bylaw amendment for the Suburban Essex Joint Insurance Fund.

Whereas, the Township of Nutley is a member of the Suburban Essex Joint Insurance Fund; and

Whereas, an amendment to the bylaws of the Suburban Essex JIF has been approved by the Board of
Commissioners following a public hearing on November 18th, 2019; and

Whereas, pursuant to N.J.S.A. 40A:10-43, the amendment must be approved by the governing body of 75 percent of the participating members.

Now therefore be it resolved by the governing body of the Township of Nutley that the bylaw amendment changing the name of the fund from the Suburban Essex Joint Insurance Fund to the Suburban Metro Joint Insurance Fund, previously approved by the Board of Commissioners of the Suburban Essex Joint Insurance Fund, and annexed hereto as amending bylaws, be and the same are hereby approved. I move the resolution.

COMMISSIONER EVANS: Second.

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.

Whereas, the Local Public Contracts Law, N.J.S.A. 40A:11-11(5), authorizes contracting units to establish cooperative pricing systems and to enter into cooperative pricing agreements for its administration; and

Whereas, the New Brunswick Parking Authority, hereonafter referred to as the Lead Agency, has offered voluntary participation in the cooperative pricing system for the purchase of goods and services; and

Whereas, on January 2nd, 2020, the Mayor and the Board of Commissioners of the Township of Nutley duly considered participation in the cooperative pricing system for the provision and the performance of goods and services.

Now therefore be it resolved as follows:

This resolution shall be known and may be cited as the Cooperative Pricing Resolution of the Township of Nutley, pursuant to the provisions of N.J.S.A. 40A:11-11(5). The governing body is hereby authorized to enter into a cooperative pricing agreement with the Lead Agency. The contract -- the Lead Agency shall be responsible for complying with the provisions of the revised statutes of the State of
New Jersey. The effective date of this resolution is immediate upon passage. So move.

COMMISSIONER TUCCI: Second.
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 Richard Mazzitelli, the employee of the Department of Public Safety, be granted a medical leave of absence without pay, effective December 3rd, 2019, through March 31st, 2020. I move the resolution.
COMMISSIONER TUCCI: Second.
THE CLERK: Commissioner Tucci.
COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans.
Public Session

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COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: Whereas, the Township of Nutley entered into a collective bargaining agreement with the Nutley Dispatcher's I.B.E.W. Local 1158; and

Whereas, on December 30th, 2019, a memorandum of agreement was reached, resolving all issues in dispute; and

Whereas, the Township of Nutley has a desire to enter into a three year, 2017, '18, '19, contract with Dispatchers I.B.E.W. Local 1158.

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 of Nutley adopts all terms and conditions pursuant to the memorandum of agreement signed on December 30th, 2019.

I move the resolution.

MAYOR SCARPELLI: Second.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

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

THE CLERK: Yes, Mayor, thank you. 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 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. Evans, on your resolution, your second whereas, you're going to have the lead agency for goods and services.
COMMISSIONER EVANS: Uh-huh.

MR. MOORE: What goods and services? It's a department authority.

COMMISSIONER EVANS: Sure, but they actually have pricing, which we found as we search out for these various agreements, where they have pricing arrangements that we can take advantage of, so it's not specific to anything in particular, just we're taking advantage of the pricing.

MR. MOORE: So is this the basically going to be a coverall for everything, no matter what we --

COMMISSIONER EVANS: If we -- for that particular cooperative, this covers that, but we have multiple. We have the Mars County, we have the Essex County, there's a bunch of them that we are participating in to get a pricing advantage under state contract.

MR. MOORE: But this didn't -- according to your resolution, this has no -- nothing special, we're just purchasing it.

COMMISSIONER EVANS: That's -- but we're participating in the cooperative, because we could have needs that arise that could cause us to take advantage. There might be something in particular right now, but I'm not aware of that offhand, but the reality is, we
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will use these to take advantage of the pricing that's available through them.

MR. MOORE: Thank you.

MAYOR SCARPELLI: Anybody else wish to address the Board of Commissioners this evening? We have a need for a closed session, so I need a motion to go into a closed executive session to discuss -- Mister --

MR. GENITEMPO: Potential -- potential litigation.

MAYOR SCARPELLI: Potential litigation.

Madam Clerk?

COMMISSIONER TUCCI: So move.

THE CLERK: Whereas --

COMMISSIONER TUCCI: So I moved it.

THE CLERK: -- 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 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 and 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 potential litigation?

MR. GENITEMPO: Potential litigation. And potential contract negotiations.

THE CLERK: And potential contract negotiations. Be it further resolved that at the 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 provided for by statute.

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 7:42.

MAYOR SCARPELLI: We will be returning to close the meeting, but there will be no action -- no
official action taken. Happy New Year, everyone.

(End of recording)

* * * * *

Executive session ended at 9:15pm. Motion to adjourn by Mayor Scarpelli, seconded by Commissioners Evan. All ayes on a roll call vote. Meeting adjourned at 9:15pm.
CERTIFICATION

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

_____________________________   January 17, 2020
Alicia Jarrett
AAERT Cert. No. 428
Certified Court Transcriptionist