

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

Transcript of Proceedings
January 2, 2020
Conference Session



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Min-U-Script®

Conference Session

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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

1 (Recording begins)

2 MAYOR SCARPELLI: Madam Clerk?

3 THE CLERK: Thank you, Mayor. Board of
4 Commissioners public meeting Thursday, January 2nd,
5 2020. The time is now 7:02. Pursuant to the
6 requirements of the Open Public Meeting Act,
7 Chapter 231, Public Law 1975, notice of this meeting
8 was published in the November 28th, 2019 issue of the
9 Nutley Sun, the Herald News, and the Star Ledger. A
10 copy of this notice has been posted on the Nutley
11 Town Hall bulletin board, and a copy is on file in the
12 Municipal Clerk's office. Commissioner Rogers is
13 absent, excused.

14 Commissioner Tucci?

15 COMMISSIONER TUCCI: Here.

16 THE CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Here.

18 THE CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Here.

20 THE CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Here.

22 THE CLERK: All present, except for
23 Commissioner Rogers. He's absent excused.

24 MAYOR SCARPELLI: Commissioner Petracco, what
25 do you have on the agenda tonight?

1 COMMISSIONER PETRACCO: That's a good
2 question. I have a couple public hearings, I know.
3 One is for -- I believe FMBA, and one is for
4 dispatchers. I was looking early, and I have some
5 handicapped parking locations, to take signs down, I
6 believe, so they're not used anymore, and then I have a
7 couple resolutions. I need a new pair of glasses. I
8 have a medical leave. What do I have? And this is --
9 I have the resolution for the dispatchers as well.

10 COMMISSIONER TUCCI: Is he okay?

11 COMMISSIONER PETRACCO: Who?

12 COMMISSIONER TUCCI: Mazzitelli?

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

15 COMMISSIONER TUCCI: No?

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

17 COMMISSIONER TUCCI: Hold on.

18 MS.CARELLA: He's having surgery.

19 COMMISSIONER TUCCI: I'm sorry to hear that.

20 MAYOR SCARPELLI: Commissioner Evans?

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

24 MAYOR SCARPELLI: Commissioner Rogers has
25 none. Commissioner Tucci?

1 COMMISSIONER TUCCI: I have one resolution,
2 it's a -- it's approval of the bylaw amendment for the
3 JIF, we're changing our name from Suburban Essex Joint
4 Insurance Fund to Suburban Metro.

5 MR. GENITEMPO: Really?

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

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

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

14 MR. GENITEMPO: Wow.

15 COMMISSIONER TUCCI: And that's all I have.

16 MR. GENITEMPO: Metro's cool.

17 MAYOR SCARPELLI: Metro Boulevard.

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

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

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

Conference Session

5

1 THE CLERK: I don't have anything else.

2 MAYOR SCARPELLI: Counselor?

3 COMMISSIONER TUCCI: Praise Jesus.

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

7 COMMISSIONER PETRACCO: That's wonderful,
8 Allan.

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

10 COMMISSIONER PETRACCO: That's fantastic.

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

14 MAYOR SCARPELLI: Okay. Anything else,
15 Commissioners?

16 COMMISSIONER EVANS: I'm good.

17 COMMISSIONER TUCCI: I just have a question.
18 Why do we have a meeting on -- I understand the 31st is
19 the close-out meeting, but --

20 MAYOR SCARPELLI: I don't know, Commissioner.

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

23 COMMISSIONER PETRACCO: Commissioner --

24 COMMISSIONER TUCCI: I mean --

25 COMMISSIONER PETRACCO: -- we want to spend

1 the holidays with you. Don't you get it? We want to
2 be together. That's what that's about, right?

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

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

7 THE CLERK: Absolutely.

8 COMMISSIONER TUCCI: Thank you.

9 THE CLERK: I'm good with that.

10 COMMISSIONER TUCCI: Good.

11 THE CLERK: I would love to.

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

18 THE CLERK: That's up to you --

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

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

22 COMMISSIONER TUCCI: Yeah.

23 THE CLERK: Whatever you gentlemen decide.

24 Whatever you guys decide is --

25 COMMISSIONER TUCCI: No, I know that, but was

1 there anything that we couldn't do tonight?

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

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

6 COMMISSIONER EVANS: There was a holiday in
7 between.

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

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

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

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

17 MR. GENITEMPO: Okay.

18 THE CLERK: Right now? Right now?

19 MAYOR SCARPELLI: Yeah.

20 THE CLERK: Okay. Motion?

21 MR. SCARPELLI: Motion.

22 COMMISSIONER PETRACCO: Move it.

23 COMMISSIONER TUCCI: Second.

24 COMMISSIONER EVANS: Second.

25 THE CLERK: Thank you. Are you still

1 recording?

2 UNIDENTIFIED: Yeah.

3 THE CLERK: Whereas, Section 8 of the Open
4 Public Meeting Act, Chapter 231, Public Law 1975,
5 permits the exclusion of the public from meeting in
6 certain circumstances; and

7 Whereas, the public -- Whereas, the public
8 body is of the opinion that such circumstances exist;
9 and

10 Whereas, the Board of Commissioners of the
11 Township of Nutley, in the County of Essex and State of
12 New Jersey desires to proceed to closed executive
13 session.

14 And now therefore be it resolved by the Board
15 of Commissioners of the Township of Nutley move into
16 closed executive session to discuss?

17 MR. GENITEMPO: Potential litigation.

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

25 Commissioner Tucci?

Conference Session

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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)

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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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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS
ONE KENNEDY DRIVE
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*** PUBLIC SESSION ***

DATE: January 2, 2020

BOARD OF COMMISSIONERS:

- JOSEPH P. SCARPELLI, MAYOR
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- ALPHONSE PETRACCO, COMMISSIONER
- STEVEN L. ROGERS, COMMISSIONER A/E

Also Present:

- ANGELO CIFELLI, JR., TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR SCARPELLI: Everybody please stand for
3 the flag salute.

4 (Pledge of Allegiance)

5 MAYOR SCARPELLI: Madam Clerk.

6 THE CLERK: Thank you, Mayor. Board of
7 Commissioners public meeting, Thursday, January 2nd,
8 2020. The time is now 7:24. Pursuant to the
9 requirements of the Open Public Meeting Act,
10 Chapter 231, Public Law 1975, notice of this meeting
11 was published in the November 28th, 2019 issues of the
12 Nutley Sun, the Herald News, and the Star Ledger. A
13 copy of this notice has been posted on the Nutley Town
14 Hall bulletin board, and a copy is on file in the
15 Municipal Clerk's office. Commissioner Rogers is
16 absent, excused, this evening.

17 Commissioner Tucci?

18 COMMISSIONER TUCCI: Here.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Here.

21 THE CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Here.

23 THE CLERK: Mayor Scarpelli.

24 MAYOR SCARPELLI: Here.

25 THE CLERK: All present, Mayor, except for

1 Commissioner Rogers. He's absent, excused, this
2 evening.

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

5 THE CLERK: Sure. Bill list for January 2nd,
6 2020. Public Affairs, \$81,000; Revenue and Finance,
7 \$3,025,107.38; Public Safety is zero, Public Works is
8 zero, Parks and Public Property, \$5,551, 987 -- I'm
9 sorry. \$551,987.01. Water Utility, \$71,631.78.
10 Payroll for December 27th, the -- for the Teamsters is
11 \$254,391.02. For the Fire Retro payroll is \$69,994.12.
12 Regular overtime is \$64,828.83. Total Payroll for
13 December 27th is \$882,391.65, for a grand total of
14 \$4,936,502.96.

15 COMMISSIONER EVANS: Move the bills.

16 COMMISSIONER TUCCI: Second.

17 COMMISSIONER PETRACCO: Second.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 THE CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

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

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

12 Let's move to public comment on agenda items
13 only, Madam Clerk.

14 THE CLERK: Thank you, Mayor. All persons
15 addressing the Board of Commissioners regarding
16 community concerns should approach the microphone and
17 provide their name and address for the record. Unless
18 further time is granted by the Board, each person
19 should limit their address to three minutes. All
20 remarks to the Board and its individual members must be
21 addressed to the mayor. The mayor may defer citizens'
22 comments to the appropriate member of the Board.

23 Dialogue between citizens and others addressing the
24 Board shall be allowed, unless the mayor or presiding
25 officer or the majority of the membership of the Board

1 shall determine that the interests of the quorum and/or
2 the expeditious conduct of municipal business are being
3 adversely affected by such dialogue.

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

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

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

15 MS. O'MALLEY: There are several of them that
16 have \$8 an hour, like Clerk I part-time. Several of
17 them, instances, and some of them are \$10 an hour;
18 Clerk I. Receptionist/telephone operator, part-time,
19 \$8 an hour, and the minimum wage is \$11. I just wanted
20 you to know that.

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

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

25 MAYOR SCARPELLI: I know that we had our

1 people look at that, so --

2 MS. O'MALLEY: Okay.

3 MAYOR SCARPELLI: Commissioner --

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

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

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

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

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

23 MAYOR SCARPELLI: Mr. Moore, as we've had
24 this discussion in the past, there's a base and a
25 maximum. Right? There's a -- the base minimum and

1 base maximum. They're there in case there's a change
2 early on, that you still have the ability to hire
3 somebody at a lower level than they may be there.

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

5 MAYOR SCARPELLI: And usually -- let me
6 finish.

7 MR. MOORE: Go ahead.

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

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

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

21 MR. MOORE: Generally. It's --

22 MAYOR SCARPELLI: Generally.

23 MR. MOORE: -- you -- because the salary
24 range -- the League of Municipalities just released
25 theirs. I just got my copy, so I really couldn't even

1 look at it before, but I was just wondering --

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

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

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

9 COMMISSIONER EVANS: Move it.

10 COMMISSIONER PETRACCO: Second.

11 THE CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye. I move the ordinance.

19 COMMISSIONER TUCCI: Second.

20 THE CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Mayor Scarpelli?

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

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

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

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

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

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

25 MR. GENITEMPO: I think that some towns have

1 it designated for a particular license plate number or
2 car, but I don't think we do it that way, but I'm not a
3 hundred percent sure. We could look at it.

4 COMMISSIONER PETRACCO: Yeah.

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

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

12 MR. MOORE: It looks like it said --

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

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

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

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

25 MR. MOORE: Pardon me?

1 MAYOR SCARPELLI: I believe that's true. The
2 way we have it set up, anybody can park there.

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

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

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

8 MAYOR SCARPELLI: Well, that's --

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

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

13 COMMISSIONER EVANS: Just if I may make a
14 comment. In the Section 29-A, Streets. It says, "In
15 accordance with the provisions of N.J.S.A. 39:41975,"
16 all right, if you read -- you know, it's for the
17 following streets, but it's in the second sentence, it
18 says, "Such spaces are for the use by persons who have
19 been issued special identification cards or plates or
20 placards by the DMV or a temporary placard by the Chief
21 of Police." So it's not personalized to an individual.
22 It's to the group.

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

25 COMMISSIONER EVANS: It just -- it just --

1 yeah, it is --

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

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

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

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

12 MR. MOORE: Thank you.

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

15 COMMISSIONER PETRACCO: Move to close.

16 COMMISSIONER TUCCI: Second.

17 THE CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 THE CLERK: Mayor Scarpelli.

24 MAYOR SCARPELLI: Aye. Move the ordinance.

25 COMMISSIONER PETRACCO: Move the ordinance,

1 thank you.

2 COMMISSIONER TUCCI: Second.

3 THE CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: 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 COMMISSIONER PETRACCO: Okay. Ordinance

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

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

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

21 COMMISSIONER TUCCI: Second.

22 THE CLERK: Commissioner Tucci.

23 COMMISSIONER TUCCI: Aye.

24 THE CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 THE CLERK: Commissioner Petracco.

2 THE CLERK: Mayor Scarpelli.

3 MAYOR SCARPELLI: Aye.

4 COMMISSIONER PETRACCO: Move the ordinance.

5 COMMISSIONER TUCCI: Second.

6 THE CLERK: Commissioner Tucci.

7 COMMISSIONER TUCCI: Aye.

8 THE CLERK: Commissioner Evans.

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco.

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Mayor Scarpelli.

13 MAYOR SCARPELLI: Aye.

14 COMMISSIONER PETRACCO: Ordinance

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

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

22 COMMISSIONER PETRACCO: Seeing no one, move
23 to close.

24 COMMISSIONER TUCCI: Second.

25 THE CLERK: Commissioner Tucci.

1 COMMISSIONER TUCCI: Aye.
2 THE CLERK: Commissioner Evans.
3 COMMISSIONER EVANS: Aye.
4 THE CLERK: Commissioner Petracco.
5 COMMISSIONER PETRACCO: Aye.
6 THE CLERK: Mayor Scarpelli.
7 MAYOR SCARPELLI: Aye.
8 COMMISSIONER PETRACCO: I move the ordinance.
9 COMMISSIONER TUCCI: Second.
10 THE CLERK: Commissioner Tucci.
11 COMMISSIONER TUCCI: Aye.
12 THE CLERK: Commissioner Evans.
13 COMMISSIONER EVANS: Aye.
14 THE CLERK: Commissioner Petracco.
15 COMMISSIONER PETRACCO: Aye.
16 THE CLERK: Mayor Scarpelli.
17 MAYOR SCARPELLI: Aye. Let's move on to
18 resolutions. Commissioner Tucci?
19 COMMISSIONER TUCCI: Yes, thank you, Mayor.
20 This is a resolution for approval of a bylaw amendment
21 for the Suburban Essex Joint Insurance Fund.
22 Whereas, the Township of Nutley is a member
23 of the Suburban Essex Joint Insurance Fund; and
24 Whereas, an amendment to the bylaws of the
25 Suburban Essex JIF has been approved by the Board of

1 Commissioners following a public hearing on
2 November 18th, 2019; and

3 Whereas, pursuant to N.J.S.A. 40A:10-43, the
4 amendment must be approved by the governing body of
5 75 percent of the participating members.

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

14 COMMISSIONER EVANS: Second.

15 THE CLERK: Commissioner Tucci.

16 COMMISSIONER TUCCI: Aye.

17 THE CLERK: Commissioner Evans.

18 COMMISSIONER EVANS: Aye.

19 THE CLERK: Commissioner Petracco.

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Mayor Scarpelli.

22 MAYOR SCARPELLI: Aye.

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

25 MAYOR SCARPELLI: Thank you, Commissioner.

1 Commissioner Evans?

2 COMMISSIONER EVANS: Thank you, Mayor.

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

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

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

17 Now therefore be it resolved as follows:

18 This resolution shall be known and may be
19 cited as the Cooperative Pricing Resolution of the
20 Township of Nutley, pursuant to the provisions of
21 N.J.S.A. 40A:11-11(5). The governing body is hereby
22 authorized to enter into a cooperative pricing
23 agreement with the Lead Agency. The contract -- the
24 Lead Agency shall be responsible for complying with the
25 provisions of the revised statutes of the State of

1 New Jersey. The effective date of this resolution is
2 immediate upon passage. So move.

3 COMMISSIONER TUCCI: Second.

4 THE CLERK: Commissioner Tucci.

5 COMMISSIONER TUCCI: Aye.

6 THE CLERK: Commissioner Evans.

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco.

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Mayor Scarpelli.

11 MAYOR SCARPELLI: Aye.

12 COMMISSIONER EVANS: Thank you, Mayor.

13 MAYOR SCARPELLI: Thank you, Commissioner.

14 Commissioner Petracco?

15 COMMISSIONER PETRACCO: Be it resolved by the
16 Board of Commissioners, Township of Nutley, County of
17 Essex, State of New Jersey, that Richard Mazzitelli,
18 the employee of the Department of Public Safety, be
19 granted a medical leave of absence without pay,
20 effective December 3rd, 2019, through March 31st, 2020.
21 I move the resolution.

22 COMMISSIONER TUCCI: Second.

23 THE CLERK: Commissioner Tucci.

24 COMMISSIONER TUCCI: Aye.

25 THE CLERK: Commissioner Evans.

1 COMMISSIONER EVANS: Aye.

2 THE CLERK: Commissioner Petracco.

3 COMMISSIONER PETRACCO: Aye.

4 THE CLERK: Mayor Scarpelli.

5 MAYOR SCARPELLI: Aye.

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

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

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

16 Now therefore be it resolved by the Board of
17 Commissioners of the Township of Nutley, County of
18 Essex, State of New Jersey, that the Township of Nutley
19 adopts all terms and conditions pursuant to the
20 memorandum of agreement signed on December 30th, 2019.
21 I move the resolution.

22 MAYOR SCARPELLI: Second.

23 THE CLERK: Commissioner Tucci.

24 COMMISSIONER TUCCI: Aye.

25 THE CLERK: Commissioner Evans.

1 COMMISSIONER EVANS: Aye.

2 THE CLERK: Commissioner Petracco.

3 COMMISSIONER PETRACCO: Aye.

4 THE CLERK: Mayor Scarpelli.

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

7 THE CLERK: Yes, Mayor, thank you. All
8 persons addressing the Board of Commissioners regarding
9 community concerns should approach the microphone and
10 provide their name and address for the record. Unless
11 further time is granted by the Board, each person shall
12 limit their address to five minutes. All remarks to
13 the Board and its individual members must be addressed
14 to the mayor. The mayor may defer citizens' comments
15 to the appropriate member of the Board. Dialogue
16 between citizens and others addressing the Board shall
17 be allowed, unless the Mayor or presiding officer, or
18 the majority of the membership of the Board shall
19 determine that the interests of the quorum, and/or the
20 expeditious conduct of municipal business are being
21 adversely affected by such dialogue.

22 MR. MOORE: Rory Moore, 462 Chestnut Street.
23 Mr. Evans, on your resolution, your second whereas,
24 you're going to have the lead agency for goods and
25 services.

1 COMMISSIONER EVANS: Uh-huh.

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

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

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

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

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

21 COMMISSIONER EVANS: That's -- but we're
22 participating in the cooperative, because we could have
23 needs that arise that could cause us to take advantage.
24 There might be something in particular right now, but
25 I'm not aware of that offhand, but the reality is, we

1 will use these to take advantage of the pricing that's
2 available through them.

3 MR. MOORE: Thank you.

4 MAYOR SCARPELLI: Anybody else wish to
5 address the Board of Commissioners this evening? We
6 have a need for a closed session, so I need a motion to
7 go into a closed executive session to discuss -- Mister
8 --

9 MR. GENITEMPO: Potential -- potential
10 litigation.

11 MAYOR SCARPELLI: Potential litigation.
12 Madam Clerk?

13 COMMISSIONER TUCCI: So move.

14 THE CLERK: Whereas --

15 COMMISSIONER TUCCI: So I moved it.

16 THE CLERK: -- Section 8 of the Open Public
17 Meeting Act, Chapter 231, Public Law 1975, permits the
18 exclusion of the public from meeting in certain
19 circumstances; and

20 Whereas, the public body is of the opinion
21 that such circumstances exist; and

22 Whereas, the Board of Commissioners of the
23 Township of Nutley in the County of Essex and State of
24 New Jersey desires to proceed to closed executive
25 session.

1 And now therefore be it resolved by the Board
2 of Commissioners of the Township of Nutley to move into
3 closed executive session to discuss potential
4 litigation?

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

7 THE CLERK: And potential contract
8 negotiations. Be it further resolved that at the time
9 when such discussion may be disclosed to the public,
10 shall be when that such disclosure may be made without
11 adversely affecting the Township of Nutley, pending,
12 and/or anticipated legal, personnel, contractual
13 matters, and other matters within the exceptions
14 provided for by statute.

15 THE CLERK: Commissioner Tucci.

16 COMMISSIONER TUCCI: Aye.

17 THE CLERK: Commissioner Evans.

18 COMMISSIONER EVANS: Aye.

19 THE CLERK: Commissioner Petracco.

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Mayor Scarpelli.

22 MAYOR SCARPELLI: Aye.

23 THE CLERK: The time is 7:42.

24 MAYOR SCARPELLI: We will be returning to
25 close the meeting, but there will be no action -- no

1 official action taken. Happy New Year, everyone.

2

3 (End of recording)

4

* * * * *

5 Executive session ended at 9:15pm. Motion to adjourn

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by Mayor Scarpelli, seconded by Commissioners Evan.

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All eyes on a roll call vote. Meeting adjourned at 9:15pm.

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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