

In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings

October 6, 2020



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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

*** PUBLIC SESSION ***

DATE: October 6, 2020

BOARD OF COMMISSIONERS:

MAURO G. TUCCI, MAYOR

JOHN V. KELLY III, COMMISSIONER

JOSEPH P. SCARPELLI, COMMISSIONER

THOMAS J. EVANS, COMMISSIONER

ALPHONSE PETRACCO, COMMISSIONER

Also Present:

DAVID PARIS, ACTING TOWNSHIP ATTORNEY

JOHN INGLESINO, ATTORNEY

1 (Recording begins)

2 THE CLERK: We're ready.

3 MAYOR TUCCI: Everyone please stand for the
4 Pledge of Allegiance.

5 (Pledge of Allegiance)

6 MAYOR TUCCI: Thank you. Sunshine notice,
7 please?

8 THE CLERK: Thank you, Mayor. Board of
9 Commissioners Public Meeting Tuesday, October 6th,
10 2020. The time is now 7:05.

11 Pursuant to the requirements of the Open
12 Public Meeting Act, Chapter 231, Public Law 1975,
13 notice of this meeting was published in the
14 November 28th, 2019 issues of the Nutley Sun, the
15 Herald News, and the Star Ledger. In an effort to
16 prevent further spread of the Covid-19 pandemic, the
17 public meeting for the remainder of the year 2020 have
18 been changed to Zoom webinar or teleconference meetings
19 until further notice. The public will be able to
20 listen to the Board of Commissioners meeting and
21 participate during the designated public comment
22 portion of the meeting by utilizing access through a
23 URL link or dial-in number provided on the township
24 website.

25 Commissioner Kelly?

1 COMMISSIONER KELLY: Present.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Here.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Here.

6 THE CLERK: Commissioner Scarpelli?

7 COMMISSIONER SCARPELLI: Here.

8 THE CLERK: Mayor Tucci.

9 MAYOR TUCCI: Here.

10 THE CLERK: All present, Mayor.

11 MAYOR TUCCI: Thank you. I see we have

12 minutes for September 1st, 2020, and September 15th --

13 COMMISSIONER EVANS: Move it.

14 MAYOR TUCCI: -- I need a motion --

15 COMMISSIONER SCARPELLI: Second.

16 THE CLERK: Commissioner Kelly.

17 COMMISSIONER KELLY: Aye.

18 THE CLERK: Commissioner Evans.

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Petracco.

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 THE CLERK: Mayor Tucci.

25 MAYOR TUCCI: Aye. Thank you. We do have

1 one piece of correspondence. We did in fact receive a
2 letter from PB Nutclif's attorneys, Sills Cummis, in
3 reference to our Phase III redevelopment plan, and our
4 professionals will be responding accordingly. Reports,
5 please? Commissioner Evans?

6 COMMISSIONER EVANS: Thank you, Mayor. I
7 have the quarterly report for September, and as well
8 for the -- the monthly report for September for the
9 Revenue and Finance Department, Code Enforcement
10 Office.

11 MAYOR TUCCI: Thank you. And I have a Shade
12 Tree Report for the month of September from the
13 Department of Parks and Public Property. Bills,
14 please?

15 THE CLERK: Thank you, Mayor. Bill list for
16 October 6th, 2020, by department totals. Public
17 Affairs, \$83,210.98; Revenue and Finance,
18 \$3,075,080.70; Public Safety, \$552,712.35; Public
19 Works, \$58,555.77; Parks and Public Property,
20 \$1,382,909.75; Water Utility, \$115,199.04. Regular
21 Payroll Total, \$720,820.10. Overtime Payroll,
22 \$40,781.80; Covid Overtime Payroll Total, \$7,893.31.
23 Total Payroll, \$769,495.21, for a grand total of
24 \$6,037,163.80. I need a motion.

25 COMMISSIONER PETRACCO: Move it.

1 THE CLERK: I need a second.

2 COMMISSIONER SCARPELLI: Second.

3 THE CLERK: Commissioner Kelly.

4 COMMISSIONER KELLY: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco.

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 THE CLERK: Mayor Tucci?

12 MAYOR TUCCI: Aye.

13 THE CLERK: And that's it for bills, Mayor.

14 MAYOR TUCCI: Thank you so much. We will now
15 take public comment on agenda items only, please.

16 THE CLERK: All persons addressing the Board
17 of Commissioners regarding community concerns should
18 state their name and address for the record. Unless
19 further time is granted by the board, each person shall
20 limit their address to three minutes. Sal, do you have
21 anybody waiting? Yes.

22 MS. GONCHAR: Ready.

23 THE CLERK: Can you please state your name
24 and address for the record?

25 MS. GONCHAR: Meryl Gonchar, 5 Bennington

1 Court, East Brunswick, New Jersey, with Sills Cummis
2 and Gross, and on behalf of PB Nutclif Master LLC.
3 Since the mayor mentioned the letter, I just want to
4 assure that the letter is made part of the record on
5 Ordinance 3452, or that we will be able to move it into
6 evidence at that time.

7 MAYOR TUCCI: I can assure you the letter
8 will, in fact, be part of the record, Meryl.

9 MS. GONCHAR: Thank you.

10 MAYOR TUCCI: You're welcome. Anyone else at
11 this time? Okay. Please proceed.

12 THE CLERK: We can't hear you. Can you
13 unmute yourself?

14 MAYOR TUCCI: I believe you're muted.

15 THE CLERK: Sir, you're muted. We can't hear
16 you.

17 MR. ZIMMERMANN: Okay. Is that better?

18 THE CLERK: Yeah. We just -- if you could
19 just start with your name -- your name and --

20 MR. ZIMMERMANN: Yes.

21 THE CLERK: -- address for the record.

22 MR. ZIMMERMANN: My apologies. My name is
23 Neal Zimmermann. I'm an attorney with the law firm of
24 Waters, McPherson, McNeill, in Secaucus. We represent
25 Quest Diagnostics, Incorporated. On September 11th of

1 this year, I forwarded a letter to the commissioners
2 from Quest, in opposition to the ordinance approving
3 the proposed redevelopment plan. Like Ms. Gonchar, I
4 would ask that that letter be part of the record, and
5 admitted to evidence when we get to the public hearing.

6 MAYOR TUCCI: I believe that letter has
7 already become part of the record. If not, we will
8 assure that it is.

9 MR. ZIMMERMANN: Thank you.

10 THE CLERK: One more, Mayor. Can you please
11 state your name and address for the record?

12 MR. PLACEK: Yes. Jaime Placek, 96 Princeton
13 Street, Clifton, New Jersey, appearing as special
14 redevelopment counsel for the City of Clifton, speaking
15 with respect to Ordinance 3452 on the redevelopment
16 Area 3. Just on behalf of the City of Clifton, we want
17 to express our concern and our strong opposition to the
18 adoption of this ordinance. We think it's contrary to
19 law, with proper notice not having been provided to the
20 City of Clifton as required by 39:4-8. We believe it's
21 contrary to Attorney General Formal Opinion Number 5,
22 with respect to the stopping of thorough traffic
23 crossing from Clifton to Nutley. We believe it's
24 shortsighted, and not understanding that it is actually
25 going to cause traffic (indiscernible) in Nutley,

1 because it's going to reroute and force traffic onto
2 Bloomfield Avenue and Cathedral Avenue, Passaic Avenue,
3 on the eastbound side. There -- the Clifton -- City of
4 Clifton would much prefer that the Township of Nutley
5 and their professionals meet with us and the
6 redeveloper to try to address this problem. The
7 redeveloper has always worked well with the City of
8 Clifton. We determined what improvements were needed
9 on Bloomfield Avenue for the Quest project, and without
10 any opposition they accepted and have agreed to
11 undertake all.

12 If Nutley has any concern about how Clifton
13 is handling this matter, Clifton engages professionals,
14 and through each step of the redevelopment process. We
15 address all issues, including traffic. It appears to
16 the City of Clifton that the proposed ordinance that
17 Nutley intends to adopt tonight acts as if the entirety
18 of this site is on full buildout. Certainly, the City
19 of Clifton does not expect to grant every request the
20 redeveloper plans as a full buildout, and we believe
21 the same to be with the Township of Nutley.

22 Clifton has not appeared and objected at
23 Nutley land use board hearings like Nutley has in
24 Clifton. We've allowed Nutley to reoccupy their
25 buildings, and continue to increase their rateables,

1 just as we had hoped the Township of Nutley would. But
2 it appears that if this township is going to go forward
3 with the adoption of this ordinance, Clifton may likely
4 have no choice but to act in kind, close off Metro
5 Boulevard to the Township of Nutley heading north,
6 forcing the Township of Nutley residents to further
7 impact Nutley streets to access Route 3, and take other
8 similar actions, such as start appearing at land use
9 boards in Nutley, and objecting to the impact and
10 traffic impacts, because certainly any redevelopment
11 that takes part on the Nutley side will certainly
12 impact the streets of Clifton as well.

13 So our hope is at this time that the
14 commissioners will delay and put off the adoption of
15 this ordinance this evening, and sit down and talk with
16 the City of Clifton's representatives, and the
17 redeveloper's representatives, and see if we can
18 continue to work together on this project as we go
19 forward, rather than taking shortsighted action at this
20 time. Thank you.

21 MAYOR TUCCI: Thank you for your comments.
22 Okay. At this time, we have a need for an executive
23 session, so I will entertain a motion.

24 COMMISSIONER PETRACCO: Move it.

25 COMMISSIONER SCARPELLI: Second.

1 COMMISSIONER EVANS: For?

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

6 Whereas, the public body is of the opinion
7 that such circumstances exist; and

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

12 And now therefore be it resolved by the Board
13 of Commissioners of the Township of Nutley move into
14 closed executive session to discuss --

15 MR. INGLESINO: (Indiscernible).

16 THE CLERK: So potential litigation on the
17 ordinance that's going to be adopted on this evening,
18 and potential litigation on the PRISM application. Be
19 it further resolved that at the time when such
20 discussion may be disclosed to the public shall be when
21 and as such disclosure may be made without adversely
22 affecting the Township of Nutley pending and/or
23 anticipated legal, personnel, contractual matters, and
24 other matters within the exceptions provided for by
25 statute.

1 THE CLERK: Commissioner Kelly.

2 COMMISSIONER KELLY: Aye.

3 THE CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 THE CLERK: Commissioner Petracco.

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 THE CLERK: Mayor Tucci?

10 MAYOR TUCCI: Aye.

11 THE CLERK: And the time is 7:16.

12 MAYOR TUCCI: Thank you.

13 (Pause)

14 MAYOR TUCCI: We good? Okay. I apologize
15 for that extensive closed session, but it was in fact
16 necessary. So we are back on the record. I will now
17 entertain Board of Commissioner announcements.
18 Commissioner Evans?

19 COMMISSIONER EVANS: Nothing this evening.

20 MAYOR TUCCI: Commissioner Kelly?

21 COMMISSIONER KELLY: Yes, I have just a
22 couple of announcements. The first is we had our flu
23 clinic last month, and it was wildly successful. We
24 gave out nearly 150 flu vaccines, so thank you for
25 everyone who came out, and thank you to my staff who

1 facilitated that. That was a huge success.

2 Also I have a resolution on for tonight for
3 Breast Cancer Awareness Month, and I want to encourage
4 everyone to go out and support the Nutley Thriving
5 Survivors. Every month -- every month of October, they
6 have a walk, but this time, because of Covid, they're
7 doing a virtual walk. So if you want, go online and
8 find out how you can participate in a virtual walk and
9 support this great organization. Other than that, I
10 don't have anything.

11 MAYOR TUCCI: Just to follow up on that, I'm
12 sure everyone has noticed that we have lit up all of
13 our public buildings in pink, all right, in recognition
14 of Breast Cancer Awareness Month. Commissioner
15 Scarpelli?

16 COMMISSIONER SCARPELLI: Nothing, Mayor.

17 MAYOR TUCCI: Commissioner Petracco.

18 COMMISSIONER PETRACCO: Yes, Mayor, if I just
19 might ask the Board of Commissioners for a moment of
20 silence? Nutley lost a great man this past week, Jack
21 Magnifico, and I just wanted to publicly apologize to
22 Carl Thunell and his wife and the Magnifico family as
23 well. I missed the wake, because I actually didn't
24 realize it was going to be that quick with the virus
25 going on and all that.

1 But I just wanted to say that Jack was a
2 great Nutley resident. He came to many meetings that
3 we all attended, and he was always, always a gentleman.
4 A stellar community leader, and he's going to be very
5 well missed, so if we could have a moment of silence, I
6 would appreciate it.

7 (Pause)

8 COMMISSIONER PETRACCO: Thank you, Mayor.

9 MAYOR TUCCI: Thank you, Commissioner. I
10 just have one brief announcement at this point. On
11 Wednesday, the 21st of October, from 4 to six o'clock,
12 Essex County will be once again sponsoring a Covid
13 testing site at Reinheimer Field, and if anyone's
14 interested, you can go on our website or the county
15 Covid website and sign up to get that testing done.
16 All right. Thank you all.

17 Moving to ordinances, Commissioner Evans,
18 would you like to start?

19 COMMISSIONER EVANS: Thank you, Mayor. I
20 have three ordinances for introduction this evening.
21 They are our bond ordinances, and I'll tell -- we'll
22 vote on them individually, but collectively, the first
23 ordinance, 3455, is for the issuance of \$2 million in
24 -- \$2,020,000 -- \$2,020,175 in bonds to cover various
25 improvements to township buildings or parks and various

1 equipment requirements, including IT of the township.

2 The second ordinance is 3456, which is a
3 specific bond ordinance to appropriate \$400,000 to --
4 for continued road improvements, and the last is --
5 ordinance is 3457, which is for appropriating \$255,000
6 for the -- specifically for necessary improvements in
7 the Water Utility.

8 So as far as the first bond ordinance, Bond
9 Ordinance 3455, a bond ordinance appropriating
10 \$2,126,500 authorizing the issuance of \$2,020,175 in
11 bonds or notes of the township for various improvements
12 for purposes authorized to be undertaken by the
13 Township of Nutley in the County of Essex. I move that
14 this ordinance be passed to a second reading and
15 advertised in the Nutley Sun, together with the notice
16 required by law, and that further consideration of said
17 ordinance for final passage by the Board of
18 Commissioners be held at its second reading on
19 November 5th, 2020. So move.

20 COMMISSIONER SCARPELLI: Second.

21 THE CLERK: Commissioner Kelly.

22 COMMISSIONER KELLY: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco.

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 THE CLERK: Mayor Tucci?

5 MAYOR TUCCI: Aye.

6 COMMISSIONER EVANS: Bond Ordinance 3456, a
7 bond ordinance providing for the reconstruction of
8 various roadways and sidewalks in the Township of
9 Nutley in the County of Essex, New Jersey,
10 appropriating \$400,000 therefor, and authorizing the
11 issuance of \$380,000 in bonds or notes of the township
12 for financing part of the cost thereof.

13 I move that this ordinance be passed to a
14 second reading and advertised in the Nutley Sun,
15 together with the notice required by law, and that
16 further consideration of said ordinance for final
17 passage by the Board of Commissioners be held at its
18 second reading on November 5th, 2020. So move.

19 COMMISSIONER SCARPELLI: Second.

20 THE CLERK: Commissioner Kelly.

21 COMMISSIONER KELLY: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco.

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 THE CLERK: Mayor Tucci?

4 MAYOR TUCCI: Aye.

5 COMMISSIONER EVANS: And finally, Bond
6 Ordinance 3457. Bond ordinance appropriating \$255,000
7 and authorizing the issuance of \$255,000 in bonds or
8 notes of the township for various Water Utility
9 improvements for the purposes authorized, to be
10 undertaken by the Township of Nutley in the County of
11 Essex.

12 I move that this ordinance be passed to a
13 second reading and advertised in the Nutley Sun,
14 together with the notice required by law, and that
15 further consideration of said ordinance for final
16 passage by the Board of Commissioners be held at its
17 second reading on November 5th, 2020. So move.

18 COMMISSIONER SCARPELLI: Second.

19 THE CLERK: Commissioner Kelly.

20 COMMISSIONER KELLY: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Petracco.

24 COMMISSIONER PETRACCO: Aye.

25 THE CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 THE CLERK: Mayor Tucci?

3 MAYOR TUCCI: Aye.

4 COMMISSIONER EVANS: Thank you, Mayor.

5 MAYOR TUCCI: Thank you, Commissioner. I
6 also have a bond ordinance for introduction this
7 evening. This is a bond ordinance providing for the
8 improvement of DeMuro Park, in and by the Township of
9 Nutley in the County of Essex, New Jersey,
10 appropriating \$731,160 therefor, and authorizing the
11 issuance of \$182,790 in bonds or notes to the township
12 for financing part of the cost thereof.

13 I move that this ordinance be passed to a
14 second reading, and advertised in the Nutley Sun,
15 together with the notice required by law, and that
16 further consideration of said ordinance for final
17 passage by the Board of Commissioners be held at its
18 second reading on November 5th, 2020. I move the
19 ordinance.

20 COMMISSIONER SCARPELLI: Second.

21 THE CLERK: Commissioner Kelly.

22 COMMISSIONER KELLY: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco.

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 THE CLERK: Mayor Tucci?

5 MAYOR TUCCI: Aye. At this point in time,
6 I'd like to take a few things out of order. We have a
7 presentation this evening by Phil Abramson of Topology
8 and Lou Luglio, vice-president of Sam Schwartz, Inc.
9 So I'd like to turn to our attorney, Mr. Inglesino, for
10 a brief intro.

11 MR. INGLESINO: Good evening. John Inglesino
12 (indiscernible).

13 THE CLERK: Can you turn the microphone on?
14 Got it? Better? Now it's off. It's off. Yeah.

15 MR. INGLESINO: Okay. Once again, John
16 Inglesino, Law Firm of Inglesino, Webster, here as
17 special counsel for Nutley. What was the ordinance
18 number?

19 THE CLERK: I'm sorry?

20 MR. INGLESINO: The ordinance number?

21 THE CLERK: The ordinance number is 3452.

22 MR. INGLESINO: Okay. Ordinance 3452.

23 THE CLERK: Yes.

24 MR. INGLESINO: So just to put this ordinance
25 into some context, this would be a Phase 3

1 redevelopment plan on the PRISM, the former
2 Hoffman/LaRoche site. Just by way of very brief
3 background, again, for context, the entirety of this
4 site was declared as an area in need of redevelopment
5 on a condemnation basis back on March 3rd of 2015.
6 Time flies.

7 There are two redevelopment plans that are
8 currently in place, one with respect to the medical
9 school, which is Phase 1, also Phase 2-A, which affects
10 Building 100, 200, Modern Meadow and the garage. So
11 this would be Phase 3. This ordinance was introduced
12 on August 18th.

13 THE CLERK: Eighteenth.

14 MR. INGLESINO: And at this time, there's
15 going to be a brief presentation to the commissioners
16 by their professionals before opening this up for
17 public comment. And I'd first like to call Mr. Lou
18 Luglio.

19 Lou?

20 THE CLERK: (Indiscernible).

21 MR. INGLESINO: Calling Lou Luglio first. Is
22 he here?

23 MR. LUGLIO: Okay. I think I am here.

24 MR. INGLESINO: Good evening, Lou. Lou, can
25 you hear us?

1 MR. LUGLIO: Yeah, I can hear you, and I
2 could share my screen.

3 MR. INGLESINO: All right, Lou, before you do
4 that, it looks like you may have frozen. Can you hear
5 us?

6 MR. LUGLIO: Maybe my video froze, but I can
7 still hear you.

8 MR. INGLESINO: Okay. All right. So --

9 MR. LUGLIO: I might just shut my video off
10 if it takes up too much bandwidth.

11 MR. INGLESINO: Oh, I can see you're moving
12 now. Lou, just very briefly, for the benefit of the
13 commissioners and the public, if you can just, you
14 know, introduce yourself, and, you know, just sort of
15 describe for folks a little bit about your professional
16 and educational background, and just list any
17 professional licenses that you have.

18 MR. LUGLIO: Sure. My name is Louis Luglio.
19 It's L-U-G-L-I-O. I am a vice-president of Sam
20 Schwartz Consulting. My background, I have a bachelor
21 of science in civil engineering from New Jersey
22 Institute of Technology. Also a master's in
23 transportation planning from NJIT. I'm a licensed
24 professional engineer in the state of New Jersey, New
25 York, Pennsylvania, and a few other states. I have

1 been practicing traffic and transportation planning for
2 the past 32 years, and I have served as an expert
3 witness for the State Department of Transportation, a
4 few counties within New Jersey, a number of boards,
5 municipalities, and also for applications.

6 MR. INGLESINO: Great. Thank you,
7 Mr. Luglio, and I know you have a short presentation to
8 make with regard to this ordinance, correct?

9 MR. LUGLIO: Yes, I do.

10 MR. INGLESINO: Okay. So why don't you do
11 that.

12 MR. LUGLIO: Okay. So hopefully, you can see
13 that first opening slide.

14 MR. INGLESINO: Yes.

15 MR. LUGLIO: Okay. Is there a delay? I'm
16 just going to stop my video for a couple of seconds,
17 just so that it might free up and not have much of a
18 delay. Okay. So the first slide here, basically, a
19 lot of this information comes from our traffic impact
20 study that we prepared towards the end of last year,
21 and it's dated January 13th, 2020.

22 And so I thought I just might go right into
23 the conclusions, and then kind of work backwards on how
24 we developed these conclusions. And so the first one
25 is that the proposed former site should be studied as

1 one overall site for the purposes of estimating vehicle
2 trips, and for potential impacts on the local roadway
3 network, both in Clifton and in Nutley, and for the
4 highway system at Route 3 as well.

5 The estimated new vehicle traffic would place
6 a significant burden on the local Nutley roadway
7 network, without significant mitigation and
8 improvements. The inability of the roadway network to
9 accommodate this level of projected increase in traffic
10 will result in significant safety and operational
11 issues. The level of development expected on the
12 Nutley section is not in proportion with the level of
13 traffic projected to travel through the local Nutley
14 roadway network, basically, the more land development
15 in Clifton, and higher level of traffic accessing the
16 Nutley roadways.

17 The proposed development is anticipated,
18 based on the traffic impact study that we prepared, and
19 that's dated January 13th, will create significant
20 traffic congestion, worsened traffic operations, and
21 compromise the safety and efficiency of the local
22 roadways and intersections. And when I talk about
23 safety and efficiency, I'm specifically talking about
24 the additional vehicles that would be on the roadway.
25 Congestion in and of itself leads to more aggressive

1 driving behavior, limited driver sight distance,
2 inadequate gaps in the traffic stream for vehicles to
3 turn across, in and out of that traffic stream, reduced
4 pedestrian sight distance, insufficient distance and
5 time for pedestrians to cross, and ultimately, you're
6 in a position where you're compromised in a shared
7 roadway/bike type usage of that roadway.

8 So I'll start from kind of the beginning in
9 saying that the previous site, as many of the board
10 members, commissioners, do remember, this aerial on the
11 left-hand side is from March of 1995. The image on the
12 right basically is pretty current and just outlines the
13 site, and the number of intersections and on-ramps and
14 off-ramps that were studied as part of our study, and
15 then collectively looking at the site as a total.

16 We went back and we looked at what the site
17 generated at its peak, not based on traditional traffic
18 count data, really, there's none that exist, but based
19 on the industry standard of how we generate a number of
20 anticipated vehicles that come to and from the site.
21 And so we did that. Basically in the morning peak
22 hour, it's 2174 total, the P.M. peak hour, 2367. And
23 so we'll kind of compare and contrast that in a second.

24 The second thing is that was 1995, we're
25 basically in 2020 or 2019. And so that 25-year period

1 where we basically are looking at a growth in vehicle
2 traffic along Route 3 that's really not destined for
3 Clifton or Nutley, so that background traffic basically
4 has grown from other land development along Route 3,
5 from Montclair to Lyndhurst, right, and the entire
6 corridor. That land development also occurs or
7 occurred in Clifton and Nutley, both to the north and
8 to the south, and so although the site had many
9 vehicles traveling to and from the site, the growth in
10 office, residential, institutional, and retail in that
11 25-year period along Route 3 really occupies a lot of
12 that excess capacity that existed back when the site
13 was fully operational.

14 On the right, this gives you an idea of the
15 number of intersections and/or ramps that we looked at,
16 mainly of the three interchanges along Route 3 and all
17 of the intersections along Kingsland. And so the
18 legend here is if it's blue, it's an intersection,
19 first of all, it's an intersection movement that is
20 failing, has a failing level of service, doesn't
21 process the traffic efficiently or effectively. So if
22 it's blue, it's the A.M. peak hour that it occurs. If
23 it's red, it's the P.M. peak hour, and if it's black,
24 it's both.

25 And so, mainly in the existing conditions, we

1 have it -- we have problems or significant problems at
2 the interchange ramps themselves. The first thing is,
3 on the left-hand side, we looked at what was being
4 reoccupied, in construction, or was pending
5 application. That includes the proposed hotel, and the
6 office, medical office development that's proposed on
7 the Clifton side of the site itself. What we did is we
8 looked at the full potential buildout of the site,
9 understanding that the real test either from NJDOT
10 standpoint or from the county or from any municipality,
11 is not to look at the site in incremental pieces. It's
12 really to look at it as an overall site, and to have
13 some estimate with a tolerance of what the estimated
14 number of vehicle trips would be in and out of the
15 site.

16 And then from that point, if you had the full
17 buildout, then you could come back and look at the
18 individual pieces. But understanding what the full
19 buildout is, is certainly the prudent method of
20 understanding what improvements would be required, and
21 on the flip side, what is the ceiling in terms of the
22 number of vehicle trips that the site could really
23 tolerate as a result of the roadways and the
24 intersections providing access to that site.

25 We looked at the full buildout of the site

1 itself; if you look here in the bottom right-hand
2 corner, we're looking at 2700 vehicles in the A.M. peak
3 hour, and 3167 in the P.M. peak hour, which is
4 significantly higher than what we had on that original
5 slide of the Hoffman/LaRoche site when it was in full
6 operation, again, based on the industry standards of
7 coming up with the number of trips.

8 One other point that I wanted to really hone
9 in on here was how vehicles would be getting to and
10 from the site, assuming that vehicle access would be
11 provided from Route 3, from Kingsland, also from
12 Bloomfield Avenue. This percentage of how vehicles
13 would enter the site was based on some historical data,
14 some relevant car or transponder tracking information
15 that we accumulated late last year, and some of the
16 reports that have been prepared for the site itself.
17 So this really takes into account vehicles that are
18 coming in either direction on Route 3, vehicles on the
19 Clifton side to the north, and vehicles that are
20 traveling to the north on the Nutley side to gain
21 access into the site. And so you can see that we have
22 roughly 37 percent coming in from Route 3 in the
23 eastbound direction, another 14 percent coming in
24 through Bloomfield, and a combination of 49 percent
25 that would be coming in through the two access points

1 off of Kingsland.

2 What we looked at on the left-hand side, you
3 can see here, it might be a little small, but the BAP
4 -- the coverage in terms of the land development or
5 what we estimated the overall buildout to be is roughly
6 65 percent of that expected development is in Clifton,
7 so 35 percent of that development then is in Nutley.
8 But the proportion of traffic that is traveling to and
9 from to get to the site is not in the same proportion,
10 right, so we have, let's just say 35 percent of the
11 development in Nutley, where 49 percent of it, 49
12 percent of the traffic, is traveling through Nutley.

13 This same type of analysis was prepared for
14 the outbound, so that first slide was just inbound, and
15 now you can see outbound obviously coming out of the
16 site onto Route 3, you can only make a right turn out.
17 The report also takes into account that some vehicles
18 may be closer to the access point on Route 3, and
19 therefore would leave on Route 3 and then have to take
20 both (indiscernible) to get back in the westbound
21 direction. But it's similar in terms of the
22 percentages and where vehicles came from in the
23 morning, or in the inbound direction and where they're
24 going in the outbound direction. And this is about the
25 same in terms of the estimated traffic. It is not

1 necessarily proportioned to the expected development on
2 each section of the campus.

3 This slide on the left, so we looked at a
4 2025 build horizon, really to focus in on all of the
5 development would be in and operational by that 2025
6 period. We also looked at, in that build condition,
7 other no-build projects and growth in traffic along
8 Route 3 as well. So on the left you could see the
9 intersection or lane group movements with level service
10 F. If you remember our existing table or graphic, I
11 should say, had far less arrows that indicated
12 intersection movements that were at failing levels of
13 service. Same type of legend, blue, red, and then
14 black for both A.M. and P.M. And then on the right,
15 this is with improvements.

16 So there are certain improvements, some of
17 which are closer to the site that the applicant had
18 proposed, especially along Bloomfield Avenue. And then
19 the other is as part of our traffic impact study we
20 also provided, to the level that we could, recommended
21 improvements, beyond which we still have intersections
22 and movements that have failing levels of service.
23 Obviously, they're all along Kingsland, and then also
24 the interchange with Route 3 and Bloomfield Avenue.

25 One of the last slides here then is, the end

1 question is, these end up being locations that
2 significant roadway improvements would be required,
3 based on this full estimated buildout scenario, but for
4 the most part there's not a geometric solution that
5 really would be able to be implemented without
6 significant, you know, expansion of the roadway or the
7 intersection, to provide such mitigation or
8 improvement.

9 And so I won't read these again, but again,
10 the conclusion, based on the report, and based on
11 looking at all of the data, and again, looking at the
12 site as a whole, or looking at the full buildout of the
13 site, which is the most prudent way to look at this,
14 and understanding that if you were to look at this in
15 pieces, at some point you can't put those pieces back
16 together again, so to speak, right? So if we know that
17 the ultimate site full buildout requires a certain
18 level of improvements, and you go about it one site at
19 a time on the property, at some point you may not
20 realize that there are improvements that are going to
21 be needed, and there will never occur, because you
22 looked at it on a segmented basis, and not overall as
23 one project.

24 And so again, I guess the last line or the
25 highlighted line that summarizes the conclusion, is

1 that the inability of the roadway network along
2 Kingsland, specifically, to accommodate this level of
3 projected increase, will certainly result in
4 significant safety and operational issues. Thank you
5 very much.

6 MR. INGLESINO: Mr. Luglio, just one question
7 for you. You referenced a traffic study and a full
8 buildout. What was that traffic study and full
9 buildout based upon?

10 MR. LUGLIO: So that -- all of that
11 information in the traffic impact study was based upon
12 the vision plan of ON3 that was provided on their
13 website. So basically half of it is based on the
14 existing buildings and reoccupation, and what is in an
15 application form right now, and then the other half was
16 based on their vision that they provided, with rough
17 ideas in terms of the square footage of the different
18 types of land uses.

19 MR. INGLESINO: And that was the best
20 available information that you had, correct?

21 MR. LUGLIO: Yes.

22 MR. INGLESINO: Great. Thank you, Mr. Luglio
23 for that (indiscernible). Does anybody got any
24 questions for Mr. Luglio?

25 MAYOR TUCCI: I'm sure we can entertain him

1 at this point. Oh, do we have any questions. No, I
2 think his conclusion and the basis of his report was
3 very succinct and very accurate. I don't have any
4 questions. Commissioners, any questions for
5 Mr. Luglio?

6 COMMISSIONER EVANS: I'm fine.

7 MAYOR TUCCI: Commissioner Kelly?
8 Commissioner Scarpelli? Petracco? No? We're good,
9 John.

10 MR. INGLESINO: I'd like to bring up
11 Mr. Abramson if I can. Mr. Abramson, if you could just
12 for the benefit of the commissioners and the public,
13 provide your professional background, and any licenses
14 that you have.

15 MR. ABRAMSON: Fair. My name is Philip
16 Abramson, I'm the founder of Planning from Topology.
17 We're based on -- at 60 Union Street in Newark, New
18 Jersey, and I'm a three time graduate of Rutgers
19 University. My undergraduate was in criminal justice,
20 I thought I wanted to be a lawyer. But since then,
21 I've got a masters in city and regional planning from
22 the Bloustein School, and I did actually get a J.D.
23 from Rutgers School of Law in Newark. That's my
24 education.

25 Licensure, I'm licensed as an attorney, but

1 I'm not here providing legal advice or legal opinions.
2 I'm a licensed professional planner in the state, and
3 I'm also nationally certified by the American Institute
4 of Certified Planners, which is a national
5 accreditation.

6 So -- oh -- sorry, this is all new. New
7 sorts of formats here, so we're just going to pull up
8 this presentation here, great. All right, so if we
9 could go to the next slide please.

10 So we're kind of just going to start out --
11 usually we do the master plan stuff at the end, to
12 prove that we're consistent with it, but here, the
13 master plan is really like the origin, right, because
14 this was done at a really important time for this piece
15 of property, right, as -- even if you read, Roche was
16 still sort of in the picture at the time the master
17 plan was written, and Nutley was sort of in that master
18 plan, speaking about its philosophy and its ethos and
19 its objectives for the municipality at that time, so I
20 just thought some of these things were really
21 interesting. And what we have found, and the reason
22 for this plan, is this plan is really at this point the
23 only way to make all of these principles coexist and to
24 make all of these objectives coexist.

25 So the first thing is this site is Nutley's

1 economic engine. It is the future of Nutley's economic
2 development. "Nutley should continue its close working
3 relationship with Roche and any future owner to retain
4 this tract as a primary economic development area." So
5 we need to keep the ability for Nutley to see value and
6 to see activity and development out of this property.

7 "Redevelopment needs to balance negative
8 impacts," even at that time. "Given the size and
9 location of the property, Nutley should consider
10 general principles of development that will allow for
11 use consistent with Nutley's not only economic, but
12 quality of life needs." And that "the decision of Roche
13 to close its campus requires both communities," meaning
14 Nutley and Clifton, "to find appropriate use and
15 development for the needs of their communities." And
16 then, even then, the traffic was seen as one of those
17 negative impacts.

18 "In addition, any increased development may
19 necessitate an evaluation of existing and needed
20 signalization and traffic control" measures. So these
21 were the things, at this point, that were still out
22 there. And we can go to the next slide. And as we --
23 and that really is like the basis of this, the policy
24 basis. When we looked at, and the township retained
25 Sam Schwartz Engineering -- I'm sorry I turned my back

1 on -- not all of you, but -- and we -- they -- as you
2 just heard from Lou Luglio, that the Sam Schwartz study
3 showed detrimental impacts on surrounding roadways,
4 that the "current road capacity is insufficient to
5 accommodate the extent of development envisioned by the
6 property owner," and "if developed to quote, unquote,
7 'full buildout' put forward as the full vision of that
8 property owner, the "impacts on Nutley's roadways would
9 result in failing intersections and unsafe conditions,
10 even with the identified potential mitigation
11 strategies."

12 This is just what you heard from the traffic
13 engineer: "the internal roads that traverse the
14 municipal boundary create a risk for Nutley," that
15 there's a "detrimental impact on health, safety,
16 welfare, stemming from deteriorating traffic conditions
17 caused by land use decisions that are made outside of
18 Nutley's control," and that the "roadway capacity in
19 Nutley will be absorbed, potentially, by development
20 that's in Clifton." So the trips originating in Clifton
21 will absorb the development capacity. So again, trying
22 to harmonize all those principles that we talked about
23 in that first slide, but it needs to be the economic
24 engine. You need to mitigate against these negative
25 traffic impacts. How do you make all these things work

1 together? And that's really what this plan attempts to
2 do.

3 So -- and again, like, looking at the bigger,
4 statewide -- like, where does Nutley fit into this
5 whole picture, and why does -- why is this plan
6 appropriate under the statutes that govern us as
7 municipalities, right? So "local control over land
8 development and its impacts is established through
9 broad statutory powers, and is recognized, has long
10 been recognized, to be necessary to protect the health,
11 safety, and welfare" of communities.

12 So the New Jersey Municipal Land Use Law,
13 this is like the commandments of planning boards and
14 zoning boards, the people who make decisions for your
15 community and every community in the state about what
16 development should go where, and in there, there's the
17 purposes of that statute, and if you ever sat through a
18 planning board meeting or a zoning board meeting, you
19 hear planners get up there like, purpose A, purpose B.
20 But they're really like the commandments of land use
21 planning in the state.

22 So Purpose A is "to encourage municipal
23 action, to guide land development that serves the
24 health, safety, and welfare." It's a broad term. It
25 broadly empowers municipalities to determine what that

1 means, health, safety, and welfare, and to enact
2 legislation, local legislation ordinances, that will
3 advance those things.

4 Purpose D. These are all right on point,
5 "to ensure development of individual municipalities,"
6 to ensure that the development within individual
7 municipalities "does not conflict with development and
8 general welfare of neighboring municipalities."

9 So how do you harmonize, and in this case,
10 because there are these tentacles of this site, these
11 roadways that traverse this municipal boundary, makes
12 it impossible for you to regulate the kind of -- the
13 impacts that are coming off this property without a
14 redevelopment plan like this. And this plan then does
15 avoid the types of conflict that the MLUL contemplated
16 as one of its purposes, okay?

17 And then Purpose H. "To encourage
18 transportation routes which will promote the free flow
19 of traffic while discouraging congestion or blight."
20 And so the free -- the transportation referred to
21 meaning public transport -- public roads, public
22 transportation routes, and by maintaining and
23 controlling the type of access and the type of traffic
24 that's generated from this site will make -- will give
25 you the ability to control what happens on Kingsland

1 and the other local roads that it feeds off, to and
2 from.

3 So this is fully within the purposes of the
4 New Jersey Municipal Land Use Law. And what's
5 interesting here as another wrinkle is that this is not
6 just a piece of zoning we're talking about here. This
7 is a redevelopment area, it's a condemnation
8 redevelopment area, and so it's regulated by a different
9 statute, so this campus was designated in 2018?

10 MR. INGLESINO: Pardon? 2015.

11 MR. ABRAMSON: 2015, I apologize. So it was
12 designated as a redevelopment area, and the local
13 redevelopment housing law was created to give
14 municipalities broad control over the future of
15 redevelopment areas, and so you have that here.

16 "Redevelopment is [considered] a public purpose under the
17 New Jersey State Constitution, Article 8, Section 3."

18 So how and why do we do -- we know why now,
19 right? How and why does this plan do this? Or how does
20 it do it? So really in three different ways. One is we
21 create a district, and it's really just limited to the
22 roadways. So we created regulations that are only
23 impacting the roadways on the campus. The second thing
24 is we created uses. You have to have permitted
25

1 uses in districts, so we created access road, and
2 boulevard, and I'll get into what that means in a few
3 minutes. And then, really, the heart of the plan is
4 the access restrictions. And it creates -- it
5 prohibits uncontrolled vehicular access and circulation
6 out within the plan area, and it accommodates at the
7 same time, tenants of the buildings in the Nutley
8 portion of the redevelopment area, to make sure that
9 their access is protected.

10 So, the first thing I talked about was the
11 geography, and hopefully here you can see it, in the
12 green. This is the area that will be regulated under
13 this redevelopment plan. Metro Boulevard, Ideation
14 Way, Medicine Lane, which is the road that connects --
15 that ultimately will connect Metro and Ideation. So
16 these are the only properties that are affected by
17 them.

18 And then these two uses. And really, the
19 definitions are essentially the same, it's just that
20 the design standards are a little different. Metro
21 Boulevard is a boulevard, as you might guess. It's
22 wider, it has, you know, bicycle lanes and things like
23 that that the access roads do not have. But what's --
24 what the important things are is that they, in the
25 definition, they serve uses that are wholly or

1 partially located in Nutley alone, and that they
2 service the uses that are approved within the Phase 1
3 or Phase 2A redevelopment plans, and that they comply
4 with the access restrictions and design standards
5 contained in the plan. So that's the things that are
6 allowed, and that's how we -- the mechanics of this, is
7 using that definition to create a thing called an
8 access road, and this is what that thing is.

9 And then the access restrictions. So really,
10 what's the meat of this, and how does it cut? The only
11 vehicles allowed to enter the plan area, that green
12 area, shall be occupied or operated by tenants or
13 visitors of buildings in the Nutley portion of the
14 redevelopment area. Access shall be maintained for
15 existing buildings located within Nutley, consistent
16 with existing agreements, leases, approvals, and that
17 the improvements restricting access, we gave
18 flexibility here in how it should be implemented by the
19 property owner. That could be done through fences,
20 gates, gatehouses, swing-arm RFID technology, ballards,
21 things like that. They can decide how they want to
22 comply with this redevelopment plan.

23 So there were four points that we found in
24 our review of the campus, and this was done in
25 collaboration with Lou Luglio, our traffic engineer, to

1 think about the different like risk points, and what --
2 where were these access controls most necessary. And
3 these are the four points. So Kingsland and Metro
4 Boulevard, Kingsland and Ideation Way, Ideation Way and
5 the municipal boundary, and Metro and the municipal
6 boundary. Not that complicated, right? And these are
7 the points where this access needs to be restricted to
8 and from Nutley, basically.

9 So this is really the conclusion side. It is
10 my opinion in preparing this plan, and having been
11 through this now with you for two to three years, I
12 can't remember exactly how long it's been, but we've
13 been on a journey with this project, and with this
14 campus, and here we are. This plan will minimize the
15 safety hazards, traffic congestion, and other
16 detrimental impacts that would be imposed upon this
17 community if you do not adopt a plan like this, or if
18 you do not take action to control the amount of
19 development and the amount of traffic.

20 It will secure local control over impacts on
21 roadways within Nutley and leading from the campus.
22 It'll coordinate campus development with the available
23 traffic capacity, meaning we're not going to end up
24 with like way more development than the roads can
25 handle. And that it continues to protect the rights

1 and access arrangements for tenants located wholly or
2 partially within Nutley, so we're not going to end up
3 in a situation where we inadvertently violate
4 somebody's lease.

5 So that's really the presentation, right?
6 And I'm happy to answer any questions you or
7 Mr. Inglesino have.

8 MAYOR TUCCI: Commissioners, any questions?

9 COMMISSIONER EVANS: Nope.

10 MAYOR TUCCI: No, we're good? Okay, thank
11 you.

12 MR. INGLESINO: Mayor, back to you if you
13 want to open the public hearing on this ordinance.

14 MAYOR TUCCI: Okay. We will now open the
15 public hearing on Ordinance 3452. Does anyone wish to
16 be heard?

17 THE CLERK: There are two people.

18 MAYOR TUCCI: Okay.

19 THE CLERK: Hi, you're on mute. Just state
20 your name and address, please.

21 MAYOR TUCCI: Please proceed.

22 UNIDENTIFIED: I'm the court reporter. I'm
23 not participating.

24 MR. MOORE: Rory Moore, 462 Chestnut Street.
25 Mr. Tucci, the way it's written, to the average person

1 this is a little confusing. If I understood the two
2 reports that were just given, the solution appears to
3 be restrictions to the roadway on ON3. Do I understand
4 that correctly?

5 MAYOR TUCCI: That is correct.

6 MR. MOORE: Because what I -- when I started
7 looking through here, and googling some of these lots
8 and plots, what happens to the other side, with the
9 railroad tracks, over towards the park and the old
10 railroad building, the Orechio side of it? Does that
11 take into account for that, because it doesn't appear
12 to be you accounted for that. You said the future
13 growth was through 2025. What about the other side?
14 Is that calculated to there?

15 MAYOR TUCCI: Hold on, Mr. Moore.

16 MR. MOORE: Okay, no, take your time.

17 MAYOR TUCCI: Mr. Abramson on that?

18 MR. ABRAMSON: Sorry, you might not be able
19 to see me, but I am here. So you're talking about the
20 -- south of Kingsland, like near the brook?

21 MR. MOORE: Yes. Just over that way.

22 MR. ABRAMSON: Yeah. So there's no municipal
23 boundary there, so it doesn't affect that whatsoever,
24 so Nutley is free to do with that, you know, whatever
25 is in their judgment.

1 MR. MOORE: That I get. But whatever Nutley
2 decides to do is going to have some type of an impact,
3 as far as traffic is concerned. I'll give you an
4 example, maybe to better clarify. We heard last year
5 they were talking about putting a circle in on
6 Bloomfield and Kingsland. Now, we don't know what's
7 going on, a lot of the citizens do not know the --
8 what's going on with that at this point. To me, with
9 this traffic study, I think you would have addressed
10 what we will do to improve, because you kept saying the
11 intersections were failing. But how are you going to
12 improve them?

13 MR. ABRAMSON: So, sir, the one thing I can
14 tell you is that the study by our traffic engineer did
15 contemplate the buildout of those properties.

16 MR. MOORE: What were we going to do?
17 Because I heard you say four or five intersections were
18 failing as this -- as the redevelopment took place, and
19 my question is, what were the conclusions -- how are we
20 going to improve those intersections?

21 MR. ABRAMSON: And I think -- and just one
22 thing I want to make sure we're all operating under the
23 same understanding, is that that -- those failed
24 intersections were the projection that if this sort of
25 measure was not taken by the commissioners, that would

1 be the consequence, the failure of those intersections.
2 So this will help to avoid that. I don't think the
3 purpose of tonight really was to go through an entire
4 buildout of the entire, you know, redevelopment area.
5 We -- there is no ordinance being proposed right now
6 for that south of Kingsland area, and at such a time
7 that it is, or when development does come forward, I'm
8 sure the commissioners will want that to be --

9 MR. INGLESINO: Sir, I think your question is
10 beyond the -- is one that goes beyond the scope of what
11 the presentation was tonight.

12 MR. MOORE: It is possible, maybe I am going
13 a little bit too far, but when you -- your traffic
14 study says you're projecting out to 2025. I'm sure
15 between now and then, the other side, our municipal
16 side, there's going to be some kind of a development.
17 I don't know what it is, it's a future -- it's not
18 sited yet.

19 However, are we going to have to do another
20 traffic study? Are we going to have to come up with
21 similar conclusions that the intersections are failing,
22 and we said that already in this ordinance, and we're
23 going to say it again in the next one? Because I don't
24 see any solutions to mitigating or improving the
25 intersections as they are right now, and if I

1 understand it correctly, you're saying if we put this
2 plan into effect, which is on the ON3 side with the
3 roads, the problem goes away. We don't have to worry
4 about this anymore. It -- I'm -- is my understanding
5 correct on that?

6 MR. INGELSINO: I don't think that's exactly
7 correct. I think the point of the traffic study that
8 Mr. Luglio presented was basically to provide --

9 MR. MOORE: Could you speak a little -- I'm
10 having a hard time hearing you. I --

11 MR. INGLESINO: I'm sorry. Is that better?

12 MR. MOORE: -- apologize, I apologize, I'm
13 sorry.

14 MR. INGLESINO: I'm sorry, I'll hold the
15 microphone a little bit --

16 MR. MOORE: That's all right.

17 MR. INGLESINO: Mr. Luglio's conclusion, I
18 think, and I don't want to speak for him, but what I
19 heard him say was that the existing road network could
20 not be improved in a manner that would accommodate the
21 proposed full buildout of the sites, both in Nutley and
22 Clifton by the developer as shown on the developer's
23 website.

24 MR. MOORE: Okay.

25 MR. INGLESINO: This presentation tonight did

1 not address the question of whether there were other
2 types of improvements, over and above the existing
3 roadway network. That wasn't part of that
4 presentation. So I come back to I think that this
5 presentation really did not address and was not
6 intended to address your question, as good of a
7 question as it is. It was simply designed to analyze
8 whether or not the existing road networks could be
9 improved to accommodate what the developer has proposed
10 on his website to be full buildout, and Mr. Luglio's
11 conclusion was that they cannot be.

12 MR. MOORE: Okay, thank you.

13 MAYOR TUCCI: Thank you, Mr. Moore.

14 THE CLERK: Is there anyone else that would
15 like to speak? Please raise your hand. There's no one
16 else.

17 MAYOR TUCCI: No one else?

18 THE CLERK: No.

19 MAYOR TUCCI: Okay. So before we close this
20 public hearing, there are some comments that I'd like
21 to make. There was an article that was published
22 yesterday in the NJ -- NorthJersey.com, concerning this
23 ordinance, and it was updated today at about 1:30 this
24 afternoon, and it has a very catchy line, and the
25 headline is, "Why Nutley Wants To Block Traffic To

1 Clifton's Side of Roche Campus. Hint: It Began In
2 2001."

3 Not exactly true, all right? In 2001, and
4 for those of you who follow our meetings, you will have
5 heard me say, time and time again, that with the
6 building of the Clifton Commons Shopping Center,
7 Clifton received all of the benefits of that
8 development, and Nutley received all of the traffic.
9 That is absolutely true, and that's something that we
10 don't need any longer. And that is true, we don't need
11 any more congested streets, because our job here, all
12 right, as commissioners, is to protect the health,
13 safety, and welfare of not only our residents, but of
14 our neighborhoods, all right?

15 The article also goes on to say that Nutley
16 is trying to sever the project in two. That's also not
17 true, all right. What Nutley is doing this evening is
18 predicated on the advice of our professionals, all
19 right, and as you have heard this evening, who are very
20 well educated in their respective areas, and because of
21 a lack of information as to what development will look
22 like on that Clifton side, all right.

23 There was also a comment by some folks in
24 Clifton that we were taking the worst case scenario.
25 Well, my experience has always been that when you're

1 planning for something, you never take the best case
2 scenario. You take the worst case scenario and plan
3 for that, and if it turns out to be better than that,
4 well, then you're ahead of the game. All right.

5 The developer also made a comment that this
6 is like a husband and wife getting a divorce and the
7 husband chainsaws the house in half so no one gets it.
8 That's a very dramatic statement, and an
9 overexaggeration. If anything, what we're seeking, and
10 what we've been seeking for quite some time now, all
11 right, is information, information that would allow us
12 to plan as to what would occur, and what the impacts
13 would be on Nutley once the Clifton side is in fact
14 developed, okay?

15 It also goes on to say that some cars will
16 not be allowed to cross the dividing line between the
17 two towns and the two counties. That's correct, all
18 right, but this ordinance is predicated on the fact
19 that we're looking to manage the traffic, and we're
20 looking to manage the unfettered access, all right, to
21 our residential neighborhoods, again, to protect the
22 health, safety, and welfare of our residents and our
23 community, all right.

24 That's our only intention here, all right.
25 We're not objecting to development. We -- as a matter

1 of fact, if it wasn't for the work that this board, all
2 right, has done since 2014, '15, all right, ON3 would
3 not even be there today, all right, so we are pro-
4 development. But we need to have reasonable
5 development. We need to have development that doesn't
6 negatively impact our people, and have an adverse
7 affect on their lives, all right.

8 And it's true, most of the traffic will come
9 from Route 3, all right, and that traffic will come
10 right from Route 3 through the ON3 site onto Kingsland
11 Street and Bloomfield Avenue, and it will absolutely
12 negatively impact our residents, all right, and our
13 neighborhoods.

14 So I -- those are just a few points that I
15 wanted to clarify before this evening was over, and
16 give folks a good idea as to why we're taking the
17 action that we're taking. And we don't do these things
18 lightly or on a whim. Everything is predicated on
19 facts, all right, and on information, all right, that
20 we're given by our professionals. Commissioners,
21 anyone want to add anything to that? Commissioner
22 Scarpelli.

23 COMMISSIONER SCARPELLI: Yes, thank you,
24 Mayor. First, I'd like to congratulate our experts on
25 a thorough presentation based on data, it was based on

1 data. And, you know, our past experience, and
2 knowledge of our local roadways, coupled with our
3 experts' presentation tonight on the negative effect on
4 the health, safety, and welfare of our citizens, I
5 think we must adopt this plan, Mayor. Must adopt it.

6 MAYOR TUCCI: I couldn't agree more,
7 Commissioner. Commissioner Petracco, any comments?

8 COMMISSIONER PETRACCO: I do, Mayor. First
9 of all, I have to say I think your comments were spot
10 on, as well as Joe's over here as well. My title is
11 the Public Safety, again, safety being the key word in
12 there, Director, and as we all take our positions very
13 serious, I do, too, and it's based on all our
14 professionals, who I have the utmost respect for, by
15 the way, and I think they have done a lot of good, hard
16 work, and gone the extra distance for all of us.

17 I don't think that we can take this lightly,
18 and I'm very concerned about the safety of our
19 residents, and the traffic flows into our neighborhoods
20 and how it would affect us, but one thing I would like
21 to say is that, you know, in a time that everybody is
22 so divided, I think the high road would be to get
23 together with our mayor or our board instead of going
24 to the newspapers right away and having this kind of
25 tug of war, because it's about bringing neighborhoods

1 together and people together and, you know, having
2 something left behind us, Mayor, when we're all gone,
3 that Nutley, Clifton, and the residents, can be proud
4 of the work that we've accomplished. So, you know,
5 truthfully, the article is a little offensive, and I
6 would just like to extend a welcome to -- for all of
7 us, because we are very pro-development, and that Roche
8 site has impacted Nutley for the last hundred years,
9 and I think the work that has been done so far is
10 amazing, in the short period of time that this has been
11 going on. So, again, safety is a big issue, and I
12 agree with everyone here that it must be adopted.

13 MAYOR TUCCI: Thank you. Well said,
14 Commissioner. Commissioner Evans?

15 COMMISSIONER EVANS: Thank you, Mayor. I
16 won't go into details, as you already have, and I will
17 -- I would echo those comments as well. I think it's
18 important that as a board, that we have to ask
19 questions that raise concerns that affect the safety
20 and welfare of our community. And to that end, we
21 hired experts, people who are highly experienced,
22 highly skilled, and heavily credentialed, to do an
23 investigation on our behalf, and to address these
24 questions. The conclusions are very clear in that it
25 is imperative that we as a board act to make sure that

1 we in -- are doing everything we can to protect the
2 safety of our community. And with that, I have no
3 reservations regarding the voting on this ordinance
4 tonight, because we have to keep the best interests of
5 our community in the forefront. Thank you.

6 MAYOR TUCCI: Thank you, Commissioner.
7 Commissioner Kelly?

8 COMMISSIONER KELLY: Thank you, Mayor. I too
9 have some comments on this. First I want to thank the
10 experts and professionals for the presentation. It was
11 very informative. And a lot of what was said just
12 bolsters my own experience. I do want to see
13 Hoffmann-LaRoche be an economic driver, and continue to
14 be an economic driver for this town. However, I don't
15 want to see that at the expense of the safety and
16 welfare of our citizens. I think it's important that
17 we be on the lookout, not only to improve the economic
18 standing of our town with ratables and everything, but
19 also ensure that we do it in a safe manner for our
20 citizens.

21 A couple concerning things for me in the
22 presentation regarded the increase of the traffic on
23 the roadways, and potential for an increase in traffic
24 on the residential areas nearby Kingsland Street,
25 primarily because there's a school right there, an

1 elementary school, Spring Garden School is just a few
2 blocks away. And during the -- especially the morning
3 and evening, when the traffic would be at its greatest,
4 you're going to have kids coming to and from school.
5 Probably not now during Covid, but in the future,
6 hopefully everything gets back to some normalcy, and
7 you'll see students coming to and from school, and I
8 don't want to see that increased traffic in those
9 residential neighborhoods potentially creating a
10 situation where we could have a dangerous situation for
11 those students commuting to school.

12 And also now we've added a school in the
13 terms of the medical school on the campus, and in terms
14 of colleges, at least with my personal experience,
15 college and graduate students tend to be more mobile.
16 They tend to want to walk more, they tend to want to
17 bike more, and increasing that roadway traffic in our
18 town would be detrimental to us.

19 Also, as I said earlier, the expertise kind
20 of indicates what you would expect as someone who has
21 lived here for -- for me, for 35 years now, in terms of
22 my personal experience and what you expect in terms of
23 common sense. For those of you who don't know, my
24 father's medical practice is at the top of Kingsland
25 Avenue, right where West Passaic Avenue meets Kingsland

1 Street, and since I was a little boy, I would go there
2 quite often with my mother, or with my sisters, and
3 would take Kingsland Street up to West Passaic Ave.
4 from my parents' house by Kingsland Park.

5 And I can remember very vividly that it
6 was -- well, what should have been a five-minute drive
7 turned into a 15, 20-minute drive because of the
8 traffic, and this was when Hoffmann-LaRoche was at its
9 peak. That traffic, I don't want to see come back,
10 because it will adversely impact our residents. So
11 speaking from personal experience, I know that the --
12 everything that's contained in those expert reports, it
13 just bolsters my own personal experience that the --
14 what they're saying will absolutely come true if we do
15 a full build-out as indicated in the reports. So that
16 is my take on all of this, and why I will be voting in
17 favor of this ordinance.

18 MAYOR TUCCI: Thank you, Commissioner. And I
19 would be remiss if I didn't thank our professionals.
20 Mr. Abramson, Mr. Luglio, and of course, the
21 quarterback of our team, Mr. John Inglesino. You guys
22 have done a fantastic job in all facets of this
23 redevelopment, and we look forward to continue working
24 with you. Madam Clerk, I'll entertain a motion to
25 close the public hearing.

1 THE CLERK: I need a motion.
2 COMMISSIONER EVANS: Move it.
3 COMMISSIONER SCARPELLI: Second.
4 THE CLERK: Thank you. Commissioner Kelly.
5 COMMISSIONER KELLY: Aye.
6 THE CLERK: Commissioner Evans?
7 COMMISSIONER EVANS: Aye.
8 THE CLERK: Commissioner Petracco.
9 COMMISSIONER PETRACCO: Aye.
10 THE CLERK: Commissioner Scarpelli?
11 COMMISSIONER SCARPELLI: Aye.
12 THE CLERK: Mayor Tucci?
13 MAYOR TUCCI: Aye.
14 THE CLERK: Need to move the ordinance.
15 MAYOR TUCCI: I'd like to move the
16 ordinance.
17 COMMISSIONER EVANS: Move it -- second.
18 THE CLERK: Commissioner Kelly.
19 COMMISSIONER KELLY: Aye.
20 THE CLERK: Commissioner Evans?
21 COMMISSIONER EVANS: Aye.
22 THE CLERK: Commissioner Petracco.
23 COMMISSIONER PETRACCO: Aye.
24 THE CLERK: Commissioner Scarpelli?
25 COMMISSIONER SCARPELLI: Aye.

1 THE CLERK: Mayor Tucci?

2 MAYOR TUCCI: Aye. Thank you very much. We
3 have one more ordinance this evening for introduction.
4 I apologize to my colleague, Commissioner Petracco.
5 Ordinance Number 3459. Commissioner Petracco.

6 COMMISSIONER PETRACCO: No need to apologize,
7 Mayor. Thank you, though. This is the -- an ambulance
8 ordinance that we're introducing tonight, again. This
9 is not to dissolve the Ambulance Squad, but I am here
10 to report that it has been a long road, a long summer
11 for all of us, but working together I think that
12 there's been a lot of good work done, and I'd like to
13 -- with that being said, I'd like to thank our
14 president, Tim Keating, as well, of the Nutley
15 Ambulance Squad and all their memberships, and I'm
16 really looking forward to working together and moving
17 this forward for today and the future.

18 So Ordinance Number 3459, an ordinance to
19 amend an ordinance codified in the Township of Nutley
20 Code Chapter 60, entitled First Aid Squad, being
21 enacted by the Board of Commissioners, Township of
22 Nutley, that Chapter 60, entitled First Aid Squad, be
23 hereby amended in its entirety.

24 I move that this ordinance be passed to a
25 second reading and advertised in the Nutley Sun,

1 together with the notice required by law, and that
2 further consideration of said ordinance for final
3 passage by the Board of Commissioners be held at its
4 second reading, I believe it's November 15th?

5 THE CLERK: November 5th.

6 COMMISSIONER PETRACCO: Oh, I'm sorry.
7 November 5th. I move it.

8 COMMISSIONER SCARPELLI: Second.

9 THE CLERK: Commissioner Kelly.

10 COMMISSIONER KELLY: Aye.

11 THE CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye on the introduction.

13 THE CLERK: Commissioner Petracco.

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 THE CLERK: Mayor Tucci?

18 MAYOR TUCCI: Aye.

19 COMMISSIONER PETRACCO: Thank you, Mayor.

20 MAYOR TUCCI: Thank you very much. We have
21 one more presentation this evening. I'd like to
22 welcome Mr. Charles Liebling of Windels Marx Lane and
23 Mittendorf, who will speak to us about an elevated
24 pedestrian sky bridge that will connect the new school
25 of medicine parking garage in Clifton to the existing

1 pedestrian sky bridge in Nutley, that currently
2 connects the school of medicine with Building 101, now
3 known as 111 Ideation Way.

4 MR. INGLESINO: Mr. Mayor, just a little bit
5 of context, again, for this presentation. The medical
6 school, under the redevelopment agreement, is obligated
7 to come before the Board of Commissioners to make this
8 presentation and to demonstrate that it is consistent
9 with their redevelopment, the redevelopment plans
10 affected by this and the redevelopment agreement. Mr.
11 Liebling is here tonight, he represents the medical
12 school. I know Mr. Abramson has also reviewed this and
13 can offer his opinion to the Board as well. But at this
14 time I think it would be appropriate to hear from Mr.
15 Liebling.

16 MAYOR TUCCI: Welcome, Mr. Liebling.

17 (Pause).

18 MAYOR TUCCI: Please proceed.

19 MR. INGLESINO: Chuck, can you hear us?

20 THE CLERK: They can't hear you.

21 MR. INGLESINO: How's this, any better?

22

23

24 (Pause, audio issues)

25 MR. INGLESINO: Chuck, how is this? Any

1 better?

2 MR. LIEBLING: Yes, now I can hear you.

3 MR. INGLESINO: Okay. So again, just by way
4 of some context here, Chuck, you're here tonight to
5 present on behalf of the medical school, pursuant to
6 your redevelopment agreement. You have a plan that you
7 would like to present with regard to a sky bridge, and
8 so you're here pursuant to your redevelopment agreement
9 to show consistency with the affected redevelopment
10 plans that the sky bridge will encompass. So the floor
11 is yours to make that presentation, and then Mr.
12 Abramson has also reviewed those plans, and he will
13 offer his opinion, as well.

14 MR. LIEBLING: Great. Thanks, John. Good
15 evening, Mayor, Commissioners, Madam Clerk.
16 Representing Kingsland Street Urban Renewal LLC, thank
17 you for this opportunity to present our plan for the
18 construction of this new elevated pedestrian bridge,
19 connecting the existing sky bridge on the medical
20 school campus to the new parking garage.

21 And as John stated, we're -- the purpose of
22 this is to enable you to determine compliance with the
23 applicable redevelopment plan, which needs to occur in
24 order for us to be able to make our site plan
25 application for the sky bridge to the planning board.

1 As a technical matter, the -- in order for
2 the site plan application to be heard, Kingsland's also
3 going to need to be designated as the redeveloper, and
4 John and I are working on that, and we'll bring that
5 back to you for your consideration at a future meeting.

6 I don't want to take up any more time on this
7 than is necessary, so, if you don't have any questions
8 for me, I'd like to introduce Charles Logan, the
9 project's architect, who can provide you with an
10 overview of the sky bridge project. Charles?

11 MR. LOGAN: Yes.

12 MR. LIEBLING: Okay. Yeah, if you can just
13 state your company, and your licensing, and we know
14 that you've appeared before Nutley before, but let's
15 just state --

16 MR. LOGAN: Sure.

17 MR. LIEBLING: -- it for the record, yeah.

18 MR. LOGAN: Okay. My name is Charles Otis
19 Logan, Jr. I work with the Aztec Corporation, Aztec
20 Architects, LLC. I am the president/CEO. I am a
21 licensed architect in New Jersey, New York, and
22 Pennsylvania. And I, as you stated, I've appeared
23 before the commission before.

24 MR. LIEBLING: Okay.

25 MR. LOGAN: And I'm the principal in charge

1 of the project.

2 MR. LIEBLING: Okay. All right. With that,
3 if you could just, you know, provide some of the
4 general details for the benefit of the commissioners
5 regarding the project, and that will also enable
6 Mr. Abramson to render his opinion.

7 MR. LOGAN: Sure. The bridge is going to
8 connect the new Hackensack Meridian Health School of
9 Medicine garage to the existing bridge that connects
10 111 Ideation Way, and also known as Building 102, to
11 the Hackensack Meridian School of Medicine building,
12 which is also known as Building 123, and it's also the
13 Seton Hall University.

14 The bridge will be complementary to the
15 existing bridge. The point of access at the garage
16 will be at the Level 3, and will actually connect
17 halfway into the existing bridge. Am I to share the
18 screen, or do they have the elements there?

19 MR. LIEBLING: Sal, are you able to put the
20 exhibits up?

21 MR. LOGAN: I have exhibits, I can put them
22 up, if that helps.

23 MR. LIEBLING: Okay, yeah. Or give the
24 control to --

25 MR. LOGAN: Can everyone see this?

1 THE CLERK: Yes.

2 MR. LOGAN: Okay.

3 MR. LIEBLING: Okay.

4 MR. LOGAN: All right. This is the existing
5 HMH Parking Garage, and this is the existing pedestrian
6 bridge that connects Building 102 to the School of
7 Medicine. The bridge that we're talking about will
8 actually come out the southern side of the parking
9 garage, and actually parallel Ideation Way over the
10 pedestrian sidewalk, and connect the bridge somewhat
11 halfway through.

12 The Township of Nutley is -- this is the
13 portion of the bridge that is in your township. It is
14 representative as 862 square feet, which is
15 approximately 26 percent of the bridge itself. The
16 bridge is actually a total of 3287. It's fully
17 enclosed, ventilated, and it's an elevated pedestrian
18 sky bridge, meant to allow pedestrian traffic
19 throughout the year, 24 hours a day, for people to
20 travel to and from the parking garage.

21 The bridge itself will be metal and glass,
22 similar to the pedestrian bridge. It will have a shed
23 style roof, again, similar to the pedestrian bridge.
24 All meant to be complementary and work closely with the
25 overall scheme of the beauty of the campus itself.

1 And it will be -- I'm going to show you, one
2 second. This is the bridge itself. It actually will
3 have a splayed tubular steel, similar to the existing
4 bridge. It will have intermittent windows on
5 alternating sides of the building. So as you can see,
6 there's a solid area, but on the opposite side, there's
7 actually a glass area, so you have to look here where
8 it's clear. The building -- the garage itself will
9 actually have no graphics on it in the Nutley part of
10 the site, and that -- as I said, it is just in line
11 with the overall design of the building.

12 The idea of the shed is actually that it's on
13 the -- as you'll see here, the existing bridge, it
14 actually has a higher point here, and on the lower --
15 on the back side, being the eastern facing part of the
16 bridge, it'll actually tie into the bridge that's
17 coming from the School of Medicine. So this is the
18 overall design, with a pedestrian walkway underneath.

19 Right here, approximately, is where the
20 Nutley bridge takes part of the -- their portion of the
21 bridge itself.

22 MR. LIEBLING: Thanks. Thanks. Are there
23 any questions from the commissioners? Mr. Logan will
24 certainly be happy to respond to them.

25 MAYOR TUCCI: Commissioners, any questions?

1 COMMISSIONER EVANS: It's straightforward.

2 MAYOR TUCCI: No questions from the
3 commissioners. Mr. Abramson?

4 MR. ABRAMSON: Commissioners, I'm sorry to
5 sit with my back to you, even though I am advising you
6 at this moment.

7 MAYOR TUCCI: No problem.

8 MR. ABRAMSON: Under the circumstances, it's
9 not the worst thing that's happened, but, so I -- we
10 did take a very close look at this, and we looked at it
11 through the lens, and asked ourselves, is this
12 consistent with the Phase 3 redevelopment plan which
13 you just adopted? And our conclusion is yes.

14 And I -- we wrote something up, and I just --
15 I would like to kind of go through it with you right
16 now, and put it on to the record.

17 So the Phase 3 redevelopment plan deals
18 exclusively -- and the access restrictions in that
19 Phase 3 plan deal exclusively with vehicular
20 circulation and traffic impacts. The purpose statement
21 was -- the purpose of this plan is to regulate the use,
22 functionality, and design of internal roadways in the
23 redevelopment area. More specifically, the plan
24 requires creation of access controls between Nutley and
25 Clifton that will allow Nutley to control the traffic,

1 vehicular traffic impacts on roadways within its
2 community that will emanate from the redevelopment
3 area.

4 So there are two permitted uses in that
5 redevelopment area, we already just went through all
6 this. Access roads and boulevards. So the access road
7 -- or the -- Ideation Way is an access road. An access
8 road is defined as a road that services uses wholly or
9 partially -- I'm going to read this slowly because it's
10 important.

11 It services uses that are located wholly or
12 partially within Nutley. Check. This one does that,
13 because 111 Ideation and the medical school are both
14 located either wholly or partially within Nutley. An
15 approved use is in the Phase 1 -- yes?

16 MR. INGLESINO: Closer to the mic.

17 MR. ABRAMSON: Okay. The Phase 1 or 2 --
18 it's approved -- uses approved in the Phase 1 or Phase
19 2A redevelopment plans. Phase 1 was the medical
20 school. Phase 2A in part was Modern Meadow at
21 111 Ideation, that are designed in a manner consistent
22 with the standards in the Phase 3 plan, and adhere to
23 the access regulations included in the plan as well.

24 So the -- where this plan will -- this
25 improvement will require some level of deviation from

1 the plan is with regard to those design standards. The
2 -- when we wrote the Phase 3 redevelopment plan, we did
3 not contemplate sky bridges, or raised sidewalks or
4 things like that. We assumed regular sidewalks. But
5 we do not see that as a fatal issue with regard to the
6 compliance.

7 When we look at it from a use standpoint,
8 sidewalks are intended to move people on their feet.
9 The sky bridge is intended to move people on their
10 feet. This just happens to be a unique and different
11 sidewalk that was not contemplated, and therefore the
12 design standards are not, you know, regulating it an
13 elevated sidewalk, but it is in the right of way of the
14 roadway. It is, as Mr. Logan testified, it sits over
15 the pedestrian sidewalk. It is merely a duplicative
16 pedestrian sidewalk. The planning board, at the time
17 of the site plan, if it sees fit to grant deviations
18 from the design standards, it can do so. But I do not
19 think that this offends any aspect of the redevelopment
20 plan or the prohibitions on variances cognizable by the
21 zoning board, meaning use variances. This would not go
22 into a use variance. This does not offend the access
23 restrictions, because it does not allow vehicular
24 traffic, and that is the primary function of that
25 Phase 3 plan was to implicate and prohibit cross-access

1 for vehicles.

2 I think that that is pretty much all I have
3 to say on the matter. I don't know if anybody has any
4 questions, or Mr. Liebling, have any clarifications to
5 make.

6 MR. LIEBLING: I guess that because this
7 pedestrian bridge also crosses within the Phase 2A
8 redevelopment plan area, it probably would be useful if
9 you could just express --

10 MR. ABRAMSON: Sure.

11 MR. LIEBLING: -- your recognizance of that.

12 MR. ABRAMSON: Yeah. Thank you for reminding
13 me. What Mr. Liebling is getting at, and one of the
14 things that we initially were a little perplexed by, is
15 that this sky bridge traverses multiple parcels.

16 Without getting into too much technical information on
17 the Municipal Land Use Law, principal -- there are
18 principal uses, and there are accessory uses.

19 Accessory uses and accessory structures, under the
20 Nutley ordinance, and under the definition of an
21 accessory use or structure in the Nutley ordinance,
22 serves the principal use upon which the lot is located.

23 So we end up here with somewhat of a novel
24 question. We have a -- what really is an accessory
25 use, a sky bridge connecting a parking lot to an office

1 building, but because it's on its own piece of
2 property, there's no principal use that it serves. So
3 on the Phase 3 and the roadway plan, we had to confront
4 that, and we had to determine that this does comply
5 with the definition of an access road, which is a
6 permitted principal use. So that was -- the Phase 3
7 aspect was dealt with in that way, what I just
8 described before Mr. Liebling raised that good point.

9 With regard to 2A, there is 111 Ideation.
10 That is the principal use. It is a permitted principal
11 use as an office building. The portion of the sky
12 bridge that will be on that piece of property is
13 accessory to that principal use, and while, you know,
14 frankly, on this piece of property, it is customary.
15 Because there already -- there's already sky bridges,
16 and in a lot of corporate office campuses, you'll see
17 raised and enclosed walkways. So it is customary. It
18 isn't incidental. That is the standard under the
19 Municipal Land Use Law, for what makes a accessory use,
20 or an accessory structure, and I'm comfortable with
21 this determination that it is an accessory that's under
22 the Phase 2A plan. It is a permitted principal use
23 under the Phase 3 plan, and all the kind of
24 requirements, procedural requirements, that need to
25 happen still need to happen with regard to a

1 designation of redevelopers and execution of
2 agreements, but from purely the zoning kind of
3 standpoint, I believe that, Commissioners, that you
4 should feel free to move ahead with this, and that the
5 plans do not prohibit this use.

6 MR. LIEBLING: Thank you, Phil.

7 MR. ABRAMSON: Thank you.

8 MR. INGLESINO: Thank you, Mr. Abramson.

9 MR. ABRAMSON: Thank you.

10 MAYOR TUCCI: Mr. Liebling, anything you'd
11 like to add?

12 MR. LIEBLING: No, nothing more, unless the
13 commissioners have any questions. We'd, you know,
14 appreciate your determination that this is consistent
15 with the redevelopment plans, and we can proceed with
16 the planning board.

17 MAYOR TUCCI: Thank you very much.

18 COMMISSIONER EVANS: Do we need a motion?

19 MR. INGLESINO: Yes. You should have a voice
20 vote to -- just (indiscernible) that you agree there
21 should be a voice vote just concurring that the
22 redevelopment plan has (indiscernible) proceed to the
23 planning board. As Mr. Liebling alluded to. He will
24 be preparing the agreement, it's not going to be a
25 lengthy agreement, but it'll be an agreement to

1 designate them as the redeveloper, which we need to do,
2 and we'll have a -- you know, and it will serve as a
3 redevelopment agreement at this time, with the often
4 complicated (indiscernible) due to the circumstances,
5 during the course of this duration, in two weeks from
6 now, and then next meeting and then they will deal with
7 the procedures.

8 MAYOR TUCCI: Okay. Commissioner Evans?

9 COMMISSIONER EVANS: Mayor, based upon what
10 I've heard in terms of the testimony, as well as our
11 own planner, I have no objections to this. I think we
12 should move forward with it.

13 MAYOR TUCCI: Thank you. Commissioner Kelly?

14 COMMISSIONER KELLY: Yes, I agree with what
15 Commissioner Evans said. Based upon the expert
16 analysis, I think it's fine to move forward with it.

17 MAYOR TUCCI: Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Same thing, Mayor.

19 MAYOR TUCCI: Commissioner Petracco?

20 COMMISSIONER PETRACCO: I agree as well.

21 MAYOR TUCCI: And lastly, I also agree, based
22 upon the testimony from our professionals.

23 MR. INGLESINO: So I think just there should
24 be a motion and a second and a voice call roll.

25 THE CLERK: Okay.

1 MAYOR TUCCI: Okay. I'll entertain a motion
2 to approve the request as presented by Kingland Street
3 Urban Renewal LLC concerning the elevated pedestrian
4 sky bridge.

5 COMMISSIONER EVANS: Move it.

6 COMMISSIONER PETRACCO: Second.

7 THE CLERK: Commissioner Kelly.

8 COMMISSIONER KELLY: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco.

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 THE CLERK: Mayor Tucci?

16 MAYOR TUCCI: Aye.

17 MR. LIEBLING: Thank you all very much.

18 MR. LOGAN: Thank you.

19 MAYOR TUCCI: Thank you, have a good evening.

20 MR. LOGAN: Stay safe.

21 MAYOR TUCCI: Okay. We'll now move into
22 resolutions. Commissioner Kelly?

23 COMMISSIONER KELLY: Thank you, Mayor. I
24 just have a couple of resolutions here tonight. The
25 first one, Resolution Number 214-20, it's just a

1 continuation of our usual shared services contract with
2 the Board of Ed, sharing the Town Physician services
3 with them. The only difference this year is the
4 compensation is increased to \$11,000. So I'll just
5 read the resolution.

6 Now therefore be it resolved that the
7 Township of Nutley and the Nutley Board of Education
8 wish to extend the existing shared services for a
9 physician/school physician services for the period of
10 September 1st, 2020, through August 31st, 2021, for
11 which the Township will be compensated \$11,000, to be
12 paid in ten equal installments of \$1,100. So moved.

13 COMMISSIONER PETRACCO: Second.

14 THE CLERK: Commissioner Kelly.

15 COMMISSIONER KELLY: Aye.

16 THE CLERK: Commissioner Evans.

17 COMMISSIONER EVANS: Aye.

18 THE CLERK: Commissioner Petracco.

19 COMMISSIONER PETRACCO: Aye.

20 THE CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 THE CLERK: Mayor Tucci?

23 MAYOR TUCCI: Aye.

24 COMMISSIONER KELLY: The next resolution I
25 have is Resolution Number 210-20. This is, as I

1 alluded to earlier, concerning Breast Cancer Awareness
2 Month.

3 Whereas, about 1 in 8 U.S. women, about 12.8
4 percent, will develop invasive breast cancer over the
5 course of her lifetime;

6 Whereas, in 2020, an estimated 276,480 new
7 cases of invasive breast cancer are expected to be
8 diagnosed in women in the U.S., along with 48,530 new
9 cases of non-invasive in situ breast cancer. Although
10 rare, men get breast cancer, too. In 2020, an
11 estimated 2,620 men will be diagnosed with breast
12 cancer in the U.S., and approximately 520 will die;

13 Whereas, about 42,170 women in the U.S. are
14 expected to die in 2020 from breast cancer, though
15 death rates have been decreasing since 1989. Breast
16 cancer is the most common cancer in American women,
17 except for skin cancers. It is estimated that in 2020,
18 approximately 30 percent of all new women cancer
19 diagnoses will be breast cancer;

20 Whereas, recent strides in early detection,
21 including the use of mammography, and prompt treatment
22 have significantly reduced the suffering and deaths
23 caused by this disease;

24 Whereas, the Department of Public Affairs
25 will continue to work with Nutley Thriving Survivors, a

1 non-profit corporation to develop programs to increase
2 awareness of the symptoms of breast cancer, and to
3 support those women and men who may be diagnosed with
4 the disease.

5 And now therefore be it resolved that the
6 Board of Commissioners of the Township of Nutley,
7 County of Essex, State of New Jersey, recognize
8 October, 2020, as Breast Cancer Awareness Month.

9 Be it further resolved that we would urge all
10 women and their families in the Township of Nutley to
11 seek assistance in obtaining the facts and information
12 about breast cancer, mammography, and available support
13 groups for victims to participate in programs scheduled
14 this year for residents of the township, and breast
15 cancer survivors.

16 Be it further resolved that residents are
17 encouraged to participate in the Nutley Thriving
18 Survivors Virtual Walk throughout the month of October,
19 as their Annual Candlelight Celebration Walk has been
20 canceled this year due to Covid-19 health pandemic. So
21 moved.

22 COMMISSIONER PETRACCO: Second.

23 THE CLERK: Commissioner Kelly.

24 COMMISSIONER KELLY: Aye.

25 THE CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 THE CLERK: Commissioner Petracco.

3 COMMISSIONER PETRACCO: Aye.

4 THE CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 THE CLERK: Mayor Tucci?

7 COMMISSIONER PETRACCO: The Mayor just
8 stepped out for a moment, Madam Clerk --

9 THE CLERK: Thank you.

10 COMMISSIONER PETRACCO: -- he just asked if we
11 can continue on with our resolutions.

12 COMMISSIONER SCARPELLI: Madam Clerk?

13 THE CLERK: Sure.

14 COMMISSIONER SCARPELLI: Madam Clerk, can you
15 mark me down as yes on Resolution 214-20?

16 THE CLERK: Absolutely.

17 COMMISSIONER SCARPELLI: Thank you.

18 COMMISSIONER KELLY: Moving along, Resolution
19 Number 225-20. This is for Hispanic Heritage Month.

20 Whereas, from September 15th, 2020, through
21 October 15th, 2020, the United States celebrates
22 Hispanic Heritage Month;

23 Whereas, the Bureau of the Census estimates
24 that the Hispanic population living in the 50 states at
25 more than 59 million people, plus an additional 3.3

1 million living in the Commonwealth of Puerto Rico,
2 making Hispanic Americans 18 percent of the total
3 population of the United States, and the largest racial
4 or ethnic minority group in the United States;

5 Whereas, the Latino population in the United
6 States is currently the third largest population of
7 Latinos worldwide, exceeding the size of the population
8 in every Latin American and Caribbean country except
9 Mexico and Brazil;

10 Whereas, in 2018, the annual purchasing power
11 of Hispanic Americans was estimated at \$1.7 trillion,
12 which is an amount greater than the economy of all
13 except 17 countries in the world;

14 Whereas, there are more than four point --
15 4,370,000 Hispanic owned firms in the United States,
16 supporting millions of employees nationwide and
17 contributing to more than \$1.7 trillion in revenue to
18 the economy of the United States;

19 Whereas, Hispanic-owned businesses represent
20 the fastest growing segment of small businesses in the
21 United States, with Latino-owned businesses growing at
22 more than 15 times the national rate;

23 Whereas, as of August, 2018, more than
24 28 million Latino workers represented 17 percent of the
25 total civilian labor force of the United States, and as

1 a result of Latinos experiencing the fastest population
2 growth of all race and ethnicity groups in the United
3 States, the rate of Latino participation in the labor
4 force is expected to grow to 20 percent by 2024,
5 accounting for one-fifth of the total labor force;

6 Whereas, with 66.1 percent of Latinos
7 participating in the labor force, Latinos have the
8 highest rate of participation in the labor force of any
9 racial or ethnic group, resulting in an expansion of
10 the Latino labor force at a rate that is three times as
11 fast as the rest of the population;

12 Whereas, as of 2017, there were approximately
13 326,800 Latino elementary and middle school teachers,
14 77,033 Latino chief executives of businesses, 54,576
15 Latino lawyers, 73,372 Latino physicians and surgeons,
16 and 15,895 Latino psychologists contributing to the
17 United States through their professions;

18 Whereas, Hispanics -- Hispanic Americans
19 serve in all branches of the Armed Forces, and have
20 fought bravely in every war in the history of the
21 United States;

22 Whereas, in 2019, there are more than 200,000
23 Hispanic members of the Armed Forces serving on active
24 duty, and approximately 1.2 million Hispanic veterans
25 of the Armed Forces, including 136,000 Latinas;

1 Whereas, approximately 148,000 Hispanic
2 soldiers served in the Korean War, including in the
3 65th Infantry Regiment of the Commonwealth of Puerto
4 Rico, known as the Borinqueneers, the only active duty
5 segregated Latino military unit in the history of the
6 United States;

7 Whereas, Hispanic Americans are dedicated
8 public servants, holding posts at the highest levels of
9 the government of the United States, including one
10 seated on the Supreme Court of the United States, four
11 seats in the United States Senate, and 36 seats in the
12 United States House of Representatives; and

13 Whereas, Hispanic Americans harbor deep
14 commitment to family and community, an enduring work
15 ethic, and a perseverance to succeed and contribute to
16 society.

17 Now therefore be it resolved that the Board
18 of Commissioners of the Township of Nutley, County of
19 Essex, State of New Jersey, recognize the month of
20 September 15th, 2020 through October 15th, 2020, as
21 Hispanic Heritage Month.

22 Now therefore be it further resolved, the
23 Board of Commissioners in the Township of Nutley, the
24 County of Essex, State of New Jersey, esteems the
25 integral role of Latinos and the manifold heritages of

1 Latino -- of Latinos in the economy, culture, and
2 identity of the United States, and urges everyone to
3 observe Hispanic Heritage Month with the appropriate
4 programs and activities that celebrate the
5 contributions of the Latinos to the United States. So
6 moved.

7 COMMISSIONER PETRACCO: Second.

8 THE CLERK: Commissioner Kelly.

9 COMMISSIONER KELLY: Aye.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco.

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Mayor Tucci?

17 MAYOR TUCCI: Aye.

18 COMMISSIONER KELLY: This is the last one I
19 have for tonight, Resolution Number 226-20. This is
20 celebrating the Navy's 245th birthday.

21 Whereas, in a meeting in Philadelphia on
22 October 13th, 1775, the Second Continental Congress
23 formed the Continental Navy as a means of capturing
24 munitions from the forces of Great Britain;

25 Whereas, on December 22nd, 1775, Commodore

1 Esek Hopkins was appointed Commander-in-Chief of the
2 Continental Navy, and his position was made equal to
3 that of Commander-in-Chief of the Continental Army;

4 Whereas, since its inception, the Continental
5 Navy was disbanded in 1785, and was reestablished as an
6 official department on April 30th, 1798, and today the
7 U.S. Navy recognizes the establishment of the
8 Continental Navy as its birthday;

9 Whereas, the United States Navy and its more
10 than 300,000 sailors command our oceans and protect our
11 seas with over 90 different jobs, day and night,
12 against all enemies;

13 Whereas, from the Revolution to the Civil War
14 to the World Wars to the present day, the Township of
15 Nutley is thankful and is proud to support the United
16 States Navy. On the occasion of the Navy's 245th
17 birthday, the township remembers those who have
18 sacrificed to serve their nation in the Navy, and
19 thanks and recognizes the Navy veterans who call Nutley
20 home today.

21 Now therefore be it resolved by the Board of
22 Commissioners in the Township of Nutley, County of
23 Essex, State of New Jersey, recognizes and celebrates
24 the United States Navy on its 245th birthday. So
25 moved.

1 COMMISSIONER PETRACCO: Second.

2 THE CLERK: Commissioner Kelly.

3 COMMISSIONER KELLY: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco.

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 THE CLERK: Mayor Tucci?

11 MAYOR TUCCI: Aye. Thank you, Commissioner.

12 Commissioner Evans?

13 COMMISSIONER EVANS: Thank you, Mayor.

14 Be it resolved by the Board of Commissioners
15 of the Township of Nutley, County of Essex, State of
16 New Jersey, that the Treasurer be and she is hereby
17 authorized to refund overpayments of tax charges for
18 Block 8202, Lot 8, in the amount of \$2,160.82. So
19 move.

20 COMMISSIONER KELLY: Second.

21 THE CLERK: Commissioner Kelly.

22 COMMISSIONER KELLY: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco.

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 THE CLERK: Mayor Tucci?

5 MAYOR TUCCI: Aye.

6 COMMISSIONER EVANS: Whereas, the Local
7 Capital Budget for the Year 2020 was adopted on the
8 15th day of September, 2020, and it is desired to amend
9 said capital budget. Now therefore be it resolved by
10 the Board of Commissioners of the County of Essex, New
11 Jersey, that with the accounts and items listed within
12 this ordinance, we shall make and approve those
13 adjustments to the capital ordinance without reading
14 all of them.

15 Be it further resolved that two certified
16 copies of this resolution be filed forthwith in the
17 Office of the Director of Local Governmental Services.
18 So move.

19 COMMISSIONER PETRACCO: Second.

20 THE CLERK: Commissioner Kelly.

21 COMMISSIONER KELLY: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco.

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 THE CLERK: Mayor Tucci?

4 MAYOR TUCCI: Aye.

5 COMMISSIONER EVANS: Whereas, the Code
6 Enforcement Department received an initial payment from
7 S&S Nutley Corner, LLC, in the amount of \$6,375, based
8 on the initial estimate of the Affordable Housing
9 Development fee for 551 Centre Street by the Tax
10 Assessor;

11 Whereas, the final development fee was
12 calculated by the Tax Assessor to be \$2,815;

13 Whereas, there was an overpayment of \$3,560;

14 Whereas, the zoning official has determined
15 that the fee of \$3,560 be refunded to S&S Nutley
16 Corner, LLC, and funds are available in Trust Account
17 T-26-909-902.

18 Now therefore be it resolved by the Board of
19 Commissioners of the Township of Nutley, County of
20 Essex, State of New Jersey, that the Township Treasurer
21 is authorized to refund the overpayment of Affordable
22 Housing Development Fee to S&S Nutley Corner LLC in the
23 amount of \$3,560. So move.

24 COMMISSIONER PETRACCO: Second.

25 THE CLERK: Commissioner Kelly.

1 COMMISSIONER KELLY: Aye.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco.

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Commissioner Scarpelli?

7 COMMISSIONER SCARPELLI: Aye.

8 THE CLERK: Mayor Tucci?

9 MAYOR TUCCI: Aye.

10 COMMISSIONER EVANS: Whereas, New Jersey
11 State Statute 54:4-3.30 provides war veterans who were
12 honorably discharged from active service in the time of
13 war in any branch of the Armed Services of the United
14 States who have been or shall be declared by the United
15 States Veteran's Administration to be 100 percent
16 totally and permanently disabled, connected with their
17 wartime service, a full tax exemption of their dwelling
18 and the lot on which it is situated;

19 Whereas, the following taxpayer has filed an
20 application for allowance of full exemption with proper
21 supporting documentation, thus making the taxpayer
22 eligible.

23 Now therefore be it resolved by the Board of
24 Commissioners of the Township of Nutley, County of
25 Essex, State of New Jersey, that Nicholas A. Campagna,

1 Junior, be granted full exemption from the payment of
2 property taxes from July 1, 2020 and all subsequent
3 years thereafter on property identified as Block 1901,
4 Lot 23, known as 110 Elm Place. So move.

5 COMMISSIONER KELLY: Second.

6 THE CLERK: Commissioner Kelly.

7 COMMISSIONER KELLY: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco.

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 THE CLERK: Mayor Tucci?

15 MAYOR TUCCI: Aye. Thank you, Commissioner.

16 Commissioner Petracco?

17 COMMISSIONER PETRACCO: Yes, Mayor. I have
18 Ordinance Number 208-20. I'm just going to move it as
19 written, just to save a little time. This is an
20 ordinance with the Municipal Alliance. I move as
21 written.

22 COMMISSIONER SCARPELLI: Second.

23 THE CLERK: Commissioner Kelly.

24 COMMISSIONER KELLY: Aye.

25 THE CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 THE CLERK: Commissioner Petracco.

3 COMMISSIONER PETRACCO: Aye.

4 THE CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 THE CLERK: Mayor Tucci?

7 MAYOR TUCCI: Aye.

8 COMMISSIONER PETRACCO: Thank you, Mayor.

9 MAYOR TUCCI: Thank you, Commissioner.

10 Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Whereas, N.J.S.A.

12 40A:4-87 provides that the Director of the Division of

13 Local Government Service may approve the insertion of

14 any special item in the budget of any county or

15 municipality when such item shall have been made

16 available by law and the amount thereof was not

17 determined at the time of the adoption of the budget;

18 and

19 Whereas, said director may also approve the

20 insertion of any item of appropriation for an equal

21 amount.

22 Section 1: Now therefore be it resolved by

23 the Board of Commissioners, Township of Nutley, County

24 of Essex, State of New Jersey, hereby requests that the

25 Director of the Division of Local Government Services

1 to approve the insertion of an item of revenue in the
2 budget of Year 2020 in the amount of \$48,616.27, which
3 is an item that now is available from the Clean
4 Communities Program Grant, pursuant to the provisions
5 of the statute in Section 2.

6 Be it further resolved that a like sum of
7 \$48,616.27 be and the same is hereby appropriated under
8 the caption of General Appropriations, Clean Community
9 Grant Program.

10 Be it further resolved that the above amount
11 is a result of revenues available from the fiscal year
12 2020 Clean Communities Program Grant; be it further
13 resolved that the Township Clerk forward two certified
14 copies of this resolution to the Director of Local
15 Government Services. I move the resolution.

16 COMMISSIONER PETRACCO: Second.

17 THE CLERK: Commissioner Kelly.

18 COMMISSIONER KELLY: Aye.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Commissioner Petracco.

22 COMMISSIONER PETRACCO: Aye.

23 THE CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 THE CLERK: Mayor Tucci?

1 MAYOR TUCCI: Aye.

2 COMMISSIONER SCARPELLI: That's all I have,
3 Mayor.

4 MAYOR TUCCI: Thank you, Commissioner.

5 Whereas, sealed bids were received by the Department of
6 Parks and Public Property for the upgrading of DeMuro
7 Park; and

8 Whereas, American Athletic Field and Track
9 and Turf, 2050 Route 206, Vincentown, New Jersey, was
10 the low bidder at \$669,350; and

11 Whereas, the Township has received two bids
12 for upgrade of DeMuro Park located between Margaret and
13 Wilson Street, Margaret Avenue and Wilson Street, the
14 lowest in the amount of \$669,350 from American Athletic
15 Field Track and Turf; and

16 Whereas, the cost of design, permitting, and
17 construction of DeMuro Park will be supported by the
18 New Jersey Department of Environmental Protection Green
19 Acres Program for the entire project cost.

20 And whereas, the Township of Nutley has
21 allocated the following funds to support the project.
22 We will be receiving it in the form of a Green Acres
23 grant, \$548,370, and a Green Acres loan of \$182 --
24 \$182,790.

25 Now therefore be it resolved by the Board of

1 Commissioners of the Township of Nutley, County of
2 Essex, State of New Jersey, that a contract for upgrade
3 DeMuro Park, located between Margaret and Wilson
4 Street, be awarded to American Athletic Field Track and
5 Turf, Vincentown, New Jersey. I move the resolution.

6 COMMISSIONER KELLY: Second.

7 THE CLERK: Commissioner Kelly.

8 COMMISSIONER KELLY: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco.

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 THE CLERK: Mayor Tucci?

16 MAYOR TUCCI: Aye.

17 Whereas, the Foursum, LLC, holder of an
18 inactive plenary retail consumption license,
19 Number 0716-33-029-009, has submitted an application
20 for renewal of said license for the 2020-2021 license
21 term;

22 Whereas, the State of New Jersey Department
23 of the Treasury Division of Taxation issued a tax
24 clearance certificate for said license for this renewal
25 period; and

1 Whereas, the aforementioned licensee has paid
2 all required fees for the renewal of the license.

3 Now therefore be it resolved by the Board of
4 Commissioners of the Township of Nutley, County of
5 Essex, State of New Jersey, that the renewal of retail
6 consumption license 0716-33-029-009 be granted
7 effective July 1, 2020, through June 30th, 2021.

8 Be it further resolved that the Municipal
9 Clerk be and she is hereby directed and authorized to
10 issue said license for the licensing period of July 1,
11 2020, through June 30, 2021. I move the resolution.

12 COMMISSIONER PETRACCO: Second.

13 THE CLERK: Commissioner Kelly.

14 COMMISSIONER KELLY: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco.

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 THE CLERK: Mayor Tucci?

22 MAYOR TUCCI: Aye.

23 Whereas, a raffle application has been
24 received from the following organization, the Home
25 Schools Association of Washington School, license

1 number 27-20, for an off-premise 50/50 cash raffle on
2 Friday, December 4th.

3 Whereas, the application has been reviewed
4 and approved by the Municipal Clerk and the police
5 department.

6 Now therefore be it resolved by the Board of
7 Commissioners of the Township of Nutley, County of
8 Essex, State of New Jersey, that the aforementioned
9 license is approved, and the Municipal Clerk is
10 authorized to issue said license. I move the
11 resolution.

12 COMMISSIONER PETRACCO: Second.

13 THE CLERK: Commissioner Kelly.

14 COMMISSIONER KELLY: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco.

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 THE CLERK: Mayor Tucci?

22 MAYOR TUCCI: Aye.

23 Be it resolved by the Board of Commissioners
24 of the Township of Nutley, County of Essex, State of
25 New Jersey, that the Treasurer be and she is hereby

1 authorized to refund payments to recreation programs in
2 the amounts listed below. I move the resolution.

3 COMMISSIONER PETRACCO: Second.

4 THE CLERK: Commissioner Kelly.

5 COMMISSIONER KELLY: Aye.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco.

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 THE CLERK: Mayor Tucci?

13 MAYOR TUCCI: Aye.

14 Whereas, the Department of Parks and Public
15 Property has a need to acquire specialized professional
16 services for accident and safety review and consulting;
17 and

18 Whereas, the Municipal Clerk is hereby
19 authorized, and she is directed to advertise for a
20 request for qualifications for accident and safety
21 review and consulting.

22 Now therefore be it resolved that sealed
23 requests for qualifications will be received Wednesday,
24 October 28th, 2020, at 11:00 a.m. prevailing time. I
25 move the resolution.

1 COMMISSIONER PETRACCO: Second.

2 THE CLERK: Commissioner Kelly.

3 COMMISSIONER KELLY: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco.

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 THE CLERK: Mayor Tucci?

11 MAYOR TUCCI: Aye.

12 Whereas, the Department of Parks and Public
13 Property has the need to acquire specialized
14 professional services for a risk manager; and

15 Whereas, the Municipal Clerk is hereby
16 authorized and directed to advertise for a request for
17 qualifications for a consultant risk manager.

18 Now therefore be it resolved that sealed
19 requests for qualifications will be received on
20 Wednesday, October 28th, 2020, at 11:00 a.m. prevailing
21 time. I move the resolution.

22 COMMISSIONER PETRACCO: Second.

23 THE CLERK: Commissioner Kelly.

24 COMMISSIONER KELLY: Aye.

25 THE CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 THE CLERK: Commissioner Petracco.

3 COMMISSIONER PETRACCO: Aye.

4 THE CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 THE CLERK: Mayor Tucci?

7 MAYOR TUCCI: Aye. This is -- I'm
8 introducing this resolution on behalf of the entire
9 Board of Commissioners. This is a resolution of the
10 Board of Commissioners authorizing the Planning Board
11 of the Township of Nutley to conduct a preliminary
12 investigation of certain property within the township
13 for potential redevelopment.

14 Whereas, N.J.S.A. 40A:12A-6 of the Local
15 Redevelopment and Housing Law authorizes the governing
16 body of any municipality by resolution to have its
17 planning board conduct a preliminary investigation to
18 determine whether an area of the municipality is a
19 condemnation area in need of redevelopment, pursuant to
20 the criteria contained in N.J.S.A. 40A:12A-5, the
21 redevelopment law.

22 Whereas, the Board of Commissioners of the
23 Township of Nutley considers it to be in the best
24 interests of the Township of Nutley to have the
25 Township Planning Board conduct such an investigation

1 of an area commonly known as Diamond Spring Restaurant
2 and Beach Club site, consisting of certain properties
3 located in the township, which properties are
4 identified as Block 7400, Lots 1 and 13, on the
5 official tax map of the Township of Nutley, and which
6 is depicted on the drawing entitled Township of Nutley
7 Diamond Springs Restaurant and Beach Club Investigation
8 Area, Block 7400, Lots 1 and 13, prepared by DMR
9 Architects attached hereto, or any portion thereof; and

10 Whereas, the Township believes the property
11 is potentially valuable for contributing to, serving,
12 and protecting the public health, safety, and welfare,
13 for the promotion of smart growth within the township;
14 and

15 Whereas, the preliminary investigation will
16 be designed to evaluate the area to determine whether
17 designation of the property a condemnation area in need
18 of redevelopment is appropriate and in conformance with
19 the statutory criteria contained in N.J.S.A. 40A:12A-5
20 of the redevelopment law; and

21 Whereas, subject to the results of the
22 investigation, the redevelopment area determination, if
23 so made by the Board of Commissioners, shall authorize
24 the Township to use all those powers under the Local
25 Redevelopment and Housing Law, including the use of

1 eminent domain.

2 Now therefore be it resolved by the Board of
3 Commissioners of the Township of Nutley, that the
4 Planning Board of the Township is hereby directed to
5 conduct a preliminary investigation to determine
6 whether the aforementioned property or any portions
7 thereof constitutes a condemnation area in need of
8 redevelopment according to the criteria set forth in
9 N.J.S.A. 40A:12A-5, the Redevelopment Law.

10 2. The Planning Board of the township is
11 hereby directed to study the area known as Block 7400,
12 Lots 1 and 13, on the official tax map of the Township
13 of Nutley, to develop a map reflecting boundaries of
14 such proposed condemnation redevelopment area, to
15 provide public notice and conduct public hearings
16 pursuant to N.J.S.A. 40A:12A-6 of the Redevelopment Law
17 to draft the report/resolution to the Board of
18 Commissioners containing its findings.

19 The results of such preliminary
20 investigations shall be submitted to the Board of
21 Commissioners for review and consideration in
22 determining whether to declare the property or any
23 portion thereof a condemnation area in need of
24 redevelopment in accordance with the provision of
25 N.J.S.A. 40A:12A-1. I move the resolution.

1 COMMISSIONER PETRACCO: Second.

2 THE CLERK: Commissioner Kelly.

3 COMMISSIONER KELLY: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco.

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 THE CLERK: Mayor Tucci?

11 MAYOR TUCCI: Aye.

12 This is also a resolution that I'm
13 introducing on behalf of the entire Board of
14 Commissioners. This is a resolution of the Board of
15 Commissioners authorizing the Planning Board of the
16 Township of Nutley to conduct a preliminary
17 investigation of certain property within the Township
18 for potential redevelopment.

19 Whereas, N.J.S.A. 40A:12A-6 of the Local
20 Redevelopment and Housing Law authorizes the governing
21 body of any municipality by resolution to have its
22 planning board conduct a preliminary investigation to
23 determine whether an area of the municipality is a non-
24 condemnation area in need of redevelopment, pursuant to
25 the criteria contained in N.J.S.A. 40A:12A-5, the

1 redevelopment law.

2 Whereas, the Board of Commissioners of the
3 Township of Nutley considers it to be in the best
4 interests of the Township of Nutley to have the
5 Township Planning Board conduct such an investigation
6 on an area generally known as the Ciccolini Site,
7 consisting of certain properties located along Franklin
8 Avenue in the Township, which properties are identified
9 as Block 3100, Lots 28, 29, 30, and 37 on the official
10 tax map of the Township of Nutley;

11 Whereas, the Township believes the property
12 is potentially valuable for contributing to, serving,
13 and protecting the public health, safety, and welfare,
14 for the promotion of smart growth within the township;
15 excuse me.

16 Whereas, the preliminary investigation will
17 be designed to evaluate the area to determine whether
18 designation of the property a condemnation area in need
19 of redevelopment is appropriate and in conformance with
20 the statutory criteria contained in N.J.S.A. 40A:12A-5
21 of the redevelopment law; and

22 Whereas, subject to the results of the
23 investigation, the redevelopment area determination, if
24 so made by the Board of Commissioners, shall authorize
25 the Township to use all those powers under the Local

1 Redevelopment and Housing Law, except that such
2 determination shall not permit the Township to exercise
3 the power of eminent domain.

4 Now therefore be it resolved by the Board of
5 Commissioners, Township of Nutley, that

6 1. The Planning Board is hereby directed to
7 conduct a preliminary investigation to determine
8 whether the property or any portions thereof constitute
9 a non-condemnation area in need of redevelopment,
10 according to the criteria set forth in N.J.S.A.
11 40A:12A-5 of the Redevelopment Law.

12 2. The Planning Board of the Township is
13 hereby directed to study the area known as Block 3100,
14 Lots 28, 29, 30, and 37 on the official tax map of the
15 Township of Nutley, to develop a map reflecting the
16 boundaries of such proposed non-condemnation
17 redevelopment area to provide a public notice and
18 public hearings pursuant to N.J.S.A. 40A:12A-6 of the
19 Redevelopment Law, and to draft a report/resolution to
20 the Board containing its findings. The results of such
21 preliminary investigations shall be submitted to the
22 Board for review and consideration in determining
23 whether to declare the property or any portion thereof
24 a non-condemnation area in need of redevelopment, in
25 accordance with the provisions of the Redevelopment

1 Law. I move the resolution.

2 COMMISSIONER PETRACCO: Second.

3 THE CLERK: Commissioner Kelly?

4 COMMISSIONER KELLY: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 THE CLERK: Mayor Tucci?

12 MAYOR TUCCI: Aye.

13 This is another resolution on behalf of the
14 entire Board of Commissioners. This is a resolution of
15 the Board of Commissioners of the Township of Nutley
16 directing the Township Clerk to refer and submit a form
17 of the resolutions to the Township Planning Board in
18 accordance with the provisions of the Local
19 Redevelopment and Housing Law.

20 Whereas, the New Jersey Local Redevelopment
21 and Housing Law, N.J.S.A. 40A:21A-1, authorizes the
22 governing body of any municipality by resolution to
23 declare properties within the municipality to be in
24 need of rehabilitation, pursuant to the criteria
25 contained in N.J.S.A. 40A:12A-14; and

1 Whereas, based on its review of the criteria
2 contained in the Redevelopment Law, and information
3 provided by the Township Consulting Engineer/Planner,
4 DMR Architects, the Board of Commissioners of the
5 Township of Nutley believes the property located along
6 Franklin Avenue, West Plaza, and Vreeland Avenue, as
7 shown as Block 3100, Lots 21, 23, 24, 25, 26, 27, 31,
8 32, 33, 34, 35, 36, 38, 39, 40, 41, 42, and 43, on the
9 official tax map of the Township of Nutley should be
10 declared an area in need of rehabilitation in
11 accordance with N.J.S.A. 40A:12A-14; and

12 Whereas, the Board of Commissioners desires
13 to refer and submit the attached form of resolution,
14 entitled, A RESOLUTION OF THE BOARD OF COMMISSIONERS OF
15 THE TOWNSHIP OF NUTLEY DECLARING THE PROPERTY
16 IDENTIFIED AS BLOCK 3100, the lots I just mentioned, ON
17 THE OFFICIAL TAX MAP OF THE TOWNSHIP OF NUTLEY AS AN
18 AREA IN NEED OF REHABILITATION IN ACCORDANCE WITH THE
19 PROVISIONS OF THE LOCAL REDEVELOPMENT HOUSING LAW
20 declaring the property as an area in need of
21 rehabilitation to the Planning Board of the Township of
22 Nutley, in accordance with the provisions of N.J.S.A.
23 40A:12A-14, and to direct the Planning Board to review
24 such proposed resolution and submit its recommendations
25 to the Board of Commissioners.

1 Now therefore be it resolved by the Board of
2 Commissioners of the Township of Nutley that the Board
3 of Commissioners hereby authorize and direct the
4 Township Clerk to refer and submit the attached form of
5 resolution referenced herein to the Township Planning
6 Board in accordance with the provisions of N.J.S.A.
7 40A:12-A, and direct the Planning Board to review such
8 proposed resolution together with any reports and/or
9 testimony provided by DMR, and submit its
10 recommendations to the Board of Commissioners, which
11 resolution if adopted would authorize the Township to
12 use all those powers provided by the New Jersey
13 Legislature under the Redevelopment Law except that
14 such determination shall not permit the Township to
15 exercise the power of eminent domain.

16 Be it further resolved that a copy of this
17 resolution shall be published as required by law.

18 Do I need to read the form portion? I move
19 the resolution.

20 COMMISSIONER PETRACCO: Second.

21 THE CLERK: Commissioner Kelly.

22 COMMISSIONER KELLY: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 THE CLERK: Mayor Tucci.

5 MAYOR TUCCI: Aye.

6 This is another resolution on behalf of the
7 entire Board of Commissioners. Resolution of the
8 Township Commissioners of the Township of Nutley,
9 authorizing the Township to consent to the partial
10 assignment and assumption of a redevelopment agreement
11 relating to the transfer of 111 Ideation Way, located
12 within Phase 2A of the Hoffman/LaRoche Redevelopment
13 Area. I move the resolution as written.

14 COMMISSIONER PETRACCO: Second.

15 THE CLERK: Commissioner Kelly.

16 COMMISSIONER KELLY: Aye.

17 THE CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 THE CLERK: Commissioner Petracco.

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Commissioner Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 THE CLERK: Mayor Tucci.

24 MAYOR TUCCI: Aye.

25 Whereas, the United States of America, the

1 State of New Jersey, the County, and the Municipality
2 have become victims of Covid-19 virus and the pandemic;
3 and

4 Whereas, the Coronavirus has caused economic
5 damage and hardships to states, counties, and
6 municipalities throughout the United States of America;
7 and

8 Whereas, on March 27, 2020, the Coronavirus
9 Aid Relief and Economic Security Act was signed by
10 President Donald J. Trump; and

11 Whereas, the CARES Act was enacted among
12 other purposes in order to combat the economic damage
13 caused to states, counties, and municipalities because
14 of the coronavirus; and

15 Whereas, the County has received CARES Act
16 funds from the United States Treasury to be used to
17 reimburse the county and municipalities and agencies
18 within the county, including the Township of Nutley,
19 due to economic damage caused to them by the
20 coronavirus; and

21 Whereas, as the recipient of the stimulus
22 funds, it will be the responsibility of the county to
23 disburse the stimulus funds to eligible recipients in
24 accordance with the terms and provision of the CARES
25 Act, and any guidelines or regulations issued by the

1 United States Government or any of its agencies and/or
2 departments.

3 Now therefore be it resolved by the Board of
4 Commissioners of the Township of Nutley, County of
5 Essex, State of New Jersey, that the Mayor is hereby
6 authorized to execute the attached reimbursement
7 agreement between the County of Essex and the Township
8 of Nutley. I move the resolution.

9 COMMISSIONER PETRACCO: Second.

10 THE CLERK: Commissioner Kelly?

11 COMMISSIONER KELLY: Just for clarification,
12 where's the attached agreement? I didn't see it in my
13 packet.

14 THE CLERK: We have it.

15 COMMISSIONER KELLY: We have it?

16 THE CLERK: Absolutely. (Indiscernible) the
17 Mayor has it? The mayor has it.

18 COMMISSIONER KELLY: I would like to see it.

19 THE CLERK: Sure.

20 COMMISSIONER KELLY: Okay. I'm going to
21 abstain.

22 THE CLERK: Okay. I'm sorry. This was
23 seconded by -- did you second?

24 COMMISSIONER PETRACCO: I seconded, yeah.

25 THE CLERK: Thank you. Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 THE CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 THE CLERK: Mayor Tucci.

5 MAYOR TUCCI: Aye.

6 Whereas, an application has been filed by
7 Sonoma Bar and Grill, LLC, for a Person-to-Person
8 transfer of plenary retail consumption license number
9 0716-33-011-007, for an inactive license with a mailing
10 address of 59 Park Avenue, Rutherford, New Jersey,
11 issued to Huddle Sports Bar and Grill, LLC; and

12 Whereas, the submitted application form is
13 complete in all respects, the transfer fees have been
14 paid, and the license has been properly renewed for the
15 current license term; and

16 Whereas, the applicant is qualified to be
17 licensed according to all standards established by
18 Title 33 of New Jersey Statutes promulgated thereunder,
19 as well as pertinent local ordinances and conditions
20 consistent with Title 33; and

21 Whereas, the applicant has disclosed and the
22 issuing authority reviewed the source of all funds used
23 in the purchase of the license, and the licensed
24 business and all additional financing obtained in
25 connection with the licensed businesses.

1 Now therefore be it resolved that the Board
2 of Commissioners of the Township of Nutley does hereby
3 approve, effective October 6th, 2020, the transfer of
4 the aforesaid plenary retail consumption license to
5 Sonoma Bar and Grill, and does hereby direct the
6 Municipal Clerk to endorse the license certificate to
7 the new ownership as follows:

8 This license subject to all terms and
9 conditions is hereby transferred to Sonoma Bar and
10 Grill, LLC, effective October 6th, 2020. I move the
11 resolution.

12 COMMISSIONER PETRACCO: Second.

13 THE CLERK: Commissioner Kelly?

14 COMMISSIONER KELLY: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 THE CLERK: Mayor Tucci.

22 MAYOR TUCCI: Aye.

23 Whereas, the Department of Parks and Public
24 Property has determined that there is a need for a
25 handicapped accessible ramp for Glotzbach Park Softball

1 Field; and

2 Whereas, building the handicapped accessible
3 ramp would serve a greater number of Nutley residents;
4 and

5 Whereas, it has been determined that a
6 handicapped accessible ramp would lead to easier access
7 for our handicapped population.

8 Now therefore be it resolved by the Board of
9 Commissioners of the Township of Nutley, County of
10 Essex, State of New Jersey, that the Township Clerk be,
11 and she is hereby authorized to advertise for sealed
12 bids for a handicapped accessible ramp at Glotzbach
13 Park Softball Field. Specifications will be available
14 on October 15th, 2020, in the Purchasing Department,
15 Township Hall, 1 Kennedy Drive, Nutley, New Jersey.
16 Bids to be received by Wednesday, October 28th, 2020,
17 at 11:00 a.m. prevailing time, at which time they will
18 be publicly opened and read via Zoom. I move the
19 resolution.

20 COMMISSIONER PETRACCO: Second.

21 THE CLERK: Commissioner Kelly.

22 COMMISSIONER KELLY: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 THE CLERK: Mayor Tucci.

5 MAYOR TUCCI: Aye.

6 Whereas, Italian Americans have contributed
7 to the United States in all aspects of life, including
8 art, science, civil service, military service,
9 athletics, and education; and

10 Whereas, Italian Americans make up one of the
11 largest ethnic groups in the United States;

12 Whereas, in recognition of the
13 accomplishments of Christopher Columbus, recognized as
14 one of the greatest explorers in world history, a
15 national observance day was established in October of
16 every year; and

17 Whereas, during Italian American Heritage and
18 Culture Month, we recognize the rich heritage of
19 Americans of Italian descent, and celebrate their
20 immeasurable contributions to our nation; and

21 Whereas, the Italian American community has
22 contributed so much to the rich cultural and historical
23 tapestry in New Jersey; and

24 Whereas, the phrase in the Declaration of
25 Independence, "all men are created equal," was

1 suggested by the Italian patriot and immigrant, Philip
2 Mazzei; and

3 Whereas, through the years, Americans have
4 followed in the spirit of Christopher Columbus, through
5 exploration of land, sea, and space; and

6 Whereas, upon arrival in the United States,
7 the Italian American community faced racial, social,
8 and religious discrimination, yet, Italian Americans
9 have persevered with hope and hard work to reach for
10 the American dream, and help build our great country
11 and this community; and

12 Whereas, Italian Americans operate thriving
13 businesses, teach our children, serve at all levels of
14 government, and succeed in many occupations, drawing on
15 the courage and principles of their forebears, and lead
16 in every facet of American life, dedicating their
17 knowledge and skills to the growth of our country.

18 Now therefore be it resolved that the Board
19 of Commissioners of the Township of Nutley, County of
20 Essex, State of New Jersey, join with the citizens of
21 Nutley to observe the month of October as Italian
22 American Heritage and Culture Month, and respect all
23 that Italian Americans have contributed toward the
24 growth and development of the Township of Nutley, State
25 of New Jersey, and the United States of America. I

1 move the resolution.

2 COMMISSIONER PETRACCO: Second.

3 THE CLERK: Commissioner Kelly.

4 COMMISSIONER KELLY: Aye.

5 THE CLERK: Commissioner Evans.

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco.

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Commissioner Scarpelli.

10 COMMISSIONER SCARPELLI: Aye.

11 THE CLERK: Mayor Tucci.

12 MAYOR TUCCI: Aye.

13 That concludes all of our official business
14 for this evening. We will now open the meeting up to
15 the public.

16 THE CLERK: Would you like me to read the
17 statement again, Mayor?

18 MAYOR TUCCI: Please.

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

1 MR. MOORE: Rory Moore, 462 Chestnut Street.
2 Mayor Tucci, I just have two quick questions, but I do
3 want to make a comment. This evening, all your
4 witnesses addressed the Board of Commissioners, but not
5 once did they ever address the citizens, and I think
6 that when the citizens come out to listen to what's
7 going on, I think they deserve some recognition as
8 well.

9 That being said, I have requested through an
10 OPRA for the bill list for September. Twice I've
11 received a response that you couldn't open up. I don't
12 think we need to go through mediation. I remember we
13 had this issue once before, and Kevin Kirk -- or Jason
14 Kirk did something to resolve the issue, and is that
15 possible? Could we get that done?

16 MAYOR TUCCI: Mr. Moore, the bill list is in
17 fact on the agenda, and --

18 MR. MOORE: I see that, but I asked for it
19 under an OPRA, I asked for clarifications, I wanted to
20 see some of the bills. And it's been done before, done
21 that many times.

22 MAYOR TUCCI: Madam Clerk, would you like to
23 respond, please?

24 THE CLERK: Yes. We provided that document
25 to you. On our end, you're able to open it. I mean,

1 we can't control how you open it on your end, so I'm
2 not understanding what the issue is. We have provided
3 it --

4 MR. MOORE: I can't open it on my end. The
5 Board -- Nutley Board of Education just sent me two
6 very large CAD files, opens right up. They put it into
7 Google.

8 THE CLERK: That has nothing to do with the
9 Clerk's Office. That has nothing to do with the
10 Clerk's Office. I'm sorry, Mr. Moore.

11 MR. MOORE: Okay, I'll take care of it. And
12 I'm still waiting for definitions for the Internal
13 Committee. I haven't received that, and those are
14 definitions. GRC said that they should be readily
15 available.

16 THE CLERK: Do you want me to respond?

17 MAYOR TUCCI: Please respond, Madam Clerk.

18 THE CLERK: Mr. Moore, definitions is not a
19 document. We already responded to that OPRA request.

20 MR. MOORE: Well, I never received the
21 response.

22 THE CLERK: You need to request a document.

23 MR. MOORE: I will do that. Thank you.

24 MAYOR TUCCI: Thank you, Mr. Moore.

25 THE CLERK: That's it, Mayor.

1 MAYOR TUCCI: Okay. Seeing no one else that
2 wants to make any public comments, I'll entertain a
3 motion for adjournment.

4 COMMISSIONER PETRACCO: Move it.

5 COMMISSIONER KELLY: Second.

6 COMMISSIONER EVANS: Second.

7 THE CLERK: Commissioner Kelly.

8 COMMISSIONER KELLY: Aye.

9 THE CLERK: Commissioner Evans.

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Commissioner Scarpelli.

14 COMMISSIONER SCARPELLI: Aye.

15 THE CLERK: Mayor Tucci.

16 MAYOR TUCCI: Aye. Thank you, everyone, good
17 night.

18 THE CLERK: The time is 10:41.

19

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21 (End of recording)

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

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.

_____ October 22, 2020

Alicia Jarrett
AAERT Cert. No. 428
Certified Court Transcriptionist