In The Matter Of:

In RE: Nutley Board of Commissioners

Conference Session
February 4, 2020

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*** CONFERENCE SESSION ***

DATE: February 4, 2020

BOARD OF COMMISSIONERS:

JOSEPH P. SCARPELLI, MAYOR

STEVEN L. ROGERS, COMMISSIONER

THOMAS J. EVANS, COMMISSIONER

ALPHONSE PETRACCO, COMMISSIONER

MAURO TUCCI, COMMISSIONER A/E

Also Present:

ALAN GENITEMPO, TOWNSHIP ATTORNEY
(Recording begins)

THE CLERK: Board of Commissioners

Public Meeting, Tuesday, February 4th, 2020. The time is seven o'clock. Pursuant to the requirement of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the November 28th, 2019 issues of the Nutley Sun, the Herald News, and the Star Ledger. A copy of this notice has been posted on the Nutley Town Hall bulletin board, and a copy is on file in the Municipal Clerk's office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

THE CLERK: Commissioner Tucci is absent, excused.

Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

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

MAYOR SCARPELLI: Commissioner Petracco, what do you have on the --

COMMISSIONER PETRACCO: Yes. I have a public
hearing on, I believe it's the Peddler's Ordinance. I think there was just some minor changes to it, how they were telling me today?

MR. GENITEMPO: Yeah, that -- the -- we had to change the fee provisions and a couple other minor provisions to comply with recent case law, and we've taken care of that, so we should be in good shape now.

COMMISSIONER PETRACCO: All right. And then I just have the award of the towing contract, and a budget transfer of a thousand dollars. That's all I have.

MAYOR SCARPELLI: Commissioner Evans?

COMMISSIONER EVANS: I have a report for the Code Office for the month of December, and for the fourth quarter, and the annual off of the Code Office, so we're cleaning up business. I also have a couple of resolutions. One is the -- a budget transfer for $25,000. The other is a refund of an escrow balance of $1600, and then the change order for Piro, Zinna, for $3,000. That's all I have. And do we need to go into executive to discuss the agreements? Yeah. Yeah. Okay.

MAYOR SCARPELLI: Commissioner Rogers?

COMMISSIONER ROGERS: Yes. I have a budget transfer of a thousand dollars, and a proclamation
making February as our National Heart Health Month.

That's all, Mayor.

MAYOR SCARPELLI: Thank you, Commissioner.

COMMISSIONER ROGERS: You're welcome.

MAYOR SCARPELLI: Commissioner Tucci has a contract award bid for Dot Designing for recreation uniforms. A enter into contract for Viridian Environmental, a request for a grant of $148,452 to demolition the current baseball field and install a band shell at Glotzbach Park.

COMMISSIONER EVANS: Mayor, do you want me to read those?

MAYOR SCARPELLI: Sure, Commissioner.

COMMISSIONER EVANS: No, you can -- you can have -- happy, you can read it.

MAYOR SCARPELLI: Authorize to enter into a fair and open contract with Dujets Tree Experts. And I have authorized various raffle applications, I have a budget transfer. Acknowledge February as National African-American History Month. Change order with Piro, Zinna, for land use litigation. And then three resolutions, all in the regard to the public hearing we're having on the amendment to the Phase II Redevelopment Plan, which I'm sure Mr. Inglesino will update us on.
We also have Dave Antonio from the County of Essex Engineering, and Chris Henry, a consultant from NJTPA. Sal Ferraro attended a meeting last week or the week before that where there was talk of feasibility studies for the rail line, the Norfolk Southern land line, some feasibility studies that NJTPA is looking at. What I heard that they were looking at, though, it's important that they come here and update us on where we're at, so they're going to give you a short presentation before we go out into the public, and before we have executive. And then we will also need an executive afterwards. The Board of Education is coming to talk about contract negotiations.

COMMISSIONER ROGERS: Who's coming?

MAYOR SCARPELLI: It's not getting easy.

COMMISSIONER ROGERS: Who's coming?

MAYOR SCARPELLI: The Board of Education.

COMMISSIONER PETRACCO: They want to question me because I missed one meeting?

MAYOR SCARPELLI: Get out there, Commissioner.

COMMISSIONER PETRACCO: Four years, I missed one meeting, and they had to punish me.

COMMISSIONER ROGERS: Okay, Mayor, thanks. Groundbreaking, more groundbreaking than me being here
tonight.

    MAYOR SCARPELLI:  Yeah, if they come.

    COMMISSIONER PETRACCO:  No, Commissioner, that's pretty groundbreaking.

    MAYOR SCARPELLI:  Madam Clerk, what do you have?

    THE CLERK:  Yes, Mayor, thank you. We have minutes for December 17 and 31st of 2019, and January 2nd, 2020. We have correspondence from several different places. Alan, would it be okay if I read them all and then took a motion --

    MR. GENITEMPO:  Yes.

    THE CLERK:  -- in the end?

    MR. GENITEMPO:  Yeah.

    THE CLERK:  So we have the Knights of Columbus, Nutley Elks, Nutley Irish-American, Good Shepherd, Saint Mary's, Luna Wood Fire Tavern, the Rotary, the Friends of the Phoenix Center, and the Nutley Chamber of Commerce. And that's it.

    MAYOR SCARPELLI:  Thank you, Madam Clerk.

    THE CLERK:  You're welcome.

    MAYOR SCARPELLI:  Counsel?

    MR. GENITEMPO:  Nothing other than executive to discuss the contracts. Contract negotiations.

    MAYOR SCARPELLI:  And maybe personnel.
MR. GENITEMPO:  Is there personnel, too?

MAYOR SCARPELLI:  Dave, I'm going to turn it over to you.

MR. ANTONIO:  Thank you, Mayor. Thank you, Commissioners, for allowing us a brief moment of your time. Just to quickly brief you as to where we are with this federally funded study. Before I hand it over to Chris, give you just a quick overview, I want you all to keep in mind that this study is extremely preliminary. At this point, what we're looking at is the market analysis, the feasibility, of connecting Patterson to downtown Newark, points in between including Nutley, by using the Newark Industrial Line, which is currently underutilized.

We believe it is a opportunity worth looking into, and we believe the study will come back positive, that the market analysis will conclude that we should go further and do a formal planning study, but with enough said about that, I want Chris to go ahead and give you guys the overview of the project, where we are, and then answer any questions you may have. Chris?

MR. HENRY:  Okay. Let's start. I brought some handouts, which you're welcome to all sort of use it as a guide, but I'm happy to keep this
conversational as well, if you have questions along the way.

So my name's Chris Henry. I am with a -- I'm the director of transportation and land use with Fitzgerald and Halliday, a consulting firm, and we've been engaged by NJTPA, North New Jersey Transportation Planning Authority, who funded this subregional study in partnership with Essex and Passaic Counties. So I'm managing the study, and our firm is working with some partners to conduct this market analysis.

So as David said, the premise for the study, the fundamental purpose, is to look at opportunities to run a transit service between Patterson and Newark, with the Newark Industrial Track as the ostensible focus, but not the only opportunity to consider. But given that there is a rail right of way that is not used by more than I believe one freight customer, about one train a month or so, that prompted the look.

Obviously, this is in sort of support of broader goals. Reduction of regional traffic congestion, supporting economic opportunity, economic development, access to jobs, and so forth. The outcomes really are, as David said, to assess the market potential, and that's as far as we're going at this round. We want to determine whether this is
feasible for realistic continued study. We've done enough due diligence to sort of look at the infrastructure side, the demographic side, to see if there are any red flags, and that's why we're engaging each of the communities. We're not identifying a locally preferred alternative.

So if this were to advance, if the market study says the people possibilities are there, and there is viability from a market perspective, this would likely advance into an alternatives analysis, or a much broader effort that would expand to an even longer list of opportunities looked at. We would conduct a lot more public outreach, engage a lot more, and get into the finer points of engineering and other opportunities. So this is doing enough homework to say what we're looking at is viable at a high level, but not going so far to say this is the plan that is advancing. We're far from that point and I just -- I'll remind us all of that point maybe a few times throughout the night.

But very briefly, as far as the study overview is concerned, we've got three basic phases. We did a fair amount of data collection, as I said, on the infrastructure side, looking at the right-of-way, looking at some of the key facilities. Bridges,
crossings, road conditions, and so forth. We looked at the community characteristics, looking at census data, looking at, you know, what is the composition of each of the communities that the rail line is passing through, and what are the opportunities beyond that? You know, where -- how can this connect to the broader network, broader transportation network, in the area.

Where that takes us, and I'll get into some of the details as we go through this quickly, is, developing some conceptual options that essentially we can model. So we're partnering with New Jersey Transit to use their demand forecast model, to give them inputs to help tell us what they would see as the market potential. And New Jersey Transit's model is among the more accurate in the country. Because New Jersey has such a range of existing transit and transportation modes and service types, it's based on precedent as opposed to sort of theoretical experience.

We're at that stage now where we're awaiting their model runs, and that will tell us how much is this likely to support, you know, regional travel movements, and how viable is the transit service at a high level, at which point, we'll make our recommendations that's not really for a specific project, but more how might this conversation be
continued, and in the interests of each of the communities that are touched by it directly.

Along the way, so we have con -- used the resources of a technical advisory committee, of which Nutley is a member, the five communities from Patterson down to Newark. Patterson, Clifton, Nutley, Belleville, and Newark. We've done -- excuse me -- a limited amount of public outreach to date, which is really just broad questioning. You know, what are people who are riding transit in the area experiencing? Are there major gaps in where they're able to go? Are there barriers to travel, or things they need to access? But we're not talking alignments and modes with the public at this stage.

We used a very simple online survey to answer a number of those questions, and recently have started to distribute that a little more widely online, because we also want feedback of non-transit users. This is really about regional mobility, and not just are you a transit user now or not? We will conclude with two public meetings, which again, I think will be largely informational, where we can frame this discussion, the way the study has gone, what opportunities might be, get a little more feedback, but again, we're not really talking should there be a station here versus there.
It's more about connections. Where do people need to go?

So timeline, we started sort of mid-summer, and early fall last year. We're in the market assessment phase now as I said, where we're modeling three particular options. I'll show you some details of those in a few seconds. And that will lead us to the high level recommendations. We will have one more advisory committee meeting, and that will be really an opportunity for each of the communities and the advisory committee members to tell us how to frame this discussion going forward.

So not so much picking a project, but saying, you know, what are your local concerns? What are your interests? What are your priorities? Because we want to make sure that we set the stage, if this is to be carried forward in as positive a manner as possible, and understand opportunities and constraints within each municipality. And as I said, we'll wrap up with two informational public meetings.

Very quick context, between downtown Patterson and Newark, along the way there are existing transit options, but they're not necessarily the greatest for customers. Two NJ Transit bus routes, the 72 and the 74 fall along the way, but don't go through
the heart of our study area, notably don't hit some of the major redevelopment sites, such as ON3, which obviously is -- you are home to. An hour and 10 minutes is somewhat typical travel time, and often more, between Newark and Patterson on the bus. The trip is possible in 50 minutes by rail, but you don't have many schedule options, and that includes a transfer in Secaucus, so --

COMMISSIONER PETRACCO: Fifty, you said?

Fifty minutes?

MR. HENRY: Fifty.

COMMISSIONER PETRACCO: It's that long from Newark to Patterson.

MR. HENRY: If you go --

MR. ANTONIO: So you got to go out --

MAYOR SCARPELLI: You got to go to Secaucus.

MR. HENRY: -- Newark --

MR. ANTONIO: -- of your way. Yeah.

COMMISSIONER PETRACCO: Oh.

MR. GENITEMPO: You have to go east to go --

MR. HENRY: But the challenge there is you don't have all day service, and you don't have a bidirectional service, so it's possible faster trip, but not really a viable option for many people.

So what we're really looking at is, as I
said, population demographics, we're looking at existing infrastructure just to understand what are the physical characteristics of both the rail line itself, but also roadways nearby. If you're familiar with the industrial track, and maybe not sort of the end, it joins New Jersey Transit's main line at the north in Clifton, and essentially stops in northern Newark, but not as far as Broad Street Station. So it's in the middle of our study area, but it doesn't get you all the way into either downtown. But obviously, it's a very interesting resource along the way. So we've been looking at those connection points.

ON3 is the single biggest redevelopment project in the state. You -- I don't need to tell you what's going on there, but obviously, with the alignment passing nearby, and it is not --

COMMISSIONER EVANS: Do you want to take a bow?

MR. HENRY: -- served by the current north/south bus routes. ON3 is, you know, a neighbor to the Route 3 corridor, which is among the busiest bus corridors in the state, but I also don't need to tell you that the stop -- the bus stop conditions there are not great. Crossing Route 3 is not possible unless you're going around and under. The bus stops are
within basically a highway exit. So there are transfer opportunities, and that's what we're interested in from a market perspective, but much would have to be done to consider how you might intersect with those services.

But there's a tremendous flow of people on Route 3 that you might tap into, and obviously, the environmental side, too, we want to make sure that we're aware of any significant straints, whether it's - constraints. Whether it's wetlands, whether it's, you know, park and cultural institutions or amenities, what's -- you know, what's happening on the right-of-way that we need to be aware of.

Just very quickly, some stats I'll rattle off and that are in the handout. The study area of the five municipalities is home to 582,000 people, so not an insignificant population on the way. Nutley is in the end of 28,000. Employment, what's interesting is there's a remarkable symmetry between people commuting into our study area, and people commuting out, at about 170,000 people doing that daily, and 58,000 who commute to work within the study area. So, a tremendous market and movement of people. The question is, where are they going, and how?

New York is a major market, Newark and Patterson, the downtowns are, but obviously, suburban
New Jersey, and Northern New Jersey itself is a tremendous economic generator for the region, so there are lots of travel opportunities. We are also keenly aware of environmental justice concerns, so in looking at demographics in each of the communities, we want to be fully versed in what is the composition of each community. Who's living there? Are there people with particular barriers to transportation, to work, to education, and so forth?

A very quick note on some of the outreach we did. We did what we call sort of pop-up meetings, where essentially we just go to people on the street, you know, either waiting at bus stops. We went to Patterson City Hall and we were at Newark Broad Street to start. And as I said, not very surprising what we heard, you know, themes about just a strong desire for more reliable transit. There are connections throughout Northern New Jersey that are not easily made. They might be possible on a map, but they're not necessarily practical day to day. So we just wanted to start identifying what are those -- what are some of those key opportunities? And as I said, we used an electronic survey, which is now available on the Web. There's a project website. We can get you those details in follow up, but we're looking to get input
from as many people as possible, just to help paint the picture of what we're looking at.

The primary corridor anchors really that we're -- set the stage for all of this are the two downtowns of Patterson and Newark, and the ON3 development. Such a major node, mid-corridor, happening right here with a lot more activity to come, so we want to make sure we're somehow tying -- tapping into that, and we did meet with the developer, I guess it was in November or so, and there's a keen interest on his part to incorporate public transportation and means other than everybody driving themselves to work, and as the site continues to build out in both employment and other mixed uses, the more we can sort of set the stage for that in advance of alternatives to driving, I think the better off each community is.

Network opportunities are vast. As I said, I've got a map here on Page 12 of the existing transit network. You've got New Jersey Transit Commuter Rail corridors from Hoboken and New York City. New Jersey Transit Light Rail in Newark, a extensive bus network, but what is -- really defines the bus network is a lot of emphasis on commuting trips. Mostly New York bound, some to Newark, but New Jersey Transit is not as robust when it comes to intraregional trips and local trips,
so room for improvement on that front, and that's really what we're casting our eye on.

And connections to Newark, as David mentioned earlier, once you get to Newark, Broad Street in particular, Newark Penn Station, you've got access to PATH, you've got access to the entire Northeast corridor to Newark Airport and many other resources.

So the opportunity framed here by the rail line is a north/south connection, of which there are few and few remaining, for which something robust might be done. It's probably the last of this type of opportunity such a tremendous corridor asset that might be used to fill in some of these gaps, and reflect the changing nature of travel in northern New Jersey, as not all trips are New York bound. Many are happening within the region.

So what we're looking at, sort of to get to the heart of the matter, is options that we might develop, concepts, modes, and alignments that could come into play. So again, we're not picking one, we're not recommending one, but to sort of run the spectrum, this could be a light rail line, in sort of traditional form, with overhead wire power, matching something like Newark Light Rail or Hudson-Bergen Light Rail.

It could be light rail in the shape of the
River Line, if you're familiar with New Jersey Transit's line from Trenton to Camden, which does not have overhead wires. It's powered currently by diesel, but since we're many years out on anything happening here, technology is also moving much more towards battery and moving away from diesel. But those are your primary rail options that might be considered.

Or we've got Bus Rapid Transit. Our chief model here is the Connecticut Fast Track system in the Hartford region, which is a bus network that opened up a few years ago that allows many local buses basically to feed into a dedicated busway, that follows the Amtrak right of way from New Britain north into downtown Hartford. So you've got the flexibility of the bus mode, but you've also got a dedicated right of way to funnel all the vehicles right into downtown, and keep them off the lower -- local streets, and keep them moving.

That's the vision, if anything were to involve the rail right of way itself, but also we want to consider that there are things that might be done as stepping stones, things that might be done short-term and at much lower cost, which we're dubbing enhanced bus, which basically mean, something better than a local bus that's out there now. Maybe it makes fewer
stops, maybe it has some transit preemption or signal priority at bottlenecks along the way, but isn't necessarily using all or any of the rail right of way.

So we wanted to consider the whole spectrum of opportunities from the transit side, and define what each of those might look like, and the differences, the pros and cons of each in terms of capital costs, feasibility, implementation, time frame, and so forth.

So very quickly, I've got -- so the next three maps in your handouts, the three options that we moved ahead for New Jersey Transit to test in its forecast model, and this was based on feedback from our advisory committee discussion with the two counties, you know, with some of the municipalities, to understand just general priorities and interests in how some of the options might look.

We start with the light rail option that basically is the straightest shot you can get. From Patterson Station from downtown Patterson, it would travel west, actually hook into the Route 19 road right of way, which is itself very underused and has space, until it can make a connection to the Newark industrial track, around where it joins the main line. It is not possible to mix light rail and freight rail as it exists now on the main line, so that's why we steered
clear of the main line itself, but could still have a quick trip into Patterson.

Following through Clifton and through the heart of Nutley, you know, ON3 would obviously be an anchor. Station locations are not something that need to be nailed down at this point, but would follow the alignment down towards northern Newark, make a connection on street essentially to hook into the existing light rail at Newark Broad Street, and that would get you down to Newark then. So that's light rail option A.

We discussed an alternative to that, which we're dubbing light rail option B, which does the same thing from Patterson down into Newark, but actually uses the old Orange branch right of way of the old Boonton line, if you know your rail history, which is itself another unused rail right of way to head west a little bit and hook into the Newark light rail at Branch Brook Park. And this is based on some feedback from committee members in the Newark area, and understanding that there's a lot happening -- you know, you've got educational institutions in downtown Newark along that branch. Well, that's really the main line of the light rail. You've got different communities that might be served. It's going to end up in the same
place, at Newark Penn, but essentially hook into Newark light rail and --

COMMISSIONER PETRACCO: So on that one, then, somebody from Nutley would have to stop in Branch Brook to continue on down to Penn Station?

MR. HENRY: It's envisioned as a one seat ride.

MR. ANTONIO: Yeah.

MR. HENRY: It's just that the right of way would take you to sort of the main line of the light rail.

MR. ANTONIO: Right.

COMMISSIONER PETRACCO: So would this -- but that -- it would make that stop?

MR. HENRY: Yeah. It would stop at Branch Brook, and all existing light rail stops from Branch Brook down.

COMMISSIONER ROGERS: Help me understand something. So you said that -- well first of all, it says corridor anchors, I'm looking at this map here. Are we suggesting that at one point, it may be discussed that there would be a station in Nutley?

There would.

MR. HENRY: Yes.

COMMISSIONER ROGERS: Okay. But we -- let me
see here. I'm trying to frame this the right way. All right, so if there's a station in Nutley, then in order for people to get from Patterson to Newark and vice-versa, they would stop everywhere in between, including Nutley?

MR. HENRY: Yes.

COMMISSIONER ROGERS: All right, so -- I'm just curious about the analysis of crimes in Patterson at the rail station, crimes in Newark at the rail station, and if you have Commissioner Petracco to project manpower to keep an eye on the rail stations. I -- excuse me. I'm concerned about that because these are things, these are unintended consequences of these rails. All over the country there are problems related to them, so as it sounds good, all right, it sounds good for transportation and connectivity, I think those are concerns we have to look at as we move forward. So I'd appreciate it if that's -- what's in your purview to do that.

MR. HENRY: Sure. I mean, that is the feedback we're looking for, that, you know, when we convene our final committee meeting, when we hear feedback like this and sort of set the stage for any next steps. A key component is what is the -- taking the pulse of each municipality, you know, would you
want one station, multiple stations, no stations, identifying concerns like this. This is really our chance to do some homework and identify what you view as the pros and cons to these options. This is not putting stations on a map and declaring that this is the plan. So obviously, the rail corridor comes right through Nutley, but decisions about station locations, configurations, sizes, et cetera, are a long way down the road. What we want to do, again, is establish the market potential of the service itself, and identify pitfalls, concerns, positives, and frame the conversation going forward.

COMMISSIONER ROGERS: All right. Thank you.

MR. HENRY: Sure. So if that's going on the light rail option B, so essentially, it's getting into Newark by existing light rail, but by the main line branch, which would serve some different stops along the way, and that's really to test, again, it's really to test the difference between those two, to see if one would theoretically --

COMMISSIONER EVANS: And I have a general question --

MR. HENRY: -- develop more ridership than the other.

COMMISSIONER EVANS: And -- by the way, thank
you, this is a nice presentation. So is it your sense, and I don't want to put any words in your mouth, that there's actually -- it's actually -- at some level, it's feasible to -- it would be feasible to actually do this, and that part of it is determining what is the best way to accomplish this. I heard things such as, a lot of people -- of the largest redevelopment in the state of New Jersey, a very busy corridor, a lot of things going on. It seems like you already have a sense that, you know, this is something that would be important to try and accomplish. The question is, what is the most feasible and economic way to do that, is what I'm sensing. Is that fair?

MR. HENRY: Yes. Because besides ridership potential, there are --

COMMISSIONER EVANS: Okay.

MR. HENRY: -- myriad other variables of import --

COMMISSIONER EVANS: Oh, economic growth over it, yeah.

MR. HENRY: Right, and so --

COMMISSIONER EVANS: Property value improvements, you know, things like that.

MR. HENRY: Where we will likely end up with this are -- is just for the sake of comparison, some
extremely high level capital cost implications, so we're not putting dollars to a project, but we certainly know that construction light rail, possible right of way acquisition, working with some bridge -- whatever it might entail is more significant than an enhanced bus service on the other end of the spectrum, and we want to essentially frame here's your range, what you might do, this might get you more ridership, but it's going to cost more and require capital expenditures and other investments. This is easier to do in the next five years, but you're not going to see sort of the full benefit of the original potential.

COMMISSIONER EVANS: Yeah.
MR. HENRY: So we want to set that stage --
COMMISSIONER EVANS: So I appreciate that, and so following on to Commissioner Rogers's question, who just -- and said hey, there's -- you know, there are a bunch of Public Safety considerations associated with this. There are other considerations, such as, you know, we as a town do not have rail available to us, only a bus. And so, people don't walk to the bus anymore. They like to drive their car, park on the street, and then they like to keep it there all day so that it's there when they come back from wherever they've gone, which is also creating some lifestyle
issues, and concerns in our town. Would your study consider saying, okay, if we were to do this, how do we also mitigate how we would in fact account for the vehicular traffic that would go to wherever the train station is, the bus stop is, to in effect, avail themselves of this type of transportation? Is that -- would that be included?

MR. HENRY: To a degree. The forecast model, as New Jersey Transit runs it, includes calculations for vehicle miles traveled. I am not a demand forecast modeler, so I can't tell you at this moment exactly how fine grained that gets, but that is sort of part of the fundamental goal of the model, is to tell you how many people might use the service, but also, what broad impacts might it have on regional travel, congestion, and so forth. Not necessarily to the point of a microlevel, you know, you're seeing this much on-street parking related to this bus stop right now. Would that change, yes or no? We can make a qualitative statement that if you were to have a station nearby, and the rail service were deemed to attract a certain degree of ridership, you may see a shift in how transit service is used, but that's probably about the extent of how far we'll take it in this effort.

COMMISSIONER EVANS: Yeah, where I was going
is that if -- here -- if we provide this -- pick rail
or whatever it is, if we were to provide the service,
how do we make the service, you know, attractive to
people such that you get the ridership you're looking
for, which then would lead to the relief you need to
get?

MR. HENRY: Right.
COMMISSIONER EVANS: So that's --
MR. ANTONIO: Yes.
COMMISSIONER EVANS: -- that's what -- I just
see it as part of that conversation.
MR. HENRY: Right. And it's an iterative --
COMMISSIONER EVANS: Right.
MR. HENRY: -- effect, right? The more you
develop, the more you may get, but the more you may
need to mitigate, address --

COMMISSIONER EVANS: Right, in some way.
MR. HENRY: In some --
COMMISSIONER EVANS: In some fashion.
MR. HENRY: -- yes.
COMMISSIONER EVANS: For ON3 to do.
MR. HENRY: Right. So our final option of
the three that we're modeling is a bus rapid transit
option. So --

MAYOR SCARPELLI: (Indiscernible).
MR. HENRY: -- based in part on feedback at our last committee meeting from Nutley's representative, we -- and some others, we decided to essentially develop a -- a BRT, a Bus Rapid Transit option, that uses the rail right of way, uses Route 19 at the north end, so it essentially mirrors what you're already seeing on the map for light rail, would behave in many ways in the same way, but we're actually modeling it with a split service pattern that could come through Nutley on the rail right of way, but also some trips could deviate to local streets, essentially, get off northbound, head up towards Kingsland, go west, go interior to the property at ON3, and get back on the industrial track and head north.

We wanted to do that for the sake of comparison as well, so rather than -- we don't need to commit now whether it must use the bridge or it must avoid the bridge. We're able in the model, thankfully, to sort of model this split service pattern to see how some trips go through, you know, modest time savings but less access to, you know, some local stops, some commercial activity, but also recognizing that the bridge may be one of the single biggest constraints in this whole effort.

So this also would use and has been
envisioned for some time, of potentially using the light rail right of way, a bus actually driving in the same space as where the tracks are, down into Newark Penn, so bypassing some of the congestion in --

COMMISSIONER ROGERS: In downtown.

MR. HENRY: -- downtown Newark, from Broad Street down. So very similar, sort of, in function to the light rail, but the key difference being we have the flexibility to consider other alignments and particularly through Nutley, where we have, you know, some of the big physical constraints, and possible --

MAYOR SCARPELLI: Well, you --

MR. HENRY: -- other concerns.

MAYOR SCARPELLI: -- have three trestles, right, they have to somehow either, you know, build up so they can handle a bus.

MR. HENRY: Yeah.

MAYOR SCARPELLI: They're not that wide to begin with, so -- I mean, it's just --

COMMISSIONER PETRACCO: Park Ave.

MAYOR SCARPELLI: -- you've got -- you have --

COMMISSIONER PETRACCO: Passaic, and over here.
MAYOR SCARPELLI: You've got the one through the park, the one on Franklin Avenue, and the one on Park Avenue.

MR. HENRY: Right.

MAYOR SCARPELLI: So.

MR. HENRY: So that's the nature of the bus option. So -- but again, when -- where we envision this going is, we're testing three in the models, so this will tell us something about these choices that emerge after, you know, throwing a bunch of ideas around and screening and getting these refined, but it doesn't mean we won't discuss the other options, like enhanced bus for example.

If everybody were to rally around light rail, just for example, that's not going to happen quickly, so there are things that might be done in the near term to help to start build this market, help offer a better service than what exists today.

COMMISSIONER PETRACCO: What would you say to light rail, the -- when -- the timeline would be on that?

MR. HENRY: More than a decade.

MR. GENITEMPO: More than --

MR. HENRY: At least. I mean --

MR. GENITEMPO: Over ten years.
COMMISSIONER PETRACCO: Yeah.

MR. GENITEMPO: Minimum.

MR. HENRY: Likely more than that. I mean, environmental review, if you got to the point of doing a formal alternatives analysis is two years itself.

MR. GENITEMPO: Just think Gateway.

MR. HENRY: So you're more than 10 years out.

MAYOR SCARPELLI: So Commissioners, one, do you have any questions? Two, Sal Ferraro's -- from the Engineering Department been -- attended the one meeting. I would think any feedback that you have and concerns you have would be great to get to him, since he's our representative there, and then he can at least, you know, he can say, well, you know, my commissioners are concerned about this, this, this, and this. All right? So.

COMMISSIONER EVANS: Yep.

COMMISSIONER PETRACCO: I have a question.

So a lot of people that I know want to commute to New York City. So if you were to going to go to New York City right now to catch a train, what would be the fastest way to go?

MR. HENRY: With --

COMMISSIONER PETRACCO: To do that?

MR. HENRY: Within the context of this model,
or --

COMMISSIONER PETRACCO: Well, not this, in other words, my thing is, it seems like we're traveling in the wrong direction. So in other words, if you left -- if there was a train station in Nutley, you would leave Nutley, go to, I'm thinking, Newark, Penn Station, and then go to the city that way. I mean would --

COMMISSIONER ROGERS: To go to Montclair.

COMMISSIONER PETRACCO: To go to Montclair.

You could go to --

COMMISSIONER EVANS: Delawanna.

COMMISSIONER PETRACCO: Delawanna, it'll bring you down there.

MR. HENRY: I mean, fundamentally, this is addressing non-New York trips as much as anything. So whatever improvements might be needed or desired on the main line or other rail options to get to New York, this is really a northern New Jersey project.

MAYOR SCARPELLI: So this is more a concern about transportation between Patterson and Newark than transportation, even though once you get to Penn Station, you can go anywhere --

MR. HENRY: Correct.

MR. ANTONIO: Yes.
MAYOR SCARPELLI: -- but it's more concerned with transportation between those two spots rather than getting into the -- New York City.

COMMISSIONER ROGERS: How many people from Nutley are going to Patterson and Newark? I mean, is there a big demand for that?

MR. HENRY: Well, Newark is certainly -- I mean, the largest --

MR. ANTONIO: It's a big business hub.

MR. HENRY: -- CBD in the state.

COMMISSIONER ROGERS: Yeah, I mean, you've got a lot --

MR. HENRY: Enormous job center.

COMMISSIONER ROGERS: -- of corporate centers there, too.

MR. ANTONIO: Yes, it is.

MR. HENRY: What you'll see, also, I mean, you've got ON3 developing nearby, but it's also about connections. So it -- we don't need to literally just think, it's people going to Patterson or Newark, or from one to the other, because with the right opportunities, such as, you know, creating an opportunity to transfer to buses on Route 3, New York bound. Enormous travel market, enormous frequency and flow of buses, that would require a physical
connection, but that's a market potential that gets
you --

COMMISSIONER ROGERS: It seems to me it would
relieve a tremendous amount of traffic on Route 21 into
Newark. I mean, there's --

MR. HENRY: Yes.

COMMISSIONER ROGERS: -- you know, there's an
upside to it. But I'm just curious at how many people,
how many of our residents are -- would use a rail into
Newark, which might be beneficial.

COMMISSIONER PETRACCO: My question is if I'm
a commuter leaving out of Nutley to get to my job in
New York City, would I be -- would I jump on that line,
then? Would I be -- would -- I mean it would take a
lot more time, right?

COMMISSIONER ROGERS: Al. Al. I take an
Uber, seven bucks up to Montclair, and $3.24 if you're
a veteran or a senior, which you're not. Which for
$3.24, I get a double, senior and veteran. For -- you
know, for about three bucks, you're in New York City,
but it'd be nice to have a --

COMMISSIONER PETRACCO: But my point is that
the --

MAYOR SCARPELLI: And twelve minutes from
your house to --
COMMISSIONER ROGERS: Yeah.

COMMISSIONER PETRACCO: -- the reason why I bring that up is because being the Public Safety --

COMMISSIONER EVANS: I would think you could --

COMMISSIONER PETRACCO: -- Commissioner here, is that if there's a lot of -- you know, when you do that study about the crime rates at these, you know, stops, you know, I mean, I just want to make sure that we're doing the right thing for our community --

COMMISSIONER EVANS: Absolutely.

COMMISSIONER PETRACCO: -- I mean, if you could -- if you -- because like you said, how usable is it from Newark to Patterson? If we had a train that went to New York from Nutley, you know what I mean, like --

UNIDENTIFIED: That's 100 years.

COMMISSIONER PETRACCO: -- Montclair does. It's what?

UNIDENTIFIED: That's 100 years.

COMMISSIONER ROGERS: Usable gateway.

UNIDENTIFIED: You can't even get Gateway in --

COMMISSIONER PETRACCO: So that's my point, that's all.
COMMISSIONER ROGERS: But that's a -- that's a -- it's a concern, the criminals issue is a concern.

COMMISSIONER EVANS: Yeah, but if you think about the side of that says today, like, so I used to commute into New York all the time, and I would drive my car because I felt, given my work schedule and demand, that was the most convenient thing for me to do. It was very expensive to park my vehicle in New York, to take the -- to pay the toll crossing, right, and everything else, it was just an expensive proposition. I felt it was short, it was the shortest time, and the shortest distance, because the other alternative was I had to drive down to Newark to park my car, walk into the train station, and do what I needed to do, and so I had to cost to Newark, but it was also that time element of, to your point, driving through the traffic, figuring out where I was going to park and so on, and whether or not my car was going to be there when I got back, right. So, there is, you know, when you think about it, there is a positive step that says even if I have to take that connection, we're actually making a connection that might be viable that maybe isn't today.

COMMISSIONER ROGERS: From a revenue point of view, what type of revenue -- tax -- something, don't
we get anything out of this other than making it easier for people to go to Newark or Patterson? My point is, what is the benefits for Nutley? For the residents? And that's, I think, a real concern. What is the real -- I mean --

COMMISSIONER PETRACCO: The risk/reward.
Risk/reward.

COMMISSIONER ROGERS: -- where's the meat for us?

COMMISSIONER EVANS: Well, there's the -- well, one, having the -- having it, right. Towns that -- we've talked about this many times. Towns that have this ability, the worth of their property is a lot more than what it is here. All right? So your property value would see -- potentially would see an increase in value. The assessable value of the town would go up. All right? The fair market value. Or better yet, the fair market value of the town would rise. All right? So there's that element of it, is one benefit. I don't know if we can attach a local tax to that, but that would be interesting for us to consider.

MAYOR SCARPELLI: Maybe ON3's property value goes up, we'll get more taxes from that. He's not even listening.

COMMISSIONER ROGERS: I just think we should
COMMISSIONER EVANS: Hey, Ed?

UNIDENTIFIED: Yes, dear?

COMMISSIONER EVANS: If we get this, we're going to renegotiate those pilot agreements.

UNIDENTIFIED: Oh, absolutely.

MAYOR SCARPELLI: Guys, we appreciate you coming in.

MR. HENRY: Thank you.

MAYOR SCARPELLI: We'll give Sal Ferraro our feedback and --

MR. ANTONIO: Thank you.

MAYOR SCARPELLI: -- he'll bring them to the meetings as we go forward. But thank you.

MR. HENRY: Appreciate it.

THE CLERK: Do you have a card?

MR. ANTONIO: Yes.

MAYOR SCARPELLI: All right. We need to go into executive session. Could I have a motion to go into executive session for contract negotiations and personnel?

COMMISSIONER ROGERS: Move it.

MAYOR SCARPELLI: And legal advice. Is that a --

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

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

Whereas, the Board of Commissioners of the
Township of Nutley, in the County of Essex, in the
State of New Jersey, desires to proceed to closed
executive session; and

Now therefore be it resolved by the Board of
Commissioners of the Township of Nutley move into
closed executive session to discuss legal advice,
contract negotiations, and personnel;

Be it further resolved that at the time when
such discussions may be disclosed to the public shall
be when as such disclosures may be made without
adversely affecting the Township of Nutley, pending
and/or anticipated legal, personnel, contractual
matters and other matters within the exceptions
provided for by statute. Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

THE CLERK: The time is 7:39.

(End of recording)

* * * * *
CERTIFICATION

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

_____________________________    February 19, 2020
Alicia Jarrett
AAERT Cert. No. 428
Certified Court Transcriptionist
In The Matter Of:

In RE: Nutley Board of Commissioners

Public Session
February 4, 2020
TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

*** PUBLIC SESSION ***

DATE: February 4, 2020

BOARD OF COMMISSIONERS:

JOSEPH P. SCARPELLI, MAYOR

STEVEN L. ROGERS, COMMISSIONER

THOMAS J. EVANS, COMMISSIONER

ALPHONSE PETRACCO, COMMISSIONER

MAURO TUCCI, COMMISSIONER A/E

Also Present:

ALAN GENITEMPO, TOWNSHIP ATTORNEY
(Recording begins)

MAYOR SCARPELLI: Please stand for the flag salute.

(Pledge of Allegiance)

MAYOR SCARPELLI: Madam Clerk?

THE CLERK: Thank you, Mayor. Board of Commissioners Public Meeting Tuesday, February 4th, 2020. The time is now 8:14. Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the November 28, 2019 issues of the Nutley Sun, the Herald News, and the Star Ledger. A copy of this notice has been posted on the Nutley Town Hall bulletin board, and a copy is on file in the Municipal Clerk's office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

THE CLERK: Commissioner Tucci's absent, excused.

Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Here.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.
THE CLERK: All present, Mayor, except for Commissioner Tucci. He is absent, excused this evening.

MAYOR SCARPELLI: Just -- let's do the minutes, Madam Clerk.

THE CLERK: Thank you, Mayor. We have minutes for December 17th, 2019, December 31st, 2019, and January 2nd, 2020. I need a motion, please.

COMMISSIONER EVANS: Move it.

COMMISSIONER PETRACCO: Move it. Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

THE CLERK: And that's it for minutes.

MAYOR SCARPELLI: Okay. For the public, we're going to be going a little out of order with the agenda to have our professionals get in and out of here, and also some of our guests, so I'm going to go to public hearing. Ordinance Number 3436, an ordinance of the Board of Commissioners of the Township of Nutley
in the County of Essex amending Nutley Phase IIA Redevelopment Plan. For a motion to open the public hearing. Anybody who wanted to be heard on Ordinance Number 3436? Motion to close the public hearing.

COMMISSIONER EVANS: Move it.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. Move the ordinance.

COMMISSIONER EVANS: Move it.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. I'm going to move now to Resolutions 35-20, 36-20, and 37-20.
Mr. Inglesino, you want to give us some background on that?

MR. INGLESINO: Thank you, Mr. Mayor, and Commissioners. John Inglesino from Inglesino Webster. I'm special redevelopment counsel for the Township of Nutley, and we've just passed an ordinance amending the redevelopment plan which would essentially provide a short-term measure to where medical school students to park in the new garage located behind Building 100 and 200. The original redevelopment plan, as you may recall, strictly limited parking in the garages to tenants and occupants of Buildings 100 and 200, and specifically precludes any other vehicles from parking in those garages.

We were approached by the medical school, who have been working obviously with Prism, who owns the garages, for a temporary opportunity for medical school students to park in the Building 100 and 200 garage while the garage for the medical school was being constructed. This is a short-term measure. The ordinance that you just passed automatically terminates and expires on September 30th, at which time the medical school students will no longer be permitted to park in the garage, but again, this was done really to accommodate safety concerns for the medical school.
students to be able to park in the garage while their
garage is being constructed.

You're now going to consider a resolution to
amend the redevelopment agreement, essentially in a way
that mirrors the redevelopment plan ordinance that you
just passed. So that is one of the resolutions that is
up for consideration tonight, and then that amended
redevelopment agreement, which has been reviewed both
by counsel for the medical school and counsel by Prism,
can then be executed by tonight.

Also you're going to be considering tonight
resolutions regarding the assignment and assumptions of
the redevelopment agreement, and of the financial
agreement with respect to Building 100. That is the
building that is occupied by Ralph Lauren. Prism, or
PB Nutclif, the owner of that building, has entered
into a contract to sell that building to Laulima, who
is a contract buyer.

As you know, there is a financial agreement
providing for tax abatement for Building 100, which was
previously passed by the commissioners. There is also
a redevelopment agreement governing Building 100 that
was passed by the commissioners. The two resolutions	onight would authorize an assignment of both of those
documents, you know, to Laulima. The financial
agreement in particular required your consent, which
cannot be unreasonably withheld, delayed, or
conditioned, because, you know, there is a tax
abatement involved here, the agreements contemplate a
process whereby the commissioners have an opportunity
to do some due diligence on the incoming buyer, which
you have done. We have sent out a checklist of items,
particularly financial items and management items, to
ensure that the new buyer is a capable buyer both
financially and from a perspective of management to be
able to own these buildings, and some of the
commissioners, I know, most of you have also met with
the principals of the new buyer.

The new buyer has provided all of the
information that has been requested, and so we would
recommend that you would approve the resolutions to
authorize the mayor to sign the assumption -- sign the
assumption agreement for the financial agreement, and
also with regard to the redevelopment agreement as
well.

As an aside, the redevelopment agreement for
Building 100, appears that it won't last for very much
longer, as there is an effort to be made before the
planning board to obtain a final approval for that
building, at which time, the town will be able to
provide a certificate of completion, which will
technically take Building 100 out of the redevelopment
process. Of course, the financial agreement will live
on for 30 years in accordance with those terms, but
Building 100 will then have satisfied or completed, I
should say, the redevelopment process.

The other two agreements for which you have
resolutions on -- actually it's one resolution with two
agreements, are escrow agreements with respect to
Phase IIB, and also Phase III, which is for the
remainder of the site to be built out. Those
agreements simply provide the mechanism whereby the
developer will place money into escrow so that the
town's professionals can be paid for the work that they
do on behalf of the town by money that has come into
the agreement by the developer as opposed to the
taxpayers of Nutley, and so this is a -- again, a
mechanism that is put in place for that.

There are also some outstanding bills and so
forth that are going to be settled with the developer
as part of this. Again, very common, this is the way
this structure works, not only in Nutley but throughout
the state in redevelopment, where the redeveloper will
fund escrows to pay for the town's professionals, and
we need these escrow agreements in place in order to
accomplish that. And I think, Mr. Mayor, that's a brief overview of the various items that you described.

MAYOR SCARPELLI: Thank you, Mr. Inglesino.

Any questions from the commissioners for Mr. Inglesino before we proceed? All right. Let's move these resolutions. Resolution 35-20, authorization to approve the first amendment to the redevelopment agreement by and between the Board of Commissioners of the Township of Nutley as a redevelopment entity, and PB Nutclif Master LLC, concerning a portion of the Phase 2A redevelopment area. I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. Resolution Number 36-20, authorize the Township of Nutley to consent to the partial assignment assumption of the redevelopment agreement and the assignment and assumption of financial agreements relating to the transfer of Building 100, located within Phase 2A of the
Hoffman/LaRoche redevelopment area. I move the resolution.

    COMMISSIONER EVANS: Second.
    THE CLERK: Commissioner Rogers.
    COMMISSIONER ROGERS: Aye.
    THE CLERK: Commissioner Evans.
    COMMISSIONER EVANS: Aye.
    THE CLERK: Commissioner Petracco.
    COMMISSIONER PETRACCO: Aye.
    THE CLERK: Mayor Scarpelli.
    MAYOR SCARPELLI: Aye. Resolution 37-20, authorize escrow agreements between PB Nutclif Master providing for a payment reimbursement of township expenses relating to the redevelopment of portions of the Hoffman/LaRoche redevelopment area. I move the resolution.

    COMMISSIONER EVANS: Move it.
    THE CLERK: Commissioner Rogers.
    COMMISSIONER ROGERS: Aye.
    THE CLERK: Commissioner Evans?
    COMMISSIONER EVANS: Aye.
    THE CLERK: Commissioner Petracco.
    COMMISSIONER PETRACCO: Aye.
    THE CLERK: Mayor Scarpelli.
    MAYOR SCARPELLI: Aye. Okay. Thank you,
Commissioners. Thank you, Mr. Inglesino.

Let's move to communications and correspondence.

THE CLERK: Thank you, Mayor. We have several correspondence. I'm going to read them all together first, and then we can have a motion and continue.

The Knights of Columbus Holy Family Council has submitted a letter requesting permission to hold a raffle drawing on Sunday, April 26th, 2020, from 1 p.m.--at 1 p.m., excuse me, at Holy Family Church, 28 Brookline Avenue.

The Nutley Elks Lodge has submitted an application for a social affair permit for the Saint Patrick's Day event on Saturday, March 7th, 2020, from 9 a.m. to 11 p.m. at 242 Chestnut Street. The Nutley Irish-American Alliance has submitted an event application for their 42nd Saint Patrick's Day Parade, to be held on Saturday, March 7th, 2020, from 1 p.m. to 3 p.m. on Franklin Avenue, starting from Harrison Street and ending at the John Walker Middle School.

The Good Shepherd Academy has submitted a letter requesting permission to hold a raffle drawing on Sunday, March 29th, from 2 p.m. to 8 p.m., at 24 Brookline Avenue. St. Mary's Roman Catholic Church
Rizman Rappaport (973)992-7650
“When every word counts”

has submitted an application for a social affair permit, to be held -- I'm sorry. To hold their Saint Anthony's Feast on Friday, May 29th, 2020, from 6 p.m. to 10 p.m. at their property located at 17 Monsignor Owens Place.

Luna Wood Fired Tavern has submitted an application for an extension of premises for their Saint Patrick's Day event on Saturday, March 7th, 2020, from 12 p.m. to 10 p.m. at 223 Franklin Avenue. The Rotary Club of Nutley has submitted an application for a social affair for their Beefsteak Dinner Event on Saturday, April 4th, from 6 p.m. to 10 p.m. at 44 Park Avenue.

The Friends of Phoenix Center have submitted a social affair permit application for their Casino Night event to be held on Friday, May 1st, at 16 Monsignor Owens Place from 6 p.m. to 11 p.m., and the Nutley Chamber of Commerce has submitted an event application to hold their annual 5K Fun Run on Sunday, May 3rd from 5:30 a.m. to 11 a.m. And that's it for communications. I need a motion, please.

COMMISSIONER EVANS: Move all of the communications.

MAYOR SCARPELLI: Second.

THE CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. Reports.

Commissioner Evans?

COMMISSIONER EVANS: Yes. I have a Code Enforcement report for December, 2019 as well as a 4th Quarter for 2019, and -- as well as a 2019 annual report.

MAYOR SCARPELLI: Thank you, Commissioner.

Bills, Madam Clerk?

THE CLERK: Yes, Mayor, thank you. Bill list for February 4th, 2020. Public Affairs, $83,811.02; Revenue and Finance, &7,327,915.90; Public Safety, $516,124.66; Public Works, $20,893.73; Parks and Public Property, $659,854.11; Water Utility, $135,865.79.

COMMISSIONER EVANS: Move the bills.

THE CLERK: One moment please.

COMMISSIONER EVANS: Oh, sorry.

THE CLERK: I just -- I need to do Payroll.

Thank you. So Regular Payroll, Overtime Payroll, for January 24th, 2020, is $39,033.55. Total Payroll for
January 24th, 2020, is $941,286.05. Payroll Retro
Overtime for January 24th, 2020, is $40,184.56. Total
Retro Payroll is $1,092,765.72 for a grand total of
$10,778,516.98.

COMMISSIONER EVANS: Now move the bills.
COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers.
COMMISSIONER ROGERS: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.
COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.
MAYOR SCARPELLI: Aye.

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

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

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

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

COMMISSIONER EVANS: I have one. Just an update. Just recently, a letter has been circulated to homeowners from Appraisal Systems, it's the independent appraiser for the township. We are subject to a townwide revaluation of all of our real property in town, both commercial and residential. This is the beginning of the process. It has to be completed by September/October timeframe, but it's beginning the inspection process.

I think it's a -- a couple things. Just as a reminder, people have already asked me about, when we revalue the town, how much more in the way of tax dollars do we generate, will we be asking for, and the answer is none. The revaluation does not raise new
taxes. It -- the increase in value lowers the tax rate, which zeroes out a tax increase, but depending upon how property values have changed, it could result in a shift between properties. So there -- I want to be clear about answering the question that a revaluation does not raise new taxes.

The other element is a couple things that we were -- we've been doing and to be prepared for this, one is, we've added to the process, and this is some feedback we got the last time, is that when Appraisal Systems will be in an area, they're going to be sending out postcards that will tell the residents in that area that the inspector is coming. If they happen to miss the owner they will leave them a card to let them know that they were there, and they can reschedule to have them come back to look at the interior of the property. While they're there, they will look at the exterior as a process step.

The most important thing about this is, is that one, we wanted to make sure that they were being courteous, and that they were notifying residents about this process, but the most important piece is, is that we've coordinated with the Public Safety Department, and Commissioner Petracco to make sure that every one of the inspectors is wearing a municipal ID, and that
no one should allow any inspector onto their property, unless they actually see a valid municipal ID. So we will be instituting that, and that will go on throughout this process.

I've already been asked, well, what's going to happen to the valuation of my home, and that will be determined by the independent appraiser, and those valuation adjustments won't be known until sometime in the late September or early October timeframe. So it's the beginning of the process, and the last thing that I've been asked is, why are we doing this? And one, the last time we did the revaluation of the town, the time prior to that, the town's prior revaluation was done in 1977, so from 1977 to 2005 there wasn't anything done. There is a trigger that the Essex County Board of Taxation follows, and so when they hit that, they order revaluations, so where we're at is, we have been ordered by the Essex County Board of Taxation to complete a revaluation of the town, and that the revaluation will be completed this year to effect the records for the tax year beginning in 2021. So it's been ordered by the Essex County Board of Taxation. Thanks, Joe.

MAYOR SCARPELLI: Thank you, Commissioner. Commissioner Petracco?
COMMISSIONER PETRACCO: Thank you, Mr. Mayor.

I'd just like to have a couple moments of silence if we can, obviously, you know, we had a terrible, horrible fire in Nutley a couple weeks ago where there was loss of life of a mom and a son. I've been in contact with the family. They're from Park Avenue where I grew up. First of all, that neighborhood, what they did, and came together, and raised money, and all the friends, I met with Mrs. Russo and her son Alfred. They can't thank the Board of Commissioners, the first responders, everybody, enough for what they have done for the family in this tragic moment.

I was on the scene. Just unbelievable what our first responders, and I'd like to thank all the mutual aid that was sent from all the surrounding towns and those guys and girls did unbelievable. The EMTs, the ambulance squads. Police and Fire. I mean, it's amazing. It's amazing how they really earn their money, and they're worth their weight in gold, in the things that they have to take home, and they see during their work cycle. So I'd just like to thank them.

A dear friend of mine, the Algieri family, they lost their mom last week, and a little story with them, our police officers were able to bring their mom back twice, which is incredible. The Algieri family is
so thankful for that. Unfortunately Mrs. Algieri passed away at the hospital later that evening. But if we can, Mayor, I'd just like to acknowledge the good work of all our first responders, all our departments, your Board of Commissioners coming together, you know, when there's a tragedy in Nutley like we had. So I'd just like to recognize everybody and ask for a moment of silence for both families.

(Pause)

COMMISSIONER PETRACCO: Thank you.

MAYOR SCARPELLI: Thank you, Commissioner.

I'd also like to commend our citizens, who really came together, and have offered their support through GoFundMe pages, through donations to the family in person, gift cards. When the chips are down, this town rallies around their fellow citizens, and always do the right thing, and, you know, it's unfortunate that we have to have tragedy for that to kick in, but it is certainly gratifying to know that our citizens do care about everybody. So they should -- the whole town should be commended.

I do have a couple of announcements. The Winter Farmer's Market will be this Sunday, February 9th, from 1:30 to 5:30 at Vincent Methodist Church, and then on Saturday, February 15th, there will
be electronic recycling. All you people who got big
screen TVs for the Super Bowl, you can bring your old
TVs down to DPW at the -- September 15th. And that's
all I have.

Ordinance introductions. Commissioner Petracco?

COMMISSIONER PETRACCO: Yes, I have Ordinance
Number 34-37 tonight, an ordinance to amend an
ordinance codified in the code of the Township of
Nutley, Chapter 510, Article 1 and 2, Sections 510-1
through Sections 510-20, entitled Peddling, Soliciting,
and Canvassing. I move that this ordinance be passed
to a second reading, and advertised in the Nutley Sun
together with the notice required by law, and that
further consideration of the ordinance for final
passage by the Board of Commissioners I believe is
March?

THE CLERK: Third.

COMMISSIONER PETRACCO: March 3rd.

MR. GENITEMPO: It says February 18th. It
says February 18th, right?

THE CLERK: Which one does it say --

March 3rd, right?

MR. GENITEMPO: For adoption.

THE CLERK: It would be March 3rd. March 3rd
is the --

MR. GENITEMPO: Okay.

THE CLERK: -- correct date.

COMMISSIONER PETRACCO: March 3rd.

THE CLERK: Yes, Commissioner.

MR. GENITEMPO: Okay. Yeah, so we've just
got to change it on the --

COMMISSIONER PETRACCO: Reading on March 3rd.

I move the ordinance.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. Thank you,

Commissioner.

COMMISSIONER PETRACCO: You're welcome.

MAYOR SCARPELLI: Resolutions. Commissioner

Rogers?

COMMISSIONER ROGERS: Resolution Number 19-

20. Be it resolved by the Board of Commissioners of

the Township of Nutley, County of Essex, New Jersey,
that in accordance with the Provision of RS40A:4-59, the following transfers of 2019 appropriation reserves be and are same hereby authorized and approved. From Garbage and Trash Removal, $1,000, to Military and Veteran's Affairs Bureau, S/W, $1,000, so moved.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER ROGERS: Resolution Number 20-20. A proclamation to proclaim February as the National Heart Health Month as written, and so moved.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.
MAYOR SCARPELLI: Aye.

COMMISSIONER ROGERS: That's all, Mr. Mayor, thank you.

MAYOR SCARPELLI: Thank you, Commissioner.

Commissioner Evans, will you take Commissioner Tucci's resolutions? Both of them?

COMMISSIONER EVANS: Yes. I would note that for Commissioner Tucci, Resolution Number 24-20 has been pulled this evening, and we'll see it at a later date. Whereas, sealed bids were received for recreation uniforms, equipment, and supplies on December 27, 2019 in the township;

Whereas, the Board of Commissioners of the Township in the County of Essex, State of New Jersey, that the contract for recreation uniforms, equipment and supplies be awarded to Dot Designing at 242 Possum Hollow Road, Monroe Township, in an amount not to exceed $21,000. Funds are available from Account T-24-909-901, and T-24-909-915, and have been certified by the Chief Financial Officer.

Now therefore be it resolved that the Mayor and the Township Clerk be and are hereby authorized to enter into and sign said contract for the Township of Nutley in the County of Essex, State of New Jersey. So move.
COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: 25-20. Whereas, sealed bids were received for tree removal service on December 27, 2019, in the township;

   Whereas, Dujets Tree Experts, 54 Notch Road, was the lowest bidder, in Woodland Park;

   Whereas, the contract is not to exceed $50,000 from account 001-512-200 and has been certified by the Chief Financial Officer, said certification being attached to this resolution.

   Now therefore be it resolved by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that a contract for tree removal is awarded to Dujets Tree Experts. So move.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.
THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: I don't have 23-20 in my packet. It's -- 23-20 is for Viridian?

UNIDENTIFIED: (Indiscernible).

COMMISSIONER EVANS: Oh. Oh. All right.

UNIDENTIFIED: Okay?

COMMISSIONER EVANS: I gave the wrong -- so 23-20's off, correct? Thanks, all right. So I'll read 24-20. Whereas, the Essex County Recreational Open Space Trust Fund provides grants to municipal governments for assistance in the development or redevelopment of municipal recreation facilities;

Whereas the Township of Nutley desires to further the public interest by obtaining a grant from the County Trust for a bandshell at Glotzbach Park;

Whereas, the Township is respectfully requesting $148,452 from the County Trust Fund for the express purpose of demolition of the current baseball field, site preparation, and installation of a bandshell; and
Whereas, the Board of Commissioners have reviewed the County Trust Fund program statement and the trust fund municipal program improvement application instructions and desires to make an application for said grant by providing an application and furnishing such documents as may be required;

Whereas the Essex County shall determine whether the application is complete and in conformance with the scope and intent of the County Trust Fund;

Whereas, the Township of Nutley is willing to use the County Trust Fund in accordance with such rules, regulations, and applicable statutes and is willing to enter into an agreement with the County of Essex for this project.

Now therefore be it resolved by the Board of Commissioners of the Township of Nutley

1. That it is hereby authorized to submit the above completed project application to the County of Essex by the deadline, February 6, 2020, as established by the County;

2. That the Township of Nutley agrees to comply with all applicable federal, state, and local laws, rules, and regulations in its performance of the project and

3. This resolution shall be -- shall take
effect immediately. So move.

    MAYOR SCARPELLI: Second.

    COMMISSIONER PETRACCO: Second.

    THE CLERK: Commissioner Rogers?

    COMMISSIONER ROGERS: Aye.

    THE CLERK: Commissioner Evans?

    COMMISSIONER EVANS: Aye.

    THE CLERK: Commissioner Petracco?

    COMMISSIONER PETRACCO: Aye.

    THE CLERK: Mayor Scarpelli.

    MAYOR SCARPELLI: Aye.

    COMMISSIONER EVANS: All right. That completes Commissioner Tucci's resolutions for the evening. I'll read mine.

    Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that in accordance with the provision of RS40A:4-59, the following transfers of the 2019 reserve -- appropriations reserves be and the same are hereby authorized and approved; Construction Code Official O/E, 5,000. Administration of Township Ordinance O/E, 20,000, Treasurer Office O/E $600, and that's moved to Construction Office S/W $25,000, and Treasurer's Office S/W $600, for a total of $25,600. So move.

    MAYOR SCARPELLI: Second.
THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Whereas, the Planning Board received an escrow deposit in the amount of $4,000 from 432 Owners Inc. for the property located at 1 River Road in Nutley;

Whereas, the escrow fee of $4,000 was collected and deposited into the trust account 15-911-970;

Whereas, the Planning Board has reviewed and determined that the balance of the escrow amount of $1,639.50 is due to 432 Owners Inc.

Now therefore be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the Township Treasurer be and she is hereby authorized to refund the escrow fee in the amount of $1,639.50 to 432 Owners Inc. So move.

MAYOR SCARPELLI: Second.
THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Whereas, the law firm of Piro, Zinna, Cifelli, Paris, and Genitempo, located at 360 Passaic Avenue, Nutley, has been awarded a non-fair and open contract as a professional service pursuant to the revisions of N.J.S.A. 19:44A-20.5 to provide legal counsel services concerning municipal tax appeals;

Whereas, such services will exceed the contract amount of $50,000 and the following change order is needed.

Change order Number 1, provide legal service not to exceed $3,062.25.

Whereas, funds are available from account 9-01-204-205, and have been certified by the Chief Financial Officer, said certification being attached to this resolution.

And now therefore be it resolved by the Board of Commissioners of the Township of Nutley, County of
Essex, State of New Jersey, that Change Order Number 1 in the amount of $3,062.65 be and is hereby approved. So move.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR SCARPELLI: Thank you, Commissioner.

Commissioner Petracco?

COMMISSIONER PETRACCO: Yes. This is Resolution 21-20. I'm just going to read it by title, but this is a resolution for our towing contract with Nicolette Auto Body Works and Twin Towing, and it's a schedule because they split it, so I'm going to move it as written.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans.
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that in accordance with provisions of RS 40A:4-59, the following transfers of 2019 appropriation reserves be the same and are hereby authorized and approved. From Municipal Court S/W, $1,000, to Public Defender S/W, $1,000. I move the resolution.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: That's all I have.

MAYOR SCARPELLI: Thank you, Commissioner.

Whereas, raffle applications have been received from
the following organizations; Saint Mary's Catholic Church, License Number 1-20, on-premise 50/50 cash raffle, to be held Friday, May 29th, 2020. Knights of Columbus Holy Family Council License Number 2-20, off-premise merchandise raffle, to be held Sunday, April 26th, 2020. Lincoln School PTO License Number 3-20, on-premise 50/50 cash raffle, and License Number 4-20 on-premise merchandise raffle, both to be held Saturday, March 21st, 2020.

HSA Good Shepherd Academy License Number 5-20, on-premise merchandise raffle, and License Number 6-20, on-premise 50/50 cash raffle, both to be held Sunday, March 29th, 2020, and Friends of Phoenix Center License Number 7-20, on-premise 50/50 cash raffle, License Number 8-20, Casino Night, to be held Friday, May 1st, 2020.

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

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

THE CLERK:  Commissioner Rogers.

COMMISSIONER ROGERS:  Aye.

THE CLERK:  Commissioner Evans.

COMMISSIONER EVANS:  Aye.

THE CLERK:  Commissioner Petracco.

COMMISSIONER PETRACCO:  Aye.

THE CLERK:  Mayor Scarpelli.

MAYOR SCARPELLI:  Aye.  Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that in accordance with the provisions R.S. 40A:4-59, the following transfers of the 2019 appropriation reserve be and the same are hereby authorized and approved; from the Municipal Prosecutor's O/E, $900, Rent Leveling O/E, $300.  To the Municipal Prosecutor's S/W, $900, Rent Leveling S/W, $300, for a total amount of $1200.  I move the resolution.

COMMISSIONER PETRACCO:  Second.

THE CLERK:  Commissioner Rogers.

COMMISSIONER ROGERS:  Aye.

THE CLERK:  Commissioner Evans.

COMMISSIONER EVANS:  Aye.

THE CLERK:  Commissioner Petracco.

COMMISSIONER PETRACCO:  Aye.
THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. Whereas, the Board of
Commissioners of the Township of Nutley honors the
heritage of African-Americans, and acknowledge their
many contributions to our nation, our state, and our
township;

Now therefore be it resolved that the Board
of Commissioners of the Township of Nutley celebrate
National African-American History Month 2020, in honor
of the many achievements and contributions made by
African-Americans to our economic, cultural, and
spiritual development of our nation, our state, and our
township. I move the resolution.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Before I vote on it,
I'd like -- I'll tell you, I really think it's an -- it
is appropriate to mention that one of the greatest
African-American leaders that we've had -- ever in this
town have crossed our path was John Walker, the
assistant superintendent of schools, and the former
principal of Yantacaw School.

This man was a giant of a role model for
people, no matter what race, color, creed, religion.
Always out there with the kids, always thinking about
the teachers, always thinking about the welfare of this community. So although we have Dr. Woodson's name in here, well, I'd like to just, kind of, in the spirit of it, think about John Walker, and I proudly vote yes.

MAYOR SCARPELLI: Thank you, Commissioner.

COMMISSIONER ROGERS: You're welcome.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Yes, but I vote with an amendment that the resolution include Mr. Walker.

COMMISSIONER ROGERS: Excellent.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Yes.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye with the amendment.

Whereas, the law firm of Piro, Zinna, Cifelli, Paris and Genitempo, 360 Passaic Avenue, Nutley, New Jersey, has been awarded a non-fair and open contract as a professional service as pursuant to the provisions of N.J.S.A. 19:44A-20.5, for the services of an attorney who specialize in municipal land use in connection with the township's land use policies and litigation in the Township of Nutley on March 5th, 2019, by Resolution 67-19; and

Whereas, such services have exceeded the original contract in the amount of $17,000; and
Whereas, Mayor Scarpelli on behalf of the Board of Commissioners have recommended the following change order from said contracts;

Change Order Number 1: Provide legal services primarily related to the Diamond Springs/Township of Nutley case in the amount of $114.98;

Whereas, funds are available from Account Number 9-01-012-205, and have been certified by the Chief Financial Officer, said certification to be attached to this resolution.

Now therefore be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Change Order Number 1 in the amount of $114.98 be and is hereby approved. I move the resolution.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. That concludes the business portion of our meeting. Madam Clerk?
THE CLERK: Yes, Mayor. All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the board, each person shall limit their address to five minutes. All remarks to the board and its individual members must be addressed to the mayor. The mayor may defer citizens' comments to the appropriate member of the board. Dialogue between citizens and others addressing the board shall be allowed unless the mayor or presiding officer, or the majority of the membership of the board shall determine that the interest of the quorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

MR. MOORE: Rory Moore, 462 Chestnut Street.

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

MR. MOORE: Did he hear me? Commissioner Rogers, Mr. Walker was a gentleman. None better. He was -- I dealt with him with my children at school, and he was a gentleman. I agree with you.

Mr. Evans, I received an OPRA response where all town employees are responsible for their own schools, or their credits. Do you -- are you aware of
this? I don't know if you've received the letter. Would you like a copy of it?

    COMMISSIONER EVANS: And your question is?
    MR. MOORE: When is it going to happen, because we were paying for all the classes prior to that.

    COMMISSIONER EVANS: We --
    MR. GENITEMPO: Commissioner Evans, first of all, Mr. Moore has filed a complaint with the GRC regarding a recent OPRA request, and I'm not so sure it's appropriate that you should respond while there's an active complaint pending which Mr. Moore has filed against us, in addition to other complaints. So this is obviously in the line of his questioning, and his complaint to the GRC, so I don't think it's appropriate to comment about that publicly.

    MR. MOORE: I'll be happy. No problem.

Thank you.

    MAYOR SCARPELLI: Anybody else wish to address the Board of Commissioners this evening?
    MS. RUBINO: Joan Rubino, 48 North Road. I was wondering if the handbook that you've been working on for the past few years is presently available.

    MAYOR SCARPELLI: Mr. Genitempo?
    MR. GENITEMPO: Sure. It's been completed.
It's being printed up now, we're sending that -- sent that out to the printer, and it's going to be distributed shortly.

MS. RUBINO: And --

MR. GENITEMPO: Whether or not it's a public document is another issue. And I understand you're asking for a copy of it, I would --

MS. RUBINO: Yes.

MR. GENITEMPO: -- assume? We haven't made that determination. I'll actually do a little bit of research on that, but the employees will be getting it very, very shortly.

MS. RUBINO: Okay. And if it is available, we'll pick it up at the Town Hall --

MR. GENITEMPO: Yeah, if you OPRA it --

MS. RUBINO: -- at the Clerk's --

MR. GENITEMPO: If we determine --

MS. RUBINO: Oh, you have to OPRA it?

MR. GENITEMPO: Yeah. Yeah, you have to.

MS. RUBINO: Oh, okay.

MR. GENITEMPO: Every document has to be OPRA'd.

MS. RUBINO: Okay.

MR. GENITEMPO: If it's -- if we determine it's a -- going to be allowed or turned over, we will
turn it over, of course, immediately.

MS. RUBINO: Okay. Thanks. The Great Crossing at Highfield and Whitford, who's responsible for that crossing?

MAYOR SCARPELLI: Excuse me, Mrs. Rubino. The railroad crossing, is that --

MS. RUBINO: Yeah, right.

MAYOR SCARPELLI: -- what you're asking about?

MS. RUBINO: The Great Crossing. Who's responsible for keeping that -- to maintaining that?

MAYOR SCARPELLI: Norfolk Southern.

MS. RUBINO: So if I have a complaint, I make it to them?

MAYOR SCARPELLI: You can. You could also make the complaint to DPW. If it's something we can handle, we certainly will. If it's Norfolk Southern's --

MS. RUBINO: I don't know --

MAYOR SCARPELLI: -- responsibility, we'll make sure to pass it on to them.

MS. RUBINO: I don't know if you've driven on that street. It's really horrendous.

MAYOR SCARPELLI: The crossing itself?

MS. RUBINO: Yes. The -- there's -- like --
it's really bumpy kind of a situation.

MAYOR SCARPELLI: That portion of the roadway is Norfolk Southern's.

MS. RUBINO: Okay. I would like the address or the telephone number, because I really can't hear you, it's hard -- North --

MAYOR SCARPELLI: Norfolk Southern.


MAYOR SCARPELLI: I don't -- I don't know -- even know if we have that -- that -- the telephone.

We'll certainly find it and try to get it --

MS. RUBINO: Okay.

MAYOR SCARPELLI: -- given to you.

MS. RUBINO: Thank you very much. Also, what's going on with Diamond Springs? Is there anything happening there with that property?

MR. GENITEMPO: There's nothing happening with the property right now. The matter's still being litigated. It's before a new judge in Essex County, and there are motions pending on the case. There's been discovery exchanged recently. But there's no -- there's nothing active on the property right now.

MS. RUBINO: What are they proposing to put there?

MR. GENITEMPO: There's nothing proposed
right now.

MS. RUBINO: Oh.

MR. GENITEMPO: Yeah.

MS. RUBINO: Okay. It's just --

MR. GENITEMPO: It's an issue on zoning right now, and an --

MS. RUBINO: Oh.

MR. GENITEMPO: -- interpretation of the map, and that's still the issue before the Court.

MS. RUBINO: Okay.

MR. GENITEMPO: We're not sure when it's going to -- really be heard.

MS. RUBINO: Right.

MR. GENITEMPO: The courts are very delayed right now because of lack of judges, so the judges that are working are extremely overworked, and they don't have enough time to get to a lot of the cases, and a lot of the motions are backed up, so that's part of the problem here.

MS. RUBINO: All right. Also, one more thing is, when you hire somebody for part-time work, does that person get health benefits? I mean, how many hours do you have to work in order to get health benefits as an employee in the town of Nutley?

COMMISSIONER EVANS: Yeah, the -- it's an
interesting question, because state health benefits are awarded to people in town. We have followed generally 30 hours of work in order for them to -- for someone to get those benefits. It used to be, the old standard, for many, many years, was 20 hours. But that's now been changed.

MS. RUBINO: Okay. Thank you very much.

MAYOR SCARPELLI: Anybody else wish to address the Board of Commissioners this evening? Seeing none, we are going to go into an executive session for contract negotiations, correct?

THE CLERK: Yes.

MAYOR SCARPELLI: Mr. Genitempo?

MR. GENITEMPO: Yes. Yes, Mr. Mayor.

MAYOR SCARPELLI: So can I have a motion to go into executive session?

COMMISSIONER PETRACCO: Move it.

COMMISSIONER ROGERS: Second.

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

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

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

And now therefore be it resolved by the Board of Commissioners of the Township of Nutley to move into closed executive session to discuss contract negotiations. Be it further resolved that at the time when such discussion may be disclosed to the public shall be when and such disclosure may be made without adversely affecting the Township of Nutley, pending and/or anticipated legal, personnel, contractual matters and other matters within exceptions provided for by statute. Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. We will be returning on the record to close the meeting, but no action will be taken.

THE CLERK: The time is 8:59.

MAYOR SCARPELLI: Good night, everybody.

(Pause)
MAYOR SCARPELLI: Ready? Back on the record.

I need a motion to adjourn.

COMMISSIONER EVANS: Motion to adjourn.

MAYOR SCARPELLI: I have a second?

THE CLERK: Second? Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

THE CLERK: The time is 10:08.

(End of recording)

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CERTIFICATION

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

_____________________________ February 19, 2020

Alicia Jarrett
AAERT Cert. No. 428
Certified Court Transcriptionist