

In The Matter Of:

In RE: Nutley Board of Commissioners

Conference Session

February 4, 2020



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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

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NUTLEY, NEW JERSEY 07110

*** 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

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1 (Recording begins)

2 THE CLERK: Board of Commissioners

3 Public Meeting, Tuesday, February 4th, 2020. The time
4 is seven o'clock. Pursuant to the requirement of the
5 Open Public Meeting Act, Chapter 231, Public Law 1975,
6 notice of this meeting was published in the November
7 28th, 2019 issues of the Nutley Sun, the Herald News,
8 and the Star Ledger. A copy of this notice has been
9 posted on the Nutley Town Hall bulletin board, and a
10 copy is on file in the Municipal Clerk's office.

11 Commissioner Rogers?

12 COMMISSIONER ROGERS: Here.

13 THE CLERK: Commissioner Tucci is absent,
14 excused.

15 Commissioner Evans?

16 COMMISSIONER EVANS: Here.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Here.

19 THE CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Here.

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

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

25 COMMISSIONER PETRACCO: Yes. I have a public

1 hearing on, I believe it's the Peddler's Ordinance. I
2 think there was just some minor changes to it, how they
3 were telling me today?

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

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

12 MAYOR SCARPELLI: Commissioner Evans?

13 COMMISSIONER EVANS: I have a report for the
14 Code Office for the month of December, and for the
15 fourth quarter, and the annual off of the Code Office,
16 so we're cleaning up business. I also have a couple of
17 resolutions. One is the -- a budget transfer for
18 \$25,000. The other is a refund of an escrow balance of
19 \$1600, and then the change order for Piro, Zinna, for
20 \$3,000. That's all I have. And do we need to go into
21 executive to discuss the agreements? Yeah. Yeah.
22 Okay.

23 MAYOR SCARPELLI: Commissioner Rogers?

24 COMMISSIONER ROGERS: Yes. I have a budget
25 transfer of a thousand dollars, and a proclamation

1 making February as our National Heart Health Month.

2 That's all, Mayor.

3 MAYOR SCARPELLI: Thank you, Commissioner.

4 COMMISSIONER ROGERS: You're welcome.

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

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

13 MAYOR SCARPELLI: Sure, Commissioner.

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

16 MAYOR SCARPELLI: Authorize to enter into a
17 fair and open contract with Dujets Tree Experts. And I
18 have authorized various raffle applications, I have a
19 budget transfer. Acknowledge February as National
20 African-American History Month. Change order with
21 Piro, Zinna, for land use litigation. And then three
22 resolutions, all in the regard to the public hearing
23 we're having on the amendment to the Phase II
24 Redevelopment Plan, which I'm sure Mr. Inglesino will
25 update us on.

1 We also have Dave Antonio from the County of
2 Essex Engineering, and Chris Henry, a consultant from
3 NJTPA. Sal Ferraro attended a meeting last week or the
4 week before that where there was talk of feasibility
5 studies for the rail line, the Norfolk Southern land
6 line, some feasibility studies that NJTPA is looking
7 at. What I heard that they were looking at, though,
8 it's important that they come here and update us on
9 where we're at, so they're going to give you a short
10 presentation before we go out into the public, and
11 before we have executive. And then we will also need
12 an executive afterwards. The Board of Education is
13 coming to talk about contract negotiations.

14 COMMISSIONER ROGERS: Who's coming?

15 MAYOR SCARPELLI: It's not getting easy.

16 COMMISSIONER ROGERS: Who's coming?

17 MAYOR SCARPELLI: The Board of Education.

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

20 MAYOR SCARPELLI: Get out there,
21 Commissioner.

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

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

1 tonight.

2 MAYOR SCARPELLI: Yeah, if they come.

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

5 MAYOR SCARPELLI: Madam Clerk, what do you
6 have?

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

12 MR. GENITEMPO: Yes.

13 THE CLERK: -- in the end?

14 MR. GENITEMPO: Yeah.

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

20 MAYOR SCARPELLI: Thank you, Madam Clerk.

21 THE CLERK: You're welcome.

22 MAYOR SCARPELLI: Counsel?

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

25 MAYOR SCARPELLI: And maybe personnel.

1 MR. GENITEMPO: Is there personnel, too?

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

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

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

23 MR. HENRY: Okay. Let's start. I brought
24 some handouts, which you're welcome to all sort of use
25 it as a guide, but I'm happy to keep this

1 conversational as well, if you have questions along the
2 way.

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

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

19 Obviously, this is in sort of support of
20 broader goals. Reduction of regional traffic
21 congestion, supporting economic opportunity, economic
22 development, access to jobs, and so forth. The
23 outcomes really are, as David said, to assess the
24 market potential, and that's as far as we're going at
25 this round. We want to determine whether this is

1 feasible for realistic continued study. We've done
2 enough due diligence to sort of look at the
3 infrastructure side, the demographic side, to see if
4 there are any red flags, and that's why we're engaging
5 each of the communities. We're not identifying a
6 locally preferred alternative.

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

21 But very briefly, as far as the study
22 overview is concerned, we've got three basic phases.
23 We did a fair amount of data collection, as I said, on
24 the infrastructure side, looking at the right-of-way,
25 looking at some of the key facilities. Bridges,

1 crossings, road conditions, and so forth. We looked at
2 the community characteristics, looking at census data,
3 looking at, you know, what is the composition of each
4 of the communities that the rail line is passing
5 through, and what are the opportunities beyond that?
6 You know, where -- how can this connect to the broader
7 network, broader transportation network, in the area.

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

19 We're at that stage now where we're awaiting
20 their model runs, and that will tell us how much is
21 this likely to support, you know, regional travel
22 movements, and how viable is the transit service at a
23 high level, at which point, we'll make our
24 recommendations that's not really for a specific
25 project, but more how might this conversation be

1 continued, and in the interests of each of the
2 communities that are touched by it directly.

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

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

1 It's more about connections. Where do people need to
2 go?

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

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

21 Very quick context, between downtown
22 Patterson and Newark, along the way there are existing
23 transit options, but they're not necessarily the
24 greatest for customers. Two NJ Transit bus routes, the
25 72 and the 74 fall along the way, but don't go through

1 the heart of our study area, notably don't hit some of
2 the major redevelopment sites, such as ON3, which
3 obviously is -- you are home to. An hour and 10
4 minutes is somewhat typical travel time, and often
5 more, between Newark and Patterson on the bus. The
6 trip is possible in 50 minutes by rail, but you don't
7 have many schedule options, and that includes a
8 transfer in Secaucus, so --

9 COMMISSIONER PETRACCO: Fifty, you said?
10 Fifty minutes?

11 MR. HENRY: Fifty.

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

14 MR. HENRY: If you go --

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

16 MAYOR SCARPELLI: You got to go to Secaucus.

17 MR. HENRY: -- Newark --

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

19 COMMISSIONER PETRACCO: Oh.

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

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

25 So what we're really looking at is, as I

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

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

17 COMMISSIONER EVANS: Do you want to take a
18 bow?

19 MR. HENRY: -- served by the current
20 north/south bus routes. ON3 is, you know, a neighbor
21 to the Route 3 corridor, which is among the busiest bus
22 corridors in the state, but I also don't need to tell
23 you that the stop -- the bus stop conditions there are
24 not great. Crossing Route 3 is not possible unless
25 you're going around and under. The bus stops are

1 within basically a highway exit. So there are transfer
2 opportunities, and that's what we're interested in from
3 a market perspective, but much would have to be done to
4 consider how you might intersect with those services.

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

13 Just very quickly, some stats I'll rattle off
14 and that are in the handout. The study area of the
15 five municipalities is home to 582,000 people, so not
16 an insignificant population on the way. Nutley is in
17 the end of 28,000. Employment, what's interesting is
18 there's a remarkable symmetry between people commuting
19 into our study area, and people commuting out, at about
20 170,000 people doing that daily, and 58,000 who commute
21 to work within the study area. So, a tremendous market
22 and movement of people. The question is, where are
23 they going, and how?

24 New York is a major market, Newark and
25 Patterson, the downtowns are, but obviously, suburban

1 New Jersey, and Northern New Jersey itself is a
2 tremendous economic generator for the region, so there
3 are lots of travel opportunities. We are also keenly
4 aware of environmental justice concerns, so in looking
5 at demographics in each of the communities, we want to
6 be fully versed in what is the composition of each
7 community. Who's living there? Are there people with
8 particular barriers to transportation, to work, to
9 education, and so forth?

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

1 from as many people as possible, just to help paint the
2 picture of what we're looking at.

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

17 Network opportunities are vast. As I said,
18 I've got a map here on Page 12 of the existing transit
19 network. You've got New Jersey Transit Commuter Rail
20 corridors from Hoboken and New York City. New Jersey
21 Transit Light Rail in Newark, a extensive bus network,
22 but what is -- really defines the bus network is a lot
23 of emphasis on commuting trips. Mostly New York bound,
24 some to Newark, but New Jersey Transit is not as robust
25 when it comes to intraregional trips and local trips,

1 so room for improvement on that front, and that's
2 really what we're casting our eye on.

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

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

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

25 It could be light rail in the shape of the

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

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

19 That's the vision, if anything were to
20 involve the rail right of way itself, but also we want
21 to consider that there are things that might be done as
22 stepping stones, things that might be done short-term
23 and at much lower cost, which we're dubbing enhanced
24 bus, which basically mean, something better than a
25 local bus that's out there now. Maybe it makes fewer

1 stops, maybe it has some transit preemption or signal
2 priority at bottlenecks along the way, but isn't
3 necessarily using all or any of the rail right of way.

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

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

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

1 clear of the main line itself, but could still have a
2 quick trip into Patterson.

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

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

1 place, at Newark Penn, but essentially hook into Newark
2 light rail and --

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

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

8 MR. ANTONIO: Yeah.

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

12 MR. ANTONIO: Right.

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

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

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

24 MR. HENRY: Yes.

25 COMMISSIONER ROGERS: Okay. But we -- let me

1 see here. I'm trying to frame this the right way. All
2 right, so if there's a station in Nutley, then in order
3 for people to get from Patterson to Newark and
4 vice-versa, they would stop everyplace in between,
5 including Nutley?

6 MR. HENRY: Yes.

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

20 MR. HENRY: Sure. I mean, that is the
21 feedback we're looking for, that, you know, when we
22 convene our final committee meeting, when we hear
23 feedback like this and sort of set the stage for any
24 next steps. A key component is what is the -- taking
25 the pulse of each municipality, you know, would you

1 want one station, multiple stations, no stations,
2 identifying concerns like this. This is really our
3 chance to do some homework and identify what you view
4 as the pros and cons to these options. This is not
5 putting stations on a map and declaring that this is
6 the plan. So obviously, the rail corridor comes right
7 through Nutley, but decisions about station locations,
8 configurations, sizes, et cetera, are a long way down
9 the road. What we want to do, again, is establish the
10 market potential of the service itself, and identify
11 pitfalls, concerns, positives, and frame the
12 conversation going forward.

13 COMMISSIONER ROGERS: All right. Thank you.

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

21 COMMISSIONER EVANS: And I have a general
22 question --

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

25 COMMISSIONER EVANS: And -- by the way, thank

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

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

16 COMMISSIONER EVANS: Okay.

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

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

21 MR. HENRY: Right, and so --

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

24 MR. HENRY: Where we will likely end up with
25 this are -- is just for the sake of comparison, some

1 extremely high level capital cost implications, so
2 we're not putting dollars to a project, but we
3 certainly know that construction light rail, possible
4 right of way acquisition, working with some bridge --
5 whatever it might entail is more significant than an
6 enhanced bus service on the other end of the spectrum,
7 and we want to essentially frame here's your range,
8 what you might do, this might get you more ridership,
9 but it's going to cost more and require capital
10 expenditures and other investments. This is easier to
11 do in the next five years, but you're not going to see
12 sort of the full benefit of the original potential.

13 COMMISSIONER EVANS: Yeah.

14 MR. HENRY: So we want to set that stage --

15 COMMISSIONER EVANS: So I appreciate that,
16 and so following on to Commissioner Rogers's question,
17 who just -- and said hey, there's -- you know, there
18 are a bunch of Public Safety considerations associated
19 with this. There are other considerations, such as,
20 you know, we as a town do not have rail available to
21 us, only a bus. And so, people don't walk to the bus
22 anymore. They like to drive their car, park on the
23 street, and then they like to keep it there all day so
24 that it's there when they come back from wherever
25 they've gone, which is also creating some lifestyle

1 issues, and concerns in our town. Would your study
2 consider saying, okay, if we were to do this, how do we
3 also mitigate how we would in fact account for the
4 vehicular traffic that would go to wherever the train
5 station is, the bus stop is, to in effect, avail
6 themselves of this type of transportation? Is that --
7 would that be included?

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

25 COMMISSIONER EVANS: Yeah, where I was going

1 is that if -- here -- if we provide this -- pick rail
2 or whatever it is, if we were to provide the service,
3 how do we make the service, you know, attractive to
4 people such that you get the ridership you're looking
5 for, which then would lead to the relief you need to
6 get?

7 MR. HENRY: Right.

8 COMMISSIONER EVANS: So that's --

9 MR. ANTONIO: Yes.

10 COMMISSIONER EVANS: -- that's what -- I just
11 see it as part of that conversation.

12 MR. HENRY: Right. And it's an iterative --

13 COMMISSIONER EVANS: Right.

14 MR. HENRY: -- effect, right? The more you
15 develop, the more you may get, but the more you may
16 need to mitigate, address --

17 COMMISSIONER EVANS: Right, in some way.

18 MR. HENRY: In some --

19 COMMISSIONER EVANS: In some fashion.

20 MR. HENRY: -- yes.

21 COMMISSIONER EVANS: For ON3 to do.

22 MR. HENRY: Right. So our final option of
23 the three that we're modeling is a bus rapid transit
24 option. So --

25 MAYOR SCARPELLI: (Indiscernible).

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

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

25 So this also would use and has been

1 envisioned for some time, of potentially using the
2 light rail right of way, a bus actually driving in the
3 same space as where the tracks are, down into
4 Newark Penn, so bypassing some of the congestion in --

5 COMMISSIONER ROGERS: In downtown.

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

13 MAYOR SCARPELLI: Well, you --

14 MR. HENRY: -- other concerns.

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

18 MR. HENRY: Yeah.

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

21 COMMISSIONER PETRACCO: Park Ave.

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

24 COMMISSIONER PETRACCO: Passaic, and over
25 here.

1 MAYOR SCARPELLI: You've got the one through
2 the park, the one on Franklin Avenue, and the one on
3 Park Avenue.

4 MR. HENRY: Right.

5 MAYOR SCARPELLI: So.

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

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

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

22 MR. HENRY: More than a decade.

23 MR. GENITEMPO: More than --

24 MR. HENRY: At least. I mean --

25 MR. GENITEMPO: Over ten years.

1 COMMISSIONER PETRACCO: Yeah.

2 MR. GENITEMPO: Minimum.

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

6 MR. GENITEMPO: Just think Gateway.

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

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

17 COMMISSIONER EVANS: Yep.

18 COMMISSIONER PETRACCO: I have a question.
19 So a lot of people that I know want to commute to New
20 York City. So if you were to going to go to New York
21 City right now to catch a train, what would be the
22 fastest way to go?

23 MR. HENRY: With --

24 COMMISSIONER PETRACCO: To do that?

25 MR. HENRY: Within the context of this model,

1 or --

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

9 COMMISSIONER ROGERS: To go to Montclair.

10 COMMISSIONER PETRACCO: To go to Montclair.

11 You could go to --

12 COMMISSIONER EVANS: Delawanna.

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

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

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

24 MR. HENRY: Correct.

25 MR. ANTONIO: Yes.

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

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

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

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

10 MR. HENRY: -- CBD in the state.

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

13 MR. HENRY: Enormous job center.

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

16 MR. ANTONIO: Yes, it is.

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

1 connection, but that's a market potential that gets
2 you --

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

6 MR. HENRY: Yes.

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

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

16 COMMISSIONER ROGERS: Al. Al. I take an
17 Uber, seven bucks up to Montclair, and \$3.24 if you're
18 a veteran or a senior, which you're not. Which for
19 \$3.24, I get a double, senior and veteran. For -- you
20 know, for about three bucks, you're in New York City,
21 but it'd be nice to have a --

22 COMMISSIONER PETRACCO: But my point is that
23 the --

24 MAYOR SCARPELLI: And twelve minutes from
25 your house to --

1 COMMISSIONER ROGERS: Yeah.

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

4 COMMISSIONER EVANS: I would think you
5 could --

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

11 COMMISSIONER EVANS: Absolutely.

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

17 UNIDENTIFIED: That's 100 years.

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

20 UNIDENTIFIED: That's 100 years.

21 COMMISSIONER ROGERS: Usable gateway.

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

24 COMMISSIONER PETRACCO: So that's my point,
25 that's all.

1 COMMISSIONER ROGERS: But that's a -- that's
2 a -- it's a concern, the criminals issue is a concern.

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

24 COMMISSIONER ROGERS: From a revenue point of
25 view, what type of revenue -- tax -- something, don't

1 we get anything out of this other than making it easier
2 for people to go to Newark or Patterson? My point is,
3 what is the benefits for Nutley? For the residents?
4 And that's, I think, a real concern. What is the real
5 -- I mean --

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

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

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

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

25 COMMISSIONER ROGERS: I just think we should

1 get a benefit.

2 COMMISSIONER EVANS: Hey, Ed?

3 UNIDENTIFIED: Yes, dear?

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

6 UNIDENTIFIED: Oh, absolutely.

7 MAYOR SCARPELLI: Guys, we appreciate you
8 coming in.

9 MR. HENRY: Thank you.

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

12 MR. ANTONIO: Thank you.

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

15 MR. HENRY: Appreciate it.

16 THE CLERK: Do you have a card?

17 MR. ANTONIO: Yes.

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

22 COMMISSIONER ROGERS: Move it.

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

25 COMMISSIONER EVANS: Second.

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

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

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

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

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

22 COMMISSIONER ROGERS: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 THE CLERK: The time is 7:39.

5 (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

In The Matter Of:

In RE: Nutley Board of Commissioners

Public Session

February 4, 2020



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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

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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

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1 (Recording begins)

2 MAYOR SCARPELLI: Please stand for the flag
3 salute.

4 (Pledge of Allegiance)

5 MAYOR SCARPELLI: Madam Clerk?

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

16 Commissioner Rogers?

17 COMMISSIONER ROGERS: Here.

18 THE CLERK: Commissioner Tucci's absent,
19 excused.

20 Commissioner Evans?

21 COMMISSIONER EVANS: Here.

22 THE CLERK: Commissioner Petracco.

23 COMMISSIONER PETRACCO: Here.

24 THE CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Here.

1 THE CLERK: All present, Mayor, except for
2 Commissioner Tucci. He is absent, excused this
3 evening.

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

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

9 COMMISSIONER EVANS: Move it.

10 COMMISSIONER PETRACCO: Move it. Second.

11 THE CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli.

18 MAYOR SCARPELLI: Aye.

19 THE CLERK: And that's it for minutes.

20 MAYOR SCARPELLI: Okay. For the public,
21 we're going to be going a little out of order with the
22 agenda to have our professionals get in and out of
23 here, and also some of our guests, so I'm going to go
24 to public hearing. Ordinance Number 3436, an ordinance
25 of the Board of Commissioners of the Township of Nutley

1 in the County of Essex amending Nutley Phase IIA
2 Redevelopment Plan. For a motion to open the public
3 hearing. Anybody who wanted to be heard on
4 Ordinance Number 3436? Motion to close the public
5 hearing.

6 COMMISSIONER EVANS: Move it.

7 COMMISSIONER PETRACCO: Second.

8 THE CLERK: Commissioner Rogers.

9 COMMISSIONER ROGERS: Aye.

10 THE CLERK: Commissioner Evans.

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco.

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Mayor Scarpelli.

15 MAYOR SCARPELLI: Aye. Move the ordinance.

16 COMMISSIONER EVANS: Move it.

17 THE CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Commissioner Petracco.

22 COMMISSIONER PETRACCO: Aye.

23 THE CLERK: Mayor Scarpelli.

24 MAYOR SCARPELLI: Aye. I'm going to move now

25 to Resolutions 35-20, 36-20, and 37-20.

1 Mr. Inglesino, you want to give us some
2 background on that?

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

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

1 students to be able to park in the garage while their
2 garage is being constructed.

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

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

19 As you know, there is a financial agreement
20 providing for tax abatement for Building 100, which was
21 previously passed by the commissioners. There is also
22 a redevelopment agreement governing Building 100 that
23 was passed by the commissioners. The two resolutions
24 tonight would authorize an assignment of both of those
25 documents, you know, to Laulima. The financial

1 agreement in particular required your consent, which
2 cannot be unreasonably withheld, delayed, or
3 conditioned, because, you know, there is a tax
4 abatement involved here, the agreements contemplate a
5 process whereby the commissioners have an opportunity
6 to do some due diligence on the incoming buyer, which
7 you have done. We have sent out a checklist of items,
8 particularly financial items and management items, to
9 ensure that the new buyer is a capable buyer both
10 financially and from a perspective of management to be
11 able to own these buildings, and some of the
12 commissioners, I know, most of you have also met with
13 the principals of the new buyer.

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

21 As an aside, the redevelopment agreement for
22 Building 100, appears that it won't last for very much
23 longer, as there is an effort to be made before the
24 planning board to obtain a final approval for that
25 building, at which time, the town will be able to

1 provide a certificate of completion, which will
2 technically take Building 100 out of the redevelopment
3 process. Of course, the financial agreement will live
4 on for 30 years in accordance with those terms, but
5 Building 100 will then have satisfied or completed, I
6 should say, the redevelopment process.

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

19 There are also some outstanding bills and so
20 forth that are going to be settled with the developer
21 as part of this. Again, very common, this is the way
22 this structure works, not only in Nutley but throughout
23 the state in redevelopment, where the redeveloper will
24 fund escrows to pay for the town's professionals, and
25 we need these escrow agreements in place in order to

1 accomplish that. And I think, Mr. Mayor, that's a
2 brief overview of the various items that you described.

3 MAYOR SCARPELLI: Thank you, Mr. Inglesino.

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

12 COMMISSIONER EVANS: Second.

13 THE CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Mayor Scarpelli.

20 MAYOR SCARPELLI: Aye. Resolution Number
21 36-20, authorize the Township of Nutley to consent to
22 the partial assignment assumption of the redevelopment
23 agreement and the assignment and assumption of
24 financial agreements relating to the transfer of
25 Building 100, located within Phase 2A of the

1 Hoffman/LaRoche redevelopment area. I move the
2 resolution.

3 COMMISSIONER EVANS: Second.

4 THE CLERK: Commissioner Rogers.

5 COMMISSIONER ROGERS: Aye.

6 THE CLERK: Commissioner Evans.

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco.

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Mayor Scarpelli.

11 MAYOR SCARPELLI: Aye. Resolution 37-20,
12 authorize escrow agreements between PB Nutclif Master
13 providing for a payment reimbursement of township
14 expenses relating to the redevelopment of portions of
15 the Hoffman/LaRoche redevelopment area. I move the
16 resolution.

17 COMMISSIONER EVANS: Move it.

18 THE CLERK: Commissioner Rogers.

19 COMMISSIONER ROGERS: Aye.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco.

23 COMMISSIONER PETRACCO: Aye.

24 THE CLERK: Mayor Scarpelli.

25 MAYOR SCARPELLI: Aye. Okay. Thank you,

1 Commissioners. Thank you, Mr. Inglesino.

2 Let's move to communications and
3 correspondence.

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

8 The Knights of Columbus Holy Family Council
9 has submitted a letter requesting permission to hold a
10 raffle drawing on Sunday, April 26th, 2020, from 1 p.m.
11 -- at 1 p.m., excuse me, at Holy Family Church,
12 28 Brookline Avenue.

13 The Nutley Elks Lodge has submitted an
14 application for a social affair permit for the Saint
15 Patrick's Day event on Saturday, March 7th, 2020, from
16 9 a.m. to 11 p.m. at 242 Chestnut Street. The Nutley
17 Irish-American Alliance has submitted an event
18 application for their 42nd Saint Patrick's Day Parade,
19 to be held on Saturday, March 7th, 2020, from 1 p.m. to
20 3 p.m. on Franklin Avenue, starting from Harrison
21 Street and ending at the John Walker Middle School.

22 The Good Shepherd Academy has submitted a
23 letter requesting permission to hold a raffle drawing
24 on Sunday, March 29th, from 2 p.m. to 8 p.m., at
25 24 Brookline Avenue. St. Mary's Roman Catholic Church

1 has submitted an application for a social affair
2 permit, to be held -- I'm sorry. To hold their
3 Saint Anthony's Feast on Friday, May 29th, 2020, from
4 6 p.m. to 10 p.m. at their property located at
5 17 Monsignor Owens Place.

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

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

22 COMMISSIONER EVANS: Move all of the
23 communications.

24 MAYOR SCARPELLI: Second.

25 THE CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 THE CLERK: Commissioner Evans.

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Mayor Scarpelli.

7 MAYOR SCARPELLI: Aye. Reports.

8 Commissioner Evans?

9 COMMISSIONER EVANS: Yes. I have a Code
10 Enforcement report for December, 2019 as well as a
11 4th Quarter for 2019, and -- as well as a 2019 annual
12 report.

13 MAYOR SCARPELLI: Thank you, Commissioner.
14 Bills, Madam Clerk?

15 THE CLERK: Yes, Mayor, thank you. Bill list
16 for February 4th, 2020. Public Affairs, \$83,811.02;
17 Revenue and Finance, &7,327,915.90; Public Safety,
18 \$516,124.66; Public Works, \$20,893.73; Parks and Public
19 Property, \$659,854.11; Water Utility, \$135,865.79.

20 COMMISSIONER EVANS: Move the bills.

21 THE CLERK: One moment please.

22 COMMISSIONER EVANS: Oh, sorry.

23 THE CLERK: I just -- I need to do Payroll.
24 Thank you. So Regular Payroll, Overtime Payroll, for
25 January 24th, 2020, is \$39,033.55. Total Payroll for

1 January 24th, 2020, is \$941,286.05. Payroll Retro
2 Overtime for January 24th, 2020, is \$40,184.56. Total
3 Retro Payroll is \$1,092,765.72 for a grand total of
4 \$10,778,516.98.

5 COMMISSIONER EVANS: Now move the bills.

6 COMMISSIONER PETRACCO: Second.

7 THE CLERK: Commissioner Rogers.

8 COMMISSIONER ROGERS: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco.

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli.

14 MAYOR SCARPELLI: Aye.

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

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

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

1 to the appropriate member of the board. Dialogue
2 between citizens and others addressing the board shall
3 be allowed unless the mayor or the presiding officer or
4 the majority of the membership of the board shall
5 determine that the interests of the quorum, and/or the
6 expeditious conduct of municipal business are being
7 adversely affected by such dialogue.

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

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

21 I think it's a -- a couple things. Just as a
22 reminder, people have already asked me about, when we
23 revalue the town, how much more in the way of tax
24 dollars do we generate, will we be asking for, and the
25 answer is none. The revaluation does not raise new

1 taxes. It -- the increase in value lowers the tax
2 rate, which zeroes out a tax increase, but depending
3 upon how property values have changed, it could result
4 in a shift between properties. So there -- I want to
5 be clear about answering the question that a
6 revaluation does not raise new taxes.

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

19 The most important thing about this is, is
20 that one, we wanted to make sure that they were being
21 courteous, and that they were notifying residents about
22 this process, but the most important piece is, is that
23 we've coordinated with the Public Safety Department,
24 and Commissioner Petracco to make sure that every one
25 of the inspectors is wearing a municipal ID, and that

1 no one should allow any inspector onto their property,
2 unless they actually see a valid municipal ID. So we
3 will be instituting that, and that will go on
4 throughout this process.

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

24 MAYOR SCARPELLI: Thank you, Commissioner.
25 Commissioner Petracco?

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

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

22 A dear friend of mine, the Algieri family,
23 they lost their mom last week, and a little story with
24 them, our police officers were able to bring their mom
25 back twice, which is incredible. The Algieri family is

1 so thankful for that. Unfortunately Mrs. Algieri
2 passed away at the hospital later that evening. But if
3 we can, Mayor, I'd just like to acknowledge the good
4 work of all our first responders, all our departments,
5 your Board of Commissioners coming together, you know,
6 when there's a tragedy in Nutley like we had. So I'd
7 just like to recognize everybody and ask for a moment
8 of silence for both families.

9 (Pause)

10 COMMISSIONER PETRACCO: Thank you.

11 MAYOR SCARPELLI: Thank you, Commissioner.

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

22 I do have a couple of announcements. The
23 Winter Farmer's Market will be this Sunday,
24 February 9th, from 1:30 to 5:30 at Vincent Methodist
25 Church, and then on Saturday, February 15th, there will

1 be electronic recycling. All you people who got big
2 screen TVs for the Super Bowl, you can bring your old
3 TVs down to DPW at the -- September 15th. And that's
4 all I have.

5 Ordinance introductions. Commissioner
6 Petracco?

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

18 THE CLERK: Third.

19 COMMISSIONER PETRACCO: March 3rd.

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

22 THE CLERK: Which one does it say --
23 March 3rd, right?

24 MR. GENITEMPO: For adoption.

25 THE CLERK: It would be March 3rd. March 3rd

1 is the --

2 MR. GENITEMPO: Okay.

3 THE CLERK: -- correct date.

4 COMMISSIONER PETRACCO: March 3rd.

5 THE CLERK: Yes, Commissioner.

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

8 COMMISSIONER PETRACCO: Reading on March 3rd.
9 I move the ordinance.

10 COMMISSIONER ROGERS: Second.

11 THE CLERK: Commissioner Rogers.

12 COMMISSIONER ROGERS: Aye.

13 THE CLERK: Commissioner Evans.

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco.

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli.

18 MAYOR SCARPELLI: Aye. Thank you,
19 Commissioner.

20 COMMISSIONER PETRACCO: You're welcome.

21 MAYOR SCARPELLI: Resolutions. Commissioner
22 Rogers?

23 COMMISSIONER ROGERS: Resolution Number 19-
24 20. Be it resolved by the Board of Commissioners of
25 the Township of Nutley, County of Essex, New Jersey,

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

6 COMMISSIONER PETRACCO: Second.

7 THE CLERK: Commissioner Rogers.

8 COMMISSIONER ROGERS: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli.

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER ROGERS: Resolution Number
16 20-20. A proclamation to proclaim February as the
17 National Heart Health Month as written, and so moved.

18 COMMISSIONER PETRACCO: Second.

19 THE CLERK: Commissioner Rogers.

20 COMMISSIONER ROGERS: Aye.

21 THE CLERK: Commissioner Evans.

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 THE CLERK: Mayor Scarpelli.

1 MAYOR SCARPELLI: Aye.

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

4 MAYOR SCARPELLI: Thank you, Commissioner.
5 Commissioner Evans, will you take Commissioner Tucci's
6 resolutions? Both of them?

7 COMMISSIONER EVANS: Yes. I would note that
8 for Commissioner Tucci, Resolution Number 24-20 has
9 been pulled this evening, and we'll see it at a later
10 date. 22-20. Whereas, sealed bids were received for
11 recreation uniforms, equipment, and supplies on
12 December 27, 2019 in the township;

13 Whereas, the Board of Commissioners of the
14 Township in the County of Essex, State of New Jersey,
15 that the contract for recreation uniforms, equipment
16 and supplies be awarded to Dot Designing at 242 Possum
17 Hollow Road, Monroe Township, in an amount not to
18 exceed \$21,000. Funds are available from Account T-24-
19 909-901, and T-24-909-915, and have been certified by
20 the Chief Financial Officer.

21 Now therefore be it resolved that the Mayor
22 and the Township Clerk be and are hereby authorized to
23 enter into and sign said contract for the Township of
24 Nutley in the County of Essex, State of New Jersey. So
25 move.

1 COMMISSIONER PETRACCO: Second.

2 THE CLERK: Commissioner Rogers.

3 COMMISSIONER ROGERS: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco.

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli.

9 MAYOR SCARPELLI: Aye.

10 COMMISSIONER EVANS: 25-20. Whereas, sealed

11 bids were received for tree removal service on

12 December 27, 2019, in the township;

13 Whereas, Dujets Tree Experts, 54 Notch Road,

14 was the lowest bidder, in Woodland Park;

15 Whereas, the contract is not to exceed

16 \$50,000 from account 001-512-200 and has been certified

17 by the Chief Financial Officer, said certification

18 being attached to this resolution.

19 Now therefore be it resolved by the Board of

20 Commissioners of the Township of Nutley, in the County

21 of Essex, State of New Jersey, that a contract for tree

22 removal is awarded to Dujets Tree Experts. So move.

23 COMMISSIONER PETRACCO: Second.

24 THE CLERK: Commissioner Rogers.

25 COMMISSIONER ROGERS: Aye.

1 THE CLERK: Commissioner Evans.

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco.

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Mayor Scarpelli.

6 MAYOR SCARPELLI: Aye.

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

9 UNIDENTIFIED: (Indiscernible).

10 COMMISSIONER EVANS: Oh. Oh. All right.

11 UNIDENTIFIED: Okay?

12 COMMISSIONER EVANS: I gave the wrong -- so
13 23-20's off, correct? Thanks, all right. So I'll read
14 24-20. Whereas, the Essex County Recreational Open
15 Space Trust Fund provides grants to municipal
16 governments for assistance in the development or
17 redevelopment of municipal recreation facilities;

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

21 Whereas, the Township is respectfully
22 requesting \$148,452 from the County Trust Fund for the
23 express purpose of demolition of the current baseball
24 field, site preparation, and installation of a
25 bandshell; and

1 Whereas, the Board of Commissioners have
2 reviewed the County Trust Fund program statement and
3 the trust fund municipal program improvement
4 application instructions and desires to make an
5 application for said grant by providing an application
6 and furnishing such documents as may be required;

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

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

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

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

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

25 3. This resolution shall be -- shall take

1 effect immediately. So move.

2 MAYOR SCARPELLI: Second.

3 COMMISSIONER PETRACCO: Second.

4 THE CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Mayor Scarpelli.

11 MAYOR SCARPELLI: Aye.

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

15 Be it resolved by the Board of Commissioners
16 of the Township of Nutley, County of Essex, New Jersey,
17 that in accordance with the provision of RS40A:4-59,
18 the following transfers of the 2019 reserve --
19 appropriations reserves be and the same are hereby
20 authorized and approved; Construction Code Official
21 O/E, 5,000. Administration of Township Ordinance O/E,
22 20,000, Treasurer Office O/E \$600, and that's moved to
23 Construction Office S/W \$25,000, and Treasurer's Office
24 S/W \$600, for a total of \$25,600. So move.

25 MAYOR SCARPELLI: Second.

1 THE CLERK: Commissioner Rogers.

2 COMMISSIONER ROGERS: Aye.

3 THE CLERK: Commissioner Evans.

4 COMMISSIONER EVANS: Aye.

5 THE CLERK: Commissioner Petracco.

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Mayor Scarpelli.

8 MAYOR SCARPELLI: Aye.

9 COMMISSIONER EVANS: Whereas, the Planning
10 Board received an escrow deposit in the amount of
11 \$4,000 from 432 Owners Inc. for the property located at
12 1 River Road in Nutley;

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

16 Whereas, the Planning Board has reviewed and
17 determined that the balance of the escrow amount of
18 \$1,639.50 is due to 432 Owners Inc.

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

25 MAYOR SCARPELLI: Second.

1 THE CLERK: Commissioner Rogers.

2 COMMISSIONER ROGERS: Aye.

3 THE CLERK: Commissioner Evans.

4 COMMISSIONER EVANS: Aye.

5 THE CLERK: Commissioner Petracco.

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Mayor Scarpelli.

8 MAYOR SCARPELLI: Aye.

9 COMMISSIONER EVANS: Whereas, the law firm of
10 Piro, Zinna, Cifelli, Paris, and Genitempo, located at
11 360 Passaic Avenue, Nutley, has been awarded a non-fair
12 and open contract as a professional service pursuant to
13 the revisions of N.J.S.A. 19:44A-20.5 to provide legal
14 counsel services concerning municipal tax appeals;

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

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

20 Whereas, funds are available from account 9-
21 01-204-205, and have been certified by the Chief
22 Financial Officer, said certification being attached to
23 this resolution.

24 And now therefore be it resolved by the Board
25 of Commissioners of the Township of Nutley, County of

1 Essex, State of New Jersey, that Change Order Number 1
2 in the amount of \$3,062.65 be and is hereby approved.
3 So move.

4 COMMISSIONER PETRACCO: Second.

5 THE CLERK: Commissioner Rogers.

6 COMMISSIONER ROGERS: Aye.

7 THE CLERK: Commissioner Evans.

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco.

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Mayor Scarpelli.

12 MAYOR SCARPELLI: Aye.

13 COMMISSIONER EVANS: Thank you, Mayor.

14 MAYOR SCARPELLI: Thank you, Commissioner.

15 Commissioner Petracco?

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

22 COMMISSIONER ROGERS: Second.

23 THE CLERK: Commissioner Rogers.

24 COMMISSIONER ROGERS: Aye.

25 THE CLERK: Commissioner Evans.

1 COMMISSIONER EVANS: Aye.

2 THE CLERK: Commissioner Petracco.

3 COMMISSIONER PETRACCO: Aye.

4 THE CLERK: Mayor Scarpelli.

5 MAYOR SCARPELLI: Aye.

6 COMMISSIONER PETRACCO: Be it resolved by the
7 Board of Commissioners of the Township of Nutley,
8 County of Essex, New Jersey, that in accordance with
9 provisions of RS 40A:4-59, the following transfers of
10 2019 appropriation reserves be the same and are hereby
11 authorized and approved. From Municipal Court S/W,
12 \$1,000, to Public Defender S/W, \$1,000. I move the
13 resolution.

14 COMMISSIONER ROGERS: Second.

15 THE CLERK: Commissioner Rogers.

16 COMMISSIONER ROGERS: Aye.

17 THE CLERK: Commissioner Evans.

18 COMMISSIONER EVANS: Aye.

19 THE CLERK: Commissioner Petracco.

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Mayor Scarpelli.

22 MAYOR SCARPELLI: Aye.

23 COMMISSIONER PETRACCO: That's all I have.

24 MAYOR SCARPELLI: Thank you, Commissioner.

25 Whereas, raffle applications have been received from

1 the following organizations; Saint Mary's Catholic
2 Church, License Number 1-20, on-premise 50/50 cash
3 raffle, to be held Friday, May 29th, 2020. Knights of
4 Columbus Holy Family Council License Number 2-20,
5 off-premise merchandise raffle, to be held Sunday,
6 April 26th, 2020. Lincoln School PTO License Number
7 3-20, on-premise 50/50 cash raffle, and License Number
8 4-20 on-premise merchandise raffle, both to be held
9 Saturday, March 21st, 2020.

10 HSA Good Shepherd Academy License Number
11 5-20, on-premise merchandise raffle, and License Number
12 6-20, on-premise 50/50 cash raffle, both to be held
13 Sunday, March 29th, 2020, and Friends of Phoenix Center
14 License Number 7-20, on-premise 50/50 cash raffle,
15 License Number 8-20, Casino Night, to be held Friday,
16 May 1st, 2020.

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

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

1 COMMISSIONER PETRACCO: Second.

2 THE CLERK: Commissioner Rogers.

3 COMMISSIONER ROGERS: Aye.

4 THE CLERK: Commissioner Evans.

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco.

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli.

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

19 COMMISSIONER PETRACCO: Second.

20 THE CLERK: Commissioner Rogers.

21 COMMISSIONER ROGERS: Aye.

22 THE CLERK: Commissioner Evans.

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco.

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Mayor Scarpelli.

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

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

14 COMMISSIONER PETRACCO: Second.

15 THE CLERK: Commissioner Rogers.

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

23 This man was a giant of a role model for
24 people, no matter what race, color, creed, religion.
25 Always out there with the kids, always thinking about

1 the teachers, always thinking about the welfare of this
2 community. So although we have Dr. Woodson's name in
3 here, well, I'd like to just, kind of, in the spirit of
4 it, think about John Walker, and I proudly vote yes.

5 MAYOR SCARPELLI: Thank you, Commissioner.

6 COMMISSIONER ROGERS: You're welcome.

7 THE CLERK: Commissioner Evans.

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

10 COMMISSIONER ROGERS: Excellent.

11 THE CLERK: Commissioner Petracco.

12 COMMISSIONER PETRACCO: Yes.

13 THE CLERK: Mayor Scarpelli.

14 MAYOR SCARPELLI: Aye with the amendment.

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

24 Whereas, such services have exceeded the
25 original contract in the amount of \$17,000; and

1 Whereas, Mayor Scarpelli on behalf of the
2 Board of Commissioners have recommended the following
3 change order from said contracts;

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

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

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

16 COMMISSIONER PETRACCO: Second.

17 THE CLERK: Commissioner Rogers.

18 COMMISSIONER ROGERS: Aye.

19 THE CLERK: Commissioner Evans.

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Commissioner Petracco.

22 COMMISSIONER PETRACCO: Aye.

23 THE CLERK: Mayor Scarpelli.

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

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

16 MR. MOORE: Rory Moore, 462 Chestnut Street.

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

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

23 Mr. Evans, I received an OPRA response where
24 all town employees are responsible for their own
25 schools, or their credits. Do you -- are you aware of

1 this? I don't know if you've received the letter.
2 Would you like a copy of it?

3 COMMISSIONER EVANS: And your question is?

4 MR. MOORE: When is it going to happen,
5 because we were paying for all the classes prior to
6 that.

7 COMMISSIONER EVANS: We --

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

17 MR. MOORE: I'll be happy. No problem.
18 Thank you.

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

21 MS. RUBINO: Joan Rubino, 48 North Road. I
22 was wondering if the handbook that you've been working
23 on for the past few years is presently available.

24 MAYOR SCARPELLI: Mr. Genitempo?

25 MR. GENITEMPO: Sure. It's been completed.

1 It's being printed up now, we're sending that -- sent
2 that out to the printer, and it's going to be
3 distributed shortly.

4 MS. RUBINO: And --

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

8 MS. RUBINO: Yes.

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

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

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

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

17 MR. GENITEMPO: If we determine --

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

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

20 MS. RUBINO: Oh, okay.

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

23 MS. RUBINO: Okay.

24 MR. GENITEMPO: If it's -- if we determine
25 it's a -- going to be allowed or turned over, we will

1 turn it over, of course, immediately.

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

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

7 MS. RUBINO: Yeah, right.

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

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

12 MAYOR SCARPELLI: Norfolk Southern.

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

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

19 MS. RUBINO: I don't know --

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

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

24 MAYOR SCARPELLI: The crossing itself?

25 MS. RUBINO: Yes. The -- there's -- like --

1 it's really bumpy kind of a situation.

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

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

7 MAYOR SCARPELLI: Norfolk Southern.

8 MS. RUBINO: Southern. Okay.

9 MAYOR SCARPELLI: I don't -- I don't know --
10 even know if we have that -- that -- the telephone.
11 We'll certainly find it and try to get it --

12 MS. RUBINO: Okay.

13 MAYOR SCARPELLI: -- given to you.

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

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

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

25 MR. GENITEMPO: There's nothing proposed

1 right now.

2 MS. RUBINO: Oh.

3 MR. GENITEMPO: Yeah.

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

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

7 MS. RUBINO: Oh.

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

10 MS. RUBINO: Okay.

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

13 MS. RUBINO: Right.

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

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

25 COMMISSIONER EVANS: Yeah, the -- it's an

1 interesting question, because state health benefits are
2 awarded to people in town. We have followed generally
3 30 hours of work in order for them to -- for someone to
4 get those benefits. It used to be, the old standard,
5 for many, many years, was 20 hours. But that's now
6 been changed.

7 MS. RUBINO: Okay. Thank you very much.

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

12 THE CLERK: Yes.

13 MAYOR SCARPELLI: Mr. Genitempo?

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

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

17 COMMISSIONER PETRACCO: Move it.

18 COMMISSIONER ROGERS: Second.

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

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

25 Whereas, the Board of Commissioners of the

1 Township of Nutley in the County of Essex, State of
2 New Jersey, desires to proceed to closed executive
3 session.

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

14 COMMISSIONER ROGERS: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco.

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Mayor Scarpelli.

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

23 THE CLERK: The time is 8:59.

24 MAYOR SCARPELLI: Good night, everybody.

25 (Pause)

1 MAYOR SCARPELLI: Ready? Back on the record.

2 I need a motion to adjourn.

3 COMMISSIONER EVANS: Motion to adjourn.

4 MAYOR SCARPELLI: I have a second?

5 THE CLERK: Second? Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco.

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Mayor Scarpelli.

12 MAYOR SCARPELLI: Aye.

13 THE CLERK: The time is 10:08.

14 (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

