

In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings

March 17, 2020

Public Session



66 W. Mt. Pleasant Avenue
Livingston, NJ 07039
T (973)992-7650 F (973)992-0666
www.rizmanrappaport.com
reporters@rizmanrappaport.com

Min-U-Script®

Public Session

1 TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS
2 ONE KENNEDY DRIVE
3 3RD FLOOR COMMISSION CHAMBERS
4 NUTLEY, NEW JERSEY 07110

5
6 *** PUBLIC SESSION ***

7
8 DATE: March 17, 2020

9
10 BOARD OF COMMISSIONERS:

- 11 JOSEPH P. SCARPELLI, MAYOR
- 12 STEVEN L. ROGERS, COMMISSIONER
- 13 MAURO G. TUCCI, COMMISSIONER
- 14 THOMAS J. EVANS, COMMISSIONER (VIA TELEPHONE)
- 15 ALPHONSE PETRACCO, COMMISSIONER

16
17 Also Present:

- 18 ALAN GENITEMPO, TOWNSHIP ATTORNEY (VIA TELEPHONE)

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1 (Recording begins)

2 MAYOR SCARPELLI: Can everybody announce
3 who's on the call before we start the meeting, and then
4 we're going to ask everybody but the Town Attorney and
5 Commissioner Evans to mute their phones until the
6 appropriate time when we have public comment and public
7 hearings, and then you can unmute, and we'll -- I don't
8 know who was on, so we'll see how we'll handle it as
9 far as if anybody has public comment.

10 So, Mr. Genitempo, are you there?

11 MR. GENITEMPO: I'm here, Mr. Mayor.

12 MAYOR SCARPELLI: Commissioner Evans?

13 COMMISSIONER EVANS: Yes, I'm here.

14 MAYOR SCARPELLI: Who else is on the line?

15 MS. HAMLIN: Maria Hamlin.

16 MAYOR SCARPELLI: Maria Hamlin. Anybody
17 else? Nobody else? Is there anybody else on the line?
18 So if there's nobody else on the line, Maria, I'm going
19 to ask you to mute your phone until we have public
20 comment. Is that okay?

21 MR. KOSLECKI: Oh, Patrick Koslecki is here
22 too.

23 MS. HAMLIN: (Indiscernible) thank you.

24 MAYOR SCARPELLI: Who is it? Who else is on
25 there?

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1 MR. GENITEMPO: Patrick Koslecki.

2 MR. KOSLECKI: Patrick Koslecki,
3 87 Mountainview Avenue.

4 MAYOR SCARPELLI: Patrick, I'm going to ask
5 you to mute your phone until we have public comment,
6 okay?

7 MR. KOSLECKI: Thank you.

8 COMMISSIONER ROGERS: Patrick Koslecki. I
9 know Patrick. It's --

10 COMMISSIONER TUCCI: I know Patrick. He was
11 in all our plays, he's a -- a nice boy.

12 MAYOR SCARPELLI: Madam Clerk.

13 THE CLERK: Thank you, Mayor. Board of
14 Commissioners Public Meeting, Tuesday, March 17th,
15 2020. The time is now 7:04. Pursuant to the
16 requirement of the Open Public Meeting Act, Chapter
17 231, Public Law 1975, notice of this meeting was
18 published in the November 28, 2019 issues of the Nutley
19 Sun, the Herald News, and the Star Ledger. A copy of
20 this notice has been posted on the Nutley Town Hall
21 bulletin board, and a copy is on file in the Municipal
22 Clerk's office. Commissioner Rogers?

23 COMMISSIONER ROGERS: Here.

24 THE CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Here.

Public Session

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1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Here.

3 THE CLERK: Commissioner Petracco.

4 COMMISSIONER PETRACCO: Here.

5 THE CLERK: Mayor Scarpelli.

6 MAYOR SCARPELLI: Here.

7 THE CLERK: All --

8 MAYOR SCARPELLI: Can I ask everybody to
9 stand for the flag salute.

10 (Pledge of Allegiance)

11 MAYOR SCARPELLI: Minutes, Madam Clerk?

12 THE CLERK: Yes, Mayor. We have Board of
13 Commissioner meeting minutes for February 18th, 2020.
14 We need a motion.

15 COMMISSIONER PETRACCO: Move it.

16 COMMISSIONER TUCCI: Second.

17 THE CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Will I abstain on that
19 one? Was that the meeting that I missed, I believe?

20 THE CLERK: Yes.

21 COMMISSIONER ROGERS: Or -- yes, I abstain.

22 THE CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 THE CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

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1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye. Reports.

5 Commissioner Evans?

6 COMMISSIONER EVANS: Yes. I have the report
7 for the Code Enforcement department for the month of
8 February, 2020.

9 MAYOR SCARPELLI: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Yes, I have my Public Safety
11 report.

12 MAYOR SCARPELLI: Bills, Madam Clerk?

13 THE CLERK: Yes, Mayor. Bill list for
14 March 17, 2020: Public Affairs, \$106,175.80; Revenue
15 and Finance, \$7,280,867.19; Public Safety, \$81,678.30;
16 Parks and Public Property, \$64,005.34; Water Utility,
17 \$397,394.27; Total Payroll, \$844,747.17, for a grand
18 total of \$8,860,012.07. We need a motion.

19 COMMISSIONER EVANS: Move the --

20 COMMISSIONER TUCCI: Second.

21 COMMISSIONER EVANS: Move the bills.

22 COMMISSIONER TUCCI: Second.

23 THE CLERK: Commissioner Rogers.

24 COMMISSIONER ROGERS: Aye.

25 THE CLERK: Commissioner Tucci?

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1 COMMISSIONER TUCCI: Aye.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

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

9 MAYOR SCARPELLI: Public comment on the
10 agenda items only. I'm going to ask you to unmute your
11 phone if you have any comment on the agenda items,
12 please state your name and address. We'll try to sort
13 it out. I'm seeing that there's no public comment.
14 I'm going to ask that we close the public comment of
15 the meet -- of this meeting.

16 COMMISSIONER ROGERS: Make a motion that we
17 close.

18 COMMISSIONER PETRACCO: Second.

19 THE CLERK: Commissioner Rogers.

20 COMMISSIONER ROGERS: Aye.

21 THE CLERK: Commissioner Tucci.

22 COMMISSIONER TUCCI: Aye.

23 THE CLERK: Commissioner Evans? Commissioner
24 Evans?

25 COMMISSIONER EVANS: Aye.

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1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Mayor Scarpelli.

4 MAYOR SCARPELLI: Aye. Board of Commissioner
5 announcements. This couple I have is, one is that I
6 want to thank the commissioners for all their hard work
7 over this past week. You know, we met a couple times
8 last week, we met over the weekend, in regard to the
9 COVID-19 virus, and its effect on this municipality,
10 and I want to thank you for your time and efforts in
11 getting through this crisis. In that regard, we have
12 Chief Cafone here, and Will Cassidy, the head of OEM,
13 who would like to discuss declaring a health emergency,
14 and some of the advantages that that gives us going
15 forward.

16 COMMISSIONER PETRACCO: And (indiscernible).

17 MAYOR SCARPELLI: Oh, I didn't see Chief
18 Strumolo back there also. Sorry.

19 MR. CASSIDY: Hello, everyone. Will Cassidy.
20 So like the mayor said, this has been an evolving issue
21 with COVID-19. There's been many meetings, and we're
22 kind of following suit with the state as well as the
23 county, and we've had a meeting recently, and we
24 believe it is necessary to declare a public health
25 emergency at this time.

1 And what that will do is it will open up
2 federal funding throughout the course of this event if
3 the federal government decides that we meet a threshold
4 and they want to backfill payments to municipalities.
5 So without declaring, we won't be available to receive
6 those funds.

7 This would also put us in the position to
8 enforce stricter guidelines and rules in the Township
9 of Nutley, some of which we're going to be closing the
10 parks so that there's no congregating in any field or
11 park to limit exposure.

12 COMMISSIONER TUCCI: I'm not -- excuse me.
13 I'm not so sure we're going to be closing the parks.
14 We've -- we're closing all of the playgrounds, we'll be
15 closing all of the buildings, all of our facilities
16 where I hold programs, all right, but we will not be
17 closing the parks as of right now because people need
18 someplace to go. We will have people in place to
19 monitor the number of people that are congregating in
20 any one spot, all right, to make sure that we stay
21 below the 50, as recommended by the governor. And we
22 actually started this evening at DeMuro Park at the
23 track, and we had 24 people walking.

24 I think it might be counterproductive to
25 close the parks entirely, and I know a lot of other

1 jurisdictions have done that, but I'm not really
2 prepared to do that at this point in time. And also
3 for our seniors, all right, who will get a bit
4 claustrophobic staying indoors all day long. As long
5 as we have the separation and the safety protocols are
6 in place, I don't think we should close the parks at
7 this time.

8 COMMISSIONER ROGERS: And let me just add to
9 what the commissioner said regarding seniors. Look,
10 they're trapped in their homes. I mean, we're -- at
11 the health department, we're really busy, all right,
12 and I'll get into this a little later, but we don't
13 want to create a problem, you know, where people are
14 going to need therapy, and we're exacerbating a
15 problem. So I think that as long as -- and I believe
16 the commissioner has his people in place, and as long
17 as we're not seeing congregations of more than what is
18 mandated, so they got to get out and walk, they got to
19 -- just for their own sanity, but also there's a lot of
20 therapy that they do as they're walking, so I have to
21 support the commissioner.

22 COMMISSIONER TUCCI: And just to follow up --

23 MAYOR SCARPELLI: You're going to close the
24 playgrounds, though?

25 COMMISSIONER TUCCI: We are absolutely

1 closing the playgrounds, and we have personnel in place
2 wiping the playgrounds down every day, as they are all
3 of the buildings. But let me explain to you what's
4 still in place. The Dial-A-Ride for folks that need to
5 get to dialysis, all right, is still in place. We have
6 our nutrition program where we're delivering meals to
7 folks, all right, so that they don't miss a meal,
8 because, unfortunately, there are many folks who count
9 on those meals. So anything we can do to satisfy needs
10 of people, if they need medication, if we have to pick
11 up anything for them that'll keep them going and keep
12 them healthy, that's what we're going to do.

13 MR. CASSIDY: And I believe that's most
14 important, and our goal --

15 COMMISSIONER ROGERS: And our nursing --
16 Bill, our nursing staff is still visiting the
17 vulnerable, still visiting disabled people, and still
18 visiting seniors, so that hasn't stopped. I've kind of
19 restructured things a bit, but what -- the government
20 is still working, and it's just important -- I know
21 you're the messenger, not the -- the -- don't feel that
22 I'm --

23 COMMISSIONER PETRACCO: And at his first meeting.

24 COMMISSIONER ROGERS: No, no, no, no, you're
25 looking at me like -- you have to understand, you know,

1 that --

2 UNIDENTIFIED: And he's welcomed aboard to a
3 town with --

4 UNIDENTIFIED: Will, welcome aboard.

5 MR. CASSIDY: Thank you very much. So with
6 this being said --

7 COMMISSIONER PETRACCO: Will, can I just
8 interrupt you for one second?

9 MR. CASSIDY: Absolutely.

10 COMMISSIONER PETRACCO: Chief, you want to say
11 something?

12 DEPUTY CHIEF CAFONE: Yeah. Listen, it's in
13 the declaration --

14 COMMISSIONER TUCCI: Right.

15 DEPUTY CHIEF CAFONE: -- that we -- if we
16 choose -- on how we choose to enforce to close the parks,
17 obviously, it will be done with the commissioner and the
18 police department and Office of Emergency Management.
19 So closing the playground, absolutely --

20 COMMISSIONER TUCCI: Absolutely.

21 DEPUTY CHIEF CAFONE: -- it needs to be closed.
22 But if we need to further do it, at least it's in the
23 declaration, so we can come up with an agreement with
24 the commissioners to do that in the event that we have
25 to.

1 COMMISSIONER ROGERS: Right. The only
2 problem I have with that -- and if I'm wrong, correct
3 me -- once we use that verbiage, that's going to go
4 public. And people are going to be under the
5 impression that we have closed -- we're closing our
6 town down, for goodness sakes. Could we -- Paul, do we
7 have to put that verbiage in there or can we reshape
8 that not to cause alarm?

9 MR. CASSIDY: So, Commissioner, we can change
10 the verbiage however we see fit. At this time,
11 congregations, anything more -- if we want to lower it
12 to less than 25, say, 30, if we want to go with the
13 state recommendation which is 50, that's something we
14 can put in this. Once we put in this, this is a
15 forever unchanging document. This is law once we've
16 signed and declared, so we want to be careful in the
17 language we do put in here.

18 However, this can get amended along the way,
19 so if -- say this becomes a worse situation than it
20 already is, we start to get residents affected, we can
21 change the wording in this document to restrict even
22 further congregations, park closures at that point, and
23 whatever else we need to slow this virus down in the
24 whole. So this is something that's -- the verbiage can
25 definitely be changed, but this verbiage needs to be in

1 here for congregating, and that's a state -- not a
2 recommendation, it's a state --

3 COMMISSIONER PETRACCO: I was under the
4 impression that once governor -- once the governor
5 announced and sent to us the paperwork through OEM, all
6 that stuff, that towns couldn't supercede what that
7 document was. Is that true or false?

8 MR. CASSIDY: So the way it works --

9 COMMISSIONER PETRACCO: How I read it.

10 MR. CASSIDY: -- you can never do less. You
11 can always be more stringent. So the State, with the
12 Directive 104 document that he put out yesterday, it
13 states congregations of 50 or less. It's stating
14 everything else, as far as closures of restaurants at
15 certain times, no dine-in, which everyone can look up
16 the doc then, it's 104. It's our operational
17 directive. So that's something in addition to what we
18 declare is what we're going to follow and have to
19 follow.

20 We can't say we're going to be less stringent
21 than the county or the state. The counties at this
22 time have closed all parks in response to this, and
23 multiple municipalities have also followed their -- not
24 guidelines but orders to close parks. I also believe,
25 just as you said, Commissioner Tucci and Commissioner

1 Rogers, that it's good for people to go out and walk
2 and be in the park. It's good for public health and
3 personal health. However, if this gets worse, we want
4 to slow it down. We're not trying to slow down the
5 person from walking through the park, walking their
6 dog, you know, getting out of the house type spot. We
7 don't want that. What we do want to limit is now that
8 school's out, kids playing baseball and different stuff
9 in the parks because they're open.

10 COMMISSIONER ROGERS: But you said we have a
11 mechanism to do that, and that is through amend it.

12 MR. CASSIDY: Correct.

13 COMMISSIONER ROGERS: I'd rather move to
14 amend it, making it more stringent, than going back and
15 saying, hey, look, we went too far with this.

16 MR. CASSIDY: And absolutely we can make
17 that --

18 COMMISSIONER TUCCI: And, look, we're not
19 looking to create play dates while school is closed.
20 That's not the intention of this. We want to take
21 every precaution humanly possible, but I think it's a
22 bit counterproductive to close the parks now
23 completely.

24 COMMISSIONER PETRACCO: I agree, by the way.

25 COMMISSIONER TUCCI: Otherwise, folks will be

1 walking on the streets. You're not going to stop them
2 from going out.

3 COMMISSIONER PETRACCO: This morning I was in
4 my office at 7:30-ish or -- Tom, right, you were there.
5 And I was looking out, actually, your office, and
6 people were walking by, you know, in the park where you
7 can see it. And you know what? I think that we need a
8 little bit of normalcy, too, you know. I think it's
9 important. And I couldn't see clearly through the
10 window, but it looked like, you know, elderly people
11 that were doing it.

12 MR. CASSIDY: So change it to just
13 playgrounds.

14 COMMISSIONER TUCCI: Yeah. Change it to
15 playgrounds and facilities, all right, and then if we
16 need to, if a need does arise, then we absolutely will,
17 but I just think it's a little premature.

18 COMMISSIONER EVANS: So this is Tom jumping
19 in. You know, Mauro, you and I talked about this
20 earlier. You know, as services change, then resourcing
21 needs changed. You know, for example, my plumbing
22 inspector, my electrical inspector, my subcode
23 official, you know, they have those -- inspector
24 responsibilities change, you know. Those are resources
25 that become available, and they'll -- and if you need

1 it, offer your staff to help patrol the parks, to look
2 out, to make sure --

3 COMMISSIONER TUCCI: Absolutely.

4 COMMISSIONER EVANS: -- we're doing those --
5 so I think we have to look at those strategies as well,
6 that we collectively keep our resources in case of
7 heightened best use.

8 MAYOR SCARPELLI: And what about the -- what
9 about procurement and purchasing? What else does this
10 document say?

11 MR. CASSIDY: So with this document, it also
12 gives the township the ability for anything that's
13 related to the COVID-19 to -- if we have to go to a
14 different vendor that we are not contracted with
15 through the municipal government, to go outside of that
16 and purchase something, whether it's sanitizing agents
17 or something in regard to lowering the spread of the
18 COVID-19 virus. We're able to go around that to make
19 these purchases, and that's what this document does,
20 Mayor.

21 COMMISSIONER PETRACCO: And it gives us the
22 chance to get reimbursed.

23 MR. CASSIDY: That's the major thing,
24 Commissioner.

25 COMMISSIONER EVANS: Yeah, I added in

1 addition it doesn't require us to go out and get
2 multiple quotes. If it's any -- in the event of an
3 emergency or bidding information.

4 MR. CASSIDY: With this declaration -- sorry,
5 Commissioner.

6 COMMISSIONER EVANS: With this declaration,
7 it means we don't have to do that. The state also has
8 -- has also been recognizing, you know, emergency
9 purchase requirements, but it has also even suggested,
10 as well, to try and use state contracts vendors first
11 because there's already negotiated prices with them as
12 our first recourse.

13 MR. CASSIDY: Absolutely. And that's kind of
14 what this document does. Now, that was from the
15 original 103 document that Governor Murphy put out, and
16 that kind of gave municipalities the ability to
17 purchase stuff in the case of the emergency without
18 doing the three bids and stuff like that, but by all
19 means, we still will, and still should, try to go
20 through a state contract vendor if we can.

21 COMMISSIONER EVANS: Yes. And just on
22 another point, in the language of this resolution,
23 proclamation, I'm not sure which this is.

24 MR. CASSIDY: It's a declaration.

25 COMMISSIONER EVANS: The -- all right. This

1 declaration, some of the language here, you know, when
2 you read it, it seems to suggest one course of action
3 versus the action that we've been talking about. Are
4 -- is this going to be modified?

5 MR. CASSIDY: As of right --

6 COMMISSIONER EVANS: The language in there?

7 MR. CASSIDY: So the language, how it reads
8 right now is kind of where we're going. Throughout
9 this process this language and verbiage could change.
10 If this becomes a situation where it gets a lot better
11 faster than expected, we can also remove the
12 declaration. So this document --

13 COMMISSIONER EVANS: So what it --

14 MR. CASSIDY: -- is not set in stone where we
15 cannot --

16 COMMISSIONER EVANS: Yes.

17 MR. CASSIDY: -- change it. It's something
18 that, once it's signed, it's something that is now
19 abided by as of law, but it's something that we -- once
20 decided, if we need to change something, we can go back
21 and amend and re-sign for the new declaration.

22 MAYOR SCARPELLI: Do you have any language
23 that you object to, Commissioner?

24 COMMISSIONER EVANS: Yeah, it's just that I
25 have a question. It's -- the paper I have is on Page 2

1 of the "whereases", the third one, the third and
2 fourth one from the bottom.

3 MR. CASSIDY: Correct.

4 COMMISSIONER EVANS: Okay. The fourth one,
5 it says, "Whereas, on March 16th, 2020, the governor of
6 the state of New Jersey has expanded the state of
7 emergency to include social mitigation strategies for
8 combating COVID-19 by utilizing emergency protective
9 measures to reduce the rate of community spread." And
10 it could at some point. In the next paragraph where
11 below that it says, "Whereas, the act of such
12 conditions constitute an imminent hazard that threatens
13 and presently endangers the health, safety, and
14 resources of the residents of the township, and may
15 become too large in scope to be handled by normal local
16 operating services."

17 As I read those two paragraphs, how do we
18 reconcile leaving the parks open?

19 MR. CASSIDY: So basically right now --

20 COMMISSIONER EVANS: If you could help me
21 understand that, I would like to be sure I'm clear on
22 that.

23 MR. CASSIDY: And Commissioner Evans, I'm
24 going to do my best to try to help clarify that. But
25 basically where it says, "Whereas, on March 16th,"

1 that's basically putting into this declaration that we
2 are going to abide by his Executive Order 104. In
3 addition to that, we have the ability and capability of
4 enforcing stricter guidelines or rules.

5 The thing underneath that, where it says,
6 "Resources of the residents of Nutley Township become
7 too large," that in its whole is why we declare. So we
8 do not declare unless we feel like there's a chance
9 that we might grow beyond our capability of resources.
10 So by declaring, we're saying that this might get to
11 the point where our resources in the Township of Nutley
12 cannot handle the expansion of this COVID-19 case, and
13 that allows us to get county, state, and federal
14 resources to Nutley if need be. If that clarifies --

15 COMMISSIONER EVANS: Okay.

16 MR. CASSIDY: -- anything.

17 COMMISSIONER EVANS: Yeah. Yeah, I don't
18 have --

19 COMMISSIONER TUCCI: Tom, let me jump back in
20 here.

21 COMMISSIONER EVANS: -- a directive to --

22 COMMISSIONER TUCCI: Because the --

23 COMMISSIONER EVANS: Mauro, can you help me?

24 I'm trying to reconcile this, and I understand what
25 you're saying --

1 COMMISSIONER TUCCI: Yeah, hold on a second.
2 The Clerk brought something to my attention. If you go
3 back to Page 3, all right, it says, "No congregating in
4 any park or field." It doesn't speak to closing them,
5 all right, and maybe some other jurisdictions have
6 opted to close them based upon what they were
7 experiencing. All right? I'm not --

8 COMMISSIONER EVANS: Yes, Page 3 --

9 COMMISSIONER TUCCI: -- crazy about the
10 language in that third-to-last "Whereas" on Page 2, all
11 right --

12 COMMISSIONER EVANS: Right. That's what I'm
13 -- the one I'm tangled over --

14 COMMISSIONER TUCCI: Right. That -- I know
15 exactly what's bothering you, and I'm not crazy about
16 it myself, all right? I mean, where it talks about --

17 COMMISSIONER EVANS: (Indiscernible.)

18 COMMISSIONER TUCCI: -- an imminent hazard, I
19 don't know that we have an imminent hazard, all right?
20 We have a threat of an imminent hazard, all right, but
21 this is very emphatic that it presently endangers the
22 health, safety, and resources of -- and it goes -- and
23 it goes on and on. Can we modify that and still be
24 eligible or does -- is that the boilerplate language
25 they're --

1 MR. CASSIDY: No.

2 COMMISSIONER TUCCI: -- looking for?

3 MR. CASSIDY: Commissioner Tucci, Evans, the
4 rest of the commissioners, Mayor. So the way that
5 reads in the 104 that we just described, imminent
6 hazard, no congregating of more than 50 persons, that
7 is the state operational directive, or directive.
8 That's the maximum. You can always be more stringent,
9 like we talked about, but we do not have to do that at
10 this time. If it becomes an imminent threat, at that
11 point in time we can change or adapt or amend this
12 language to no longer have parks open.

13 COMMISSIONER ROGERS: Hey, Bill, I'm looking
14 at this, too, and it's -- to me it says we have an
15 imminent hazard. So the question is then can we reword
16 this to, "Whereas, if conditions exist that constitute
17 an imminent hazard that threatens the," I think that
18 would be better verbiage if conditions do exist.

19 COMMISSIONER PETRACCO: I think what we
20 should do then is give Will a chance to go back, you
21 know, and maybe you guys go over this document and see,
22 because what I'm afraid of, I want to make sure that
23 we're eligible for any funding or help that we can get
24 and --

25 COMMISSIONER ROGERS: Yeah. Correct.

1 COMMISSIONER PETRACCO: -- and that if you
2 change the language in any form, shape, does that make
3 us ineligible?

4 MR. CASSIDY: By not declaring, that's pretty
5 much where we'd stand to be not eligible. This is
6 something that was kind of sent through the day with no
7 -- when I didn't receive any replies, we went ahead and
8 just went with this. I would appreciate it if --

9 COMMISSIONER PETRACCO: Why don't we make our
10 changes, and maybe we could -- I mean, does it -- do we
11 have to do it tonight or could we do it tomorrow --

12 COMMISSIONER TUCCI: Well, what's the time --
13 that was my question, what's the timeline on this?

14 MR. CASSIDY: There is no timeline. We don't
15 have to declare at any time. Just the fact is, if we
16 do not declare and federal resources and money opens
17 up, we may not be eligible to receive it.

18 COMMISSIONER ROGERS: Well, we just want to
19 make it applicable to our community, Bill, and --

20 MR. CASSIDY: Sure.

21 MR. GENITEMPO: Commissioners?
22 Commissioners? Can I be heard? Mayor, can I be heard
23 for one second? It's Alan.

24 MAYOR SCARPELLI: Sure, Alan.

25 MR. GENITEMPO: Commissioners, we're not

1 voting on this. We're not voting on this tonight, so
2 Will has the authority to enter this order, and he
3 will, but we can do it tomorrow after everyone's had an
4 opportunity to make language suggestion changes. Do
5 you agree with that, Will?

6 MR. CASSIDY: Yes, sir. So basically, as I
7 was --

8 MR. GENITEMPO: We're not -- it's not
9 something we have to vote on tonight, and this way if we
10 can't do it tonight, that's -- all we're doing is
11 giving Will some guidance tonight as to what your
12 thoughts are, which you're doing, and he can then
13 adjust the language, and then he can send it around
14 tomorrow morning, or late tonight or whenever --

15 COMMISSIONER PETRACCO: Alan, do you think --
16 Alan. Alan, do you think that by changing --

17 MR. GENITEMPO: Yes?

18 COMMISSIONER PETRACCO: -- the language, it
19 will, you know, muddy the waters when we try to get
20 this funding or anything, or do you think we're --

21 MR. GENITEMPO: I think that we --

22 COMMISSIONER PETRACCO: I mean, I think
23 that's the big question.

24 MR. GENITEMPO: -- (indiscernible).

25 COMMISSIONER PETRACCO: We don't want to be

1 ineligible.

2 MR. GENITEMPO: That is the big question,
3 you're right. Right. I worked with Will on it this
4 afternoon, not anticipating these particular issues,
5 but, you know, we're trying to mimic the governor's
6 language as much as possible. So let's -- I'll work
7 with Will on it tonight or tomorrow, whenever he's
8 available, to just make sure that the language
9 conforms. But I don't think -- these are minor
10 changes. I don't think they're significant enough to
11 devoid any potential reimbursement.

12 MAYOR SCARPELLI: So, Commissioner --

13 MR. GENITEMPO: I think your points are well
14 taken. I think the parks do not have to be, quote,
15 "closed." This is just giving Will the authority that
16 he needs under the OEM guidelines to enact whatever
17 needs to be enacted under a state of emergency.

18 So, Will, correct me if I'm wrong, but I
19 think we can make some of these changes to the language
20 to satisfy the commissioners' concerns, and then as
21 long as they all agree with it, you can get it out
22 tomorrow. Does that make sense to you?

23 COMMISSIONER TUCCI: Can I make a suggestion
24 that --

25 MR. CASSIDY: Yes, Mr. Genitempo.

1 COMMISSIONER TUCCI: Al, can I make a
2 suggestion that might clear this whole thing up right
3 now? If we just injected one word in that third-to-
4 last "Whereas" on Page 2, and have it read, "Whereas,
5 the aforesaid conditions potentially constitute."

6 COMMISSIONER ROGERS: There you go.

7 COMMISSIONER TUCCI: Can't do potentially
8 constitute?

9 DEPUTY CHIEF CAFONE: No, because this state
10 of emergency says that we may be over-exceeding our
11 capabilities. The whole premise behind this is that in
12 the event that something becomes more --

13 COMMISSIONER TUCCI: Right. We're saying --
14 I think we're saying the --

15 DEPUTY CHIEF CAFONE: When you sign the
16 declaration, it means we're saying that there is a
17 potential.

18 COMMISSIONER TUCCI: Right.

19 DEPUTY CHIEF CAFONE: Okay. Obviously, there
20 is a potential. But I think Alan's going to have to
21 look at the wording, and he's got to discuss it with
22 the county OEM to see if it's potential, then why are
23 we signing a declaration?

24 MAYOR SCARPELLI: So --

25 DEPUTY CHIEF CAFONE: Wait until it does
become --

1 COMMISSIONER TUCCI: I'm going to answer that
2 question because we want to be positioned, in the event
3 that county, state, and federal funding becomes
4 available, to take advantage of that and to get
5 whatever reimbursements we need to get --

6 COMMISSIONER PETRACCO: Absolutely.

7 COMMISSIONER TUCCI: -- to service our
8 people.

9 COMMISSIONER PETRACCO: Yeah, exactly.

10 COMMISSIONER TUCCI: That's the reason.

11 DEPUTY CHIEF CAFONE: And we want to be able
12 to get resources outside of Nutley in case --

13 COMMISSIONER TUCCI: Exactly.

14 CHIEF STRUMOLO: -- (indiscernible).

15 COMMISSIONER TUCCI: So I don't --

16 COMMISSIONER EVANS: And I want to interject
17 a point. Executive Order 104, does that lay out the
18 Governor's criteria that he's established around the
19 state of emergency? So, for example, crowd -- is that
20 language still a crowd of 50 or more cannot congregate,
21 can't come together? Is that true?

22 MR. CASSIDY: Of 50 or more persons.

23 COMMISSIONER EVANS: Yeah. Is that outlined
24 in the Executive --

25 COMMISSIONER PETRACCO: Is this a public

1 document if it --

2 COMMISSIONER EVANS: -- Order 104?

3 MR. CASSIDY: That is already in 104, and I
4 think that's a little bit of the confusion in the room
5 right now is that this, even though it -- the way the
6 verbiage states -- and correct me if I'm wrong,
7 Mr. Genitempo, but the way this states, we're basically
8 declaring a local state of emergency, which obviously
9 we all talked about today, but the only rules in
10 exception or in addition to the state's would be to
11 enforce the playgrounds and to enforce pretty much no
12 congregating in any park more than 50 persons.

13 And we do have to change the verbiage there.
14 But the only thing we really added is that, by signing
15 this, it authorizes the commissioners, myself, to
16 activate the emergency operations plan for each annex
17 and allow all the people who are in charge of their
18 plans to enforce them. That's all it is.

19 COMMISSIONER EVANS: All right. So that's my
20 point. Here's my point. If we look at Executive Order
21 104, and we attach it to this declaration, and we show
22 that we're in compliance with the Executive Order 104,
23 which says no congregating, then I think that we're
24 actually more stringent in Number 5, because you're
25 saying no congregating in the park. All right. So --

1 but the executive order states 50. Well, then 25
2 people would be okay, but if we want to be more
3 stringent, that's fine. Right? But I think we should
4 just attach the order because that dictates why we're
5 doing it and that we're in compliance. And I think we
6 did that and then looked at these further results, make
7 sure they're in alignment with that executive order, I
8 think this would then -- being able to move forward --

9 COMMISSIONER ROGERS: Bill, I -- look, my
10 only concern --

11 MAYOR SCARPELLI: Will.

12 COMMISSIONER ROGERS: Will. I'm sorry, Will.
13 My only concern -- I haven't been around lately, so I
14 don't even know who's who.

15 COMMISSIONER PETRACCO: Lieutenant.

16 COMMISSIONER ROGERS: Lieutenant.

17 COMMISSIONER PETRACCO: Yeah.

18 COMMISSIONER ROGERS: Lieutenant.

19 COMMISSIONER PETRACCO: Yeah.

20 COMMISSIONER ROGERS: Thank you,
21 Commissioner.

22 COMMISSIONER PETRACCO: You're welcome.

23 COMMISSIONER ROGERS: Will, the only concern
24 I have and I believe my other colleagues have is just
25 the verbiage in that paragraph. I don't want us to be

1 alarming people more than they're alarmed already. And
2 so that's the only sticking point, so -- at least for
3 me. Gentlemen --

4 MAYOR SCARPELLI: So can I suggest that --

5 COMMISSIONER TUCCI: I agree.

6 MAYOR SCARPELLI: -- if you guys have -- if
7 the commissioners have any other changes or concerns,
8 they get them to Will and Alan, let them work this out
9 tonight and tomorrow and then we'll go from there. Is
10 that good for everybody?

11 COMMISSIONER PETRACCO: Sounds great.

12 COMMISSIONER TUCCI: Any -- one last
13 question. If resources do become available, all right,
14 and we do this after announcements are made that there
15 are resources, will we still be eligible?

16 MR. CASSIDY: I don't have that answer. I
17 would have to look into that before I give you that
18 answer. And I know this whole thing we just talked
19 about, we don't want to alarm or scare anyone, and I
20 believe that's why all the commissioners in this room
21 have been putting out social media blasts. We have
22 been putting out alerts through OEM and confirming or
23 letting the residents know that there are no cases in
24 Nutley at this time, and we're trying to do the best to
25 keep the public from being -- getting overwhelmed or

1 over-alarmed. So this does not put -- this should not
2 put anyone in a state of panic. What this does is it
3 protects the township to make sure this COVID-19 virus
4 doesn't get any more out of hand than it already has,
5 and that's all that document does.

6 COMMISSIONER ROGERS: Well, you've done an
7 outstanding job. I know this is your baptism, but good
8 job.

9 MR. CASSIDY: Thank you, sir.

10 MAYOR SCARPELLI: So we'll get comments to
11 Will and to Lieutenant -- and to Mr. Genitempo. And
12 we'll go from there, but thank you gentlemen. Thank
13 you for coming in.

14 COMMISSIONER ROGERS: Thank you.

15 MAYOR SCARPELLI: Commissioners, any other
16 announcements?

17 COMMISSIONER EVANS: Yes, I have two. The
18 first thing is that the DMV Mobile Unit that was going
19 to come to the town March 27th, they canceled, but
20 thanks to the work of our Clerk, they are agreed -- and
21 she negotiated with them vigorously, I might add, to
22 have them come back, and they rescheduled to return to
23 Nutley on May 22nd. That's the -- and Eleni, good
24 work on that.

25 THE CLERK: Thank you.

1 COMMISSIONER EVANS: The other is an
2 important one in light of -- on the coronavirus, you
3 know, revelations and protections, we have informed
4 Appraisal Systems, the -- who was doing our reval
5 inspections, that we are halting that process for the
6 foreseeable future, and that we will reevaluate it --
7 we'll evaluate at a later date as this progresses.

8 We are still under order by the Essex County
9 Board of Taxation, but it -- we do have the discretion
10 to obviously take action to best protect our residents,
11 so as of right now the local inspection process of all
12 properties is on hold. That's all I have, Mayor.

13 MAYOR SCARPELLI: Any other announcement,
14 commissioners?

15 COMMISSIONER TUCCI: I think we already
16 stated like what we're doing in the Parks Department as
17 far as services, and what's canceled and what's not
18 canceled, but I -- you know, I meant to say this --

19 (Recording malfunction)

20 COMMISSIONER TUCCI: Oh, good. Anyway, I
21 just wanted to commend the Mayor on his State of the
22 Township 2020 statement that he put out and to Tap Into
23 and, like, everyone's witnessing the cooperation
24 amongst all the departments, all right, putting aside
25 any personal feelings or any potential political

1 directives. I think you did an outstanding job, all
2 right, in capsulizing what's gone on, all right, in the
3 last year. I was very proud to read that. I was very
4 happy, all right, that there were no I's in that, in
5 any of that statement. It was the Board of
6 Commissioners, all right, and I think it's important
7 for everyone to realize that that's how we operate
8 here. All right? Whether it's dealing with ON3,
9 whether it's dealing with this virus or any other
10 issue, we deal with it as a unit. And while we may not
11 always agree on every single point, when it comes to
12 the important portions, we are in sync.

13 And, Mayor, I just want to thank you and
14 commend you for that. I think you did an outstanding
15 job.

16 MAYOR SCARPELLI: Thank you. Thank you,
17 Commissioner. Towards that end, I think there's an
18 opportunity for this Board to be proactive, and we've
19 talked about this a little individually today, about
20 promoting our businesses and, you know, I think we
21 could have for the next six weeks a take-out Friday.

22 THE CLERK: I'm sorry. Commissioner Evans
23 got dropped off and he can't dial back in because
24 there's a busy signal, so he's not on.

25 COMMISSIONER PETRACCO: You want to put him

1 on on your cell phone, or maybe just --

2 THE CLERK: Can we do that?

3 MAYOR SCARPELLI: Yeah.

4 THE CLERK: Okay. Commissioner, can you hear
5 us? You're on speaker phone.

6 COMMISSIONER EVANS: Yeah, I can.

7 MAYOR SCARPELLI: So it gives us an
8 opportunity, I think, to promote our businesses, by
9 having like a -- what I would call a take-out Friday
10 and a Small Business Saturday, where we encourage
11 people to take out from our local eating
12 establishments.

13 COMMISSIONER TUCCI: Absolutely.

14 COMMISSIONER PETRACCO: Well, not just
15 eating. All of them. I mean, everybody. Right? I
16 mean, there's been a lot of them that are --

17 MAYOR SCARPELLI: Folks --

18 COMMISSIONER PETRACCO: -- make out --

19 MAYOR SCARPELLI: And then on the Small
20 Business Saturday, promote people going out and
21 shopping at our local businesses, buying gift cards.
22 Maybe they don't have a need at present, but I think
23 buying a gift card now, when people are maybe hurting,
24 the businesses are hurting, gives them a little shot in
25 the arm. So I think, you know, if we can do that as a

1 Board, you know, to promote that, and I'm --

2 COMMISSIONER TUCCI: It seems we're looking
3 at restaurants, more restaurants, delis, all right, and
4 any other establishments that they deserve -- any small
5 business that needs --

6 COMMISSIONER PETRACCO: (Indiscernible) hair
7 cutter --

8 MAYOR SCARPELLI: Just shop locally, right?

9 COMMISSIONER TUCCI: I think it's an
10 outstanding idea.

11 COMMISSIONER ROGERS: And then can I add
12 this, and this is something that maybe we could
13 approach Shop-Rite or other stores on, and I know Stop-
14 N-Shop is doing this. Our seniors have had a
15 tremendously difficult time getting out and buying -- I
16 mean, people are hoarding food, and these -- and I'll
17 talk a little later about what we have done, and we
18 have discussed, all right, regarding our seniors. So
19 if we could possibly, somebody's office, mine, yours,
20 whatever, collaborate maybe with Shop-Rite. They're
21 our biggest vendor in town, where they'll have a two-
22 hour period, like Stop-N-Shop's doing, and Whole Foods.

23 COMMISSIONER PETRACCO: For seniors.

24 COMMISSIONER ROGERS: Just for seniors, just
25 to come in and --

1 COMMISSIONER TUCCI: Actually, Commissioner,
2 I've already had that conversation with some of the
3 folks at Shop-Rite, and they're not able, at this time,
4 to give that two-hour early opening. But what they are
5 willing to do, and we would need the cooperation of our
6 Senior Housing people, they're willing to take orders
7 in bulk that we as a governing body can assist in
8 delivering and distributing to those in need. So I
9 think we satisfy the need, but just a little
10 differently.

11 COMMISSIONER ROGERS: Okay.

12 COMMISSIONER TUCCI: We're in conversation
13 with them. Shop-Rite is on board. It's a question of
14 the coordinators in the senior buildings and others
15 that need that, all right, that we can reach out to
16 service.

17 COMMISSIONER ROGERS: Good. Good. You're
18 way ahead of me.

19 MAYOR SCARPELLI: Thank you, Commissioner,
20 for reaching out.

21 COMMISSIONER PETRACCO: I'd just like to add
22 something to the small business people, since I'm one
23 of them, or we are one of them, right? Really, I'd
24 just like to say that -- exactly. Summer's coming.
25 But I'd like to say that a lot of the businesses are

1 really suffering. I did pull out all my tables and
2 chairs completely out of my store just because, you
3 know, I wanted to make sure it was clear, and we don't
4 want to be, you know, transmitting this virus in any
5 way.

6 But I have to say I've never been prouder to
7 be in Nutley because the way the people are coming
8 together, and even the small businesses, there's been
9 other delis, other eateries that have called me, some
10 people that are in the restaurant business that are
11 closing, you know, that have to close, that are saying,
12 do you know anybody that needs food? Do you need
13 chicken cutlets? I have a few cases here. And vice-
14 versa, it's been going back and forth.

15 Shop-Rite's been excellent to a lot of the
16 small stores, letting us get what we need, you know, to
17 supply our people. So it's really been a team effort,
18 and I really have to -- I really want to acknowledge,
19 when we get back online, for these small shops, it's
20 going to be very difficult for them to get up and going
21 because not a lot of -- you know, a lot of these
22 businesses are week to week, you know, and are
23 struggling. And, you know, I know most of them, and
24 they have been calling me. So whatever we can do as a
25 board of commissioners, as a township, as a good

1 friend, neighbor, I think we should do this. And keep
2 in mind that these -- you know, these places are
3 struggling. They're going to need all of our help.
4 And not just any businesses. All of the businesses as
5 well, you know.

6 And I think that this is when we come
7 together as a community, not just as a board of
8 commissioners, but there's people that are -- you know,
9 are really hurting out there, you know, because they're
10 not able to get to their business or whatever the case
11 is, and it's --

12 COMMISSIONER ROGERS: Maybe we could
13 collaborate with the Chamber of Commerce, Mayor?

14 COMMISSIONER PETRACCO: Yes.

15 COMMISSIONER ROGERS: All right. Get them on
16 board.

17 COMMISSIONER TUCCI: Well, this dovetails
18 nicely with the Mayor's, you know, Takeout Friday --

19 MAYOR SCARPELLI: Absolutely.

20 COMMISSIONER TUCCI: -- Small Business
21 Saturday, and, look, with the advent of Amazon and
22 Amazon Prime, there are a lot of retail establishments,
23 it's not just food establishments --

24 MAYOR SCARPELLI: No.

25 COMMISSIONER TUCCI: -- but just retail in

1 general that are on the brink, all right. A
2 catastrophe like this could be their -- you know, their
3 demise.

4 COMMISSIONER PETRACCO: That they don't
5 reopen.

6 COMMISSIONER TUCCI: So -- exactly. So we
7 need to do everything in our power to assist them. I
8 think you're both absolutely right, and I'm totally on
9 board.

10 MAYOR SCARPELLI: One more --

11 COMMISSIONER EVANS: And I want to add, I
12 absolutely agree. Yeah, and I also was thinking that
13 is it possible, do we have the ability as a governing
14 body, for example, for restaurant food that's in bulk,
15 that's sealed, that could possibly spoil if it's not
16 used, can we purchase that so we can give it to the
17 pantry, the food pantry, so it could be distributed?
18 You know, thinking -- you know, just think of all the
19 ways that, you know, there may be something that we can
20 do.

21 I also think for small business, you know, to
22 the extent that we need to do inspections, but there's
23 fees associated with those inspections for this period,
24 we waive those fees so that we make sure that they stay
25 compliant, but we don't have to financially penalize

1 them. Same thing with tax payments for the second
2 quarter. We're still working with the State on this,
3 but while I can't actually zero out the tax interest
4 rate right now without permission from the State, which
5 we've already asked for, I can, and we as a board, and
6 I bring this to this board -- and we can all vote on
7 this -- is to extend the grace period for the second
8 quarter tax bills so that the penalty, the interest for
9 late payments doesn't actually start because we can
10 extend the grace period before it does.

11 So I think we have to explore all options
12 that will help the residents. And I like the umbrella
13 that says, hey, if Small Business Saturdays, Take Home
14 Friday, and these other things that we can roll into it
15 in a time of crisis, I think sends a very powerful and
16 reassuring message, so I'm on board as well.

17 MAYOR SCARPELLI: Commissioner Rogers, did
18 you have something to say about the food pantry?

19 COMMISSIONER ROGERS: Yeah, the -- my
20 department and myself, and I know I collaborated with
21 all of the three commissioners here, and I believe -- I
22 don't know if I caught up to you today, Commissioner
23 Evans, and I apologize if I didn't. But we've been
24 talking to the Nutley Family Service Bureau about that
25 issue that you just brought up, and we are going to put

1 something in motion very quickly, which I will report
2 tonight during the course of the time that we introduce
3 resolutions.

4 MAYOR SCARPELLI: All right. Also in regard
5 to that, I was in contact with Eileen Painter
6 and Walt Smith about the food drive that they normally
7 -- the Scouts usually have. It's being -- they're not
8 doing it, so they are in need of food --

9 COMMISSIONER ROGERS: We have the solution
10 tonight, Mayor.

11 MAYOR SCARPELLI: We have the solution? I'm
12 all up for it.

13 COMMISSIONER ROGERS: And you -- and whether
14 you -- I know we had this discussion as a team, and
15 it's very important they know that what I'm going to
16 introduce tonight was by every single member of this
17 Board of Commissioners.

18 COMMISSIONER PETRACCO: I'm hoping -- just
19 one other comment. Tom, I'm hoping that the State, I
20 mean, depending on how long this lags on for these
21 businesses, I'm hoping that the State will even give
22 them, these, you know, small businesses, excluding me
23 because I'm fine, thank you, but even some kind of
24 abatement, you know, to get them on top and on their
25 feet, man. Because I've got to tell you, the mayor's

1 idea with the Friday Takeout and -- I'm going to tell
2 you something, being out of business for, God forbid,
3 two weeks, that's not -- one night and one day is not
4 going to bring them back online. Maybe, you know, take
5 -- chips at it, but, you know, again, I know a lot of
6 these people. I'm hoping that the State, the governor
7 comes up with a plan to put these people back online
8 because I'm going to tell you, I don't think they're
9 all going to be returning.

10 I mean, they're really struggling, you know,
11 and it's a different world. There's a lot of
12 competition out there for all these eateries. And
13 again I'm hoping, you know, maybe we could work on that
14 together, you know, through the State and see what kind
15 of programs they're going to have for these small
16 businesses, because I've heard there's going to be a
17 lot of them, and I'm hoping there is.

18 MAYOR SCARPELLI: Any other announcements,
19 commissioners?

20 COMMISSIONER EVANS: And, Al, I'm happy to,
21 you know, continue to work on that with everybody, but
22 as of right now the State's guidance isn't clear yet.
23 But I think to your point is, as this progresses, it
24 will have to be -- and even at the federal level, the
25 bill for \$850 billion to help with coronavirus has in

1 it provisions for small business, which I hope will get
2 activated very soon.

3 COMMISSIONER PETRACCO: I've heard that.

4 Yeah. Thank you, Tom.

5 MAYOR SCARPELLI: All right. Let's move to
6 ordinance introductions. Ordinance Number 3440,
7 ordinance providing for the reconstruction of the
8 roadway at Grant Avenue, Section Two. The Township of
9 Nutley and the County of Essex, New Jersey,
10 appropriating \$406,964 therefor from grant monies
11 received from the New Jersey Department of
12 Transportation and for the costs thereof.

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

18 THE CLERK: April 7th.

19 MAYOR SCARPELLI: -- April 7th, 2020. I move
20 the ordinance.

21 COMMISSIONER TUCCI: Second.

22 THE CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 THE CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

Public Session

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. Public hearings.

7 Commissioner Petracco?

8 COMMISSIONER PETRACCO: Ordinance Number
9 3438, an ordinance to amend an ordinance codified in
10 the code of the Township of Nutley, Chapter 228,
11 entitled Vehicles and Traffic, particularly Article 7,
12 special zones and areas, Section 29A, entitled
13 Handicapped Parking, to add the locations set forth.
14 This is for Milton Ave., 174, to add, and remove on
15 Lakeside Drive. This is -- you want to -- is there
16 any --

17 MAYOR SCARPELLI: Anybody from the public
18 want to be heard on Ordinance Number 3438?

19 COMMISSIONER PETRACCO: Hearing no one, I
20 move to close.

21 COMMISSIONER TUCCI: Second.

22 THE CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 THE CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: 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 PETRACCO: I move the ordinance.
8 COMMISSIONER TUCCI: Second.
9 THE CLERK: Commissioner Rogers?
10 COMMISSIONER ROGERS: Aye.
11 THE CLERK: Commissioner Tucci?
12 COMMISSIONER TUCCI: Aye.
13 THE CLERK: Commissioner Evans?
14 COMMISSIONER EVANS: Aye.
15 THE CLERK: Commissioner Petracco?
16 COMMISSIONER PETRACCO: Aye.
17 THE CLERK: Mayor Scarpelli?
18 MAYOR SCARPELLI: Aye.
19 COMMISSIONER PETRACCO: Thank you.
20 MAYOR SCARPELLI: All right. Ordinance
21 Number 33 -- 3439, an ordinance to amend an ordinance
22 codified in the code of the Township of Nutley, Chapter
23 349, entitled Flood Damage Prevention. This ordinance
24 was -- we had to be in compliance with state code for
25 flood damage, they let us know, probably like two

1 months ago, that we had to get it done, and if we
2 didn't get it done by a certain date, we'd be out of
3 compliance and open to fines, so --

4 COMMISSIONER PETRACCO: So here we are.

5 MAYOR SCARPELLI: -- I commend my engineering
6 department on getting it done. Open the public
7 hearing. Does anybody wish to be heard on Ordinance
8 Number 3439?

9 COMMISSIONER PETRACCO: Hearing no one --

10 MAYOR SCARPELLI: Seeing none -- hearing
11 none, I move to close the public hearing.

12 COMMISSIONER PETRACCO: Second.

13 COMMISSIONER TUCCI: Second.

14 THE CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 THE CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 THE CLERK: Commissioner Evans.

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Petracco.

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye. I move the ordinance.

24 COMMISSIONER TUCCI: Second.

25 THE CLERK: Commissioner Rogers?

Public Session

1 COMMISSIONER ROGERS: Aye.

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: 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. Let's move on to
10 resolutions. Commissioner Rogers?

11 COMMISSIONER ROGERS: Resolution Number
12 67-20, recognizing April 2020 as National Donate Life
13 Month. So moved as written.

14 COMMISSIONER TUCCI: Second.

15 THE CLERK: Commissioner Rogers.

16 COMMISSIONER ROGERS: Aye.

17 THE CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 THE CLERK: Mayor Scarpelli.

24 MAYOR SCARPELLI: Aye.

25 COMMISSIONER ROGERS: Resolution Number

1 68-20, recognizing April 6th through April 12th, 2020,
2 as National Public Health Week, so moved as written.

3 COMMISSIONER PETRACCO: Second.

4 THE CLERK: You need a -- Commissioner
5 Rogers.

6 COMMISSIONER ROGERS: Aye.

7 THE CLERK: Commissioner Tucci.

8 COMMISSIONER TUCCI: 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: All right. Now, this
16 resolution I will read in full. This is probably one
17 of the most important resolutions, at least in my time
18 here that the -- at least for the time being, it's very
19 important. Now, although my name's on this, it's
20 important for the public to understand that every
21 single commissioner I've spoken with regarding what I'm
22 about to do here, I think it's important for the public
23 to know as Commissioner Tucci, the mayor, and my other
24 colleagues mentioned, that we work as a team.

25 And it's also a resolution that was put

1 together in two hours. We did this at lightning speed
2 after I received information from the Nutley Family
3 Service Bureau on how critical the food pantry is,
4 Mayor. You mentioned it, 250 residents right now are
5 -- have a food shortage, and we're concerned that it
6 may climb as people lose their jobs, so this is
7 probably, like I said, a very important resolution that
8 we need to get done immediately, and we are.

9 Whereas, as a result of the public --

10 MR. GENITEMPO: Commissioner? Excuse me,
11 it's Alan. May I interrupt you for one moment?

12 COMMISSIONER ROGERS: Yes.

13 MR. GENITEMPO: Before you read the
14 resolution, let's just make note that this is an
15 emergency resolution. It was not on the agenda. We
16 discussed it today specifically under the emergency
17 provisions of the governor's Order 104. This is an
18 allowable, you know, emergency resolution, and I just
19 -- I know it doesn't appear on the agenda. I just
20 wanted to make sure everyone was aware of that,
21 including the public.

22 COMMISSIONER ROGERS: Thank you.

23 MR. GENITEMPO: Thank you.

24 COMMISSIONER ROGERS: Thank you very much,
25 Counselor. Very important. Whereas, as a result of

1 the current public health emergency related to
2 COVID-19, and to amend an already existing agreement
3 between the Township of Nutley and the Nutley Family
4 Service Bureau Food Pantry, for the provision of
5 services to the residents of Nutley, the Township has a
6 need to amend resolution 09-20 due to the current
7 local, state, and national public health emergency
8 situation by increasing the payment of \$25,000 to
9 \$50,000, effective immediately, for the term of
10 January 1st, 2020 to December 31st, 2020, with more aid
11 -- and this is important -- with more aid to be made
12 available as needed.

13 The contract will be amended, but the
14 emergency declaration issued by the governor of
15 March 16th, 2020, authorizes this payment to be made
16 immediately to assist the residents of the Township of
17 Nutley, and whereas funds are available from
18 Account 0-01-120-209 in the amount of \$25,000, and have
19 been certified by the CFO, said certification being
20 attached to this resolution.

21 Now, therefore, be it resolved that the Board
22 of Commissioners of the Township of Nutley hereby
23 authorizes the aforementioned amendment to Resolution
24 Number 09-20, and payments are made as follows:
25 \$12,500 in January; \$12,500 in June; but immediately

1 \$25,000. And before I move this, I just want to make
2 note that we're able to do this because of how we have
3 conducted ourselves as a Board of Commissioners with
4 regard to the fiscal responsibility of this township.
5 We've had money available to do this, and it's
6 important that the residents know it. So I hereby move
7 this resolution.

8 COMMISSIONER TUCCI: Second.

9 THE CLERK: Commissioner Rogers.

10 COMMISSIONER ROGERS: Aye.

11 THE CLERK: Commissioner Tucci.

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Commissioner Evans.

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco.

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli.

18 MAYOR SCARPELLI: Aye.

19 COMMISSIONER ROGERS: That's it, Mayor.

20 Thank you.

21 MAYOR SCARPELLI: Thank you, Commissioner.

22 Commissioner Tucci, do you have anything on the agenda?

23 COMMISSIONER TUCCI: Nothing at all, Mayor.

24 MAYOR SCARPELLI: Commissioner Evans.

25 COMMISSIONER EVANS: Yes, Mayor. Thank you.

1 I have several things on the agenda, so thank you, and
2 be patient. It'll take a few moments. My first
3 resolution actually relates to a bond anticipation note
4 for \$5,944,856. Just a note is actually an
5 accumulation of our previous capital ordinances, and,
6 in fact, instead of bonding over a long-term period,
7 we're actually using a short-term bond anticipation
8 note with a majority date that's within the year.

9 The idea right now is that interest rates are
10 low, the rate environment is such that it can go lower,
11 so from a standpoint of securing our debt and getting
12 the most favorable interest rate over the usual
13 ten-year period that we bond over, we're utilizing the
14 bond anticipation note for the period of the year.

15 What this does is it continues to maintain
16 our debts, which is currently at -- in total, including
17 this, \$13.7 million against our full borrowing power of
18 \$139 million. We have plenty of room to borrow in the
19 event of emergencies, if such should arise, and at the
20 same time we are keeping the interest rates very low,
21 which improves our ability to maneuver within normal
22 times as well as this time of crisis.

23 So I -- the provisions of this are -- it lays
24 out in each page the particular bond ordinances that
25 were adopted by the Board. So by title I will read

1 this. Resolution authorizing the issuance of, not
2 exceeding, \$5,944,856 in bond anticipation notes of the
3 Township of Nutley, County of Essex, be it resolved by
4 the Board of Commissioners, Township of Nutley, that
5 the -- County of Essex, State of New Jersey, that the
6 commissioners approve this resolution for each of the
7 sections contained herein. So move.

8 COMMISSIONER TUCCI: Second.

9 THE CLERK: Commissioner Rogers.

10 COMMISSIONER ROGERS: Aye.

11 THE CLERK: Commissioner Tucci.

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Commissioner Evans.

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco.

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli.

18 MAYOR SCARPELLI: Aye.

19 COMMISSIONER EVANS: Whereas, certain Water

20 Utility capital improvement appropriation balances

21 remain dedicated to projects now complete, and no debt

22 has been issued towards the unspent balances;

23 Whereas, it is necessary to formally cancel

24 said balances so unused debt authorizations may be

25 canceled;

1 Now, therefore, be it resolved by the Board
2 of Commissioners of the Township of Nutley, County of
3 Essex, State of New Jersey, that the following
4 unexpended and dedicated balances of the Water Utility
5 Capital Appropriation be canceled:

6 Ordinance Number 3296 in the amount of
7 \$9,500. So move.

8 COMMISSIONER TUCCI: Second.

9 THE CLERK: Commissioner Rogers.

10 COMMISSIONER ROGERS: Aye.

11 THE CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Commissioner Evans.

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli.

18 MAYOR SCARPELLI: Aye.

19 COMMISSIONER EVANS: The next two are
20 resolutions I have to read relate to the temporary
21 budget authorizations. As you all know, for the
22 benefit of the public, until we actually adopt a
23 budget, there is a statutory provision that allows us
24 to operate under temporary budget authorizations in
25 amounts that are not to exceed our previous year's

1 budget by a certain formula.

2 So whereas, N.J.S.A. 40A:4-20 provides that
3 where contracts, commitments, or payments are to be
4 made prior to the final adoption of the 2020 budget,
5 emergency appropriations may be lawfully made for the
6 purposes and amounts required in the manner and time
7 therein provided;

8 Whereas, the total emergency temporary
9 resolution adopted in the year 2020 pursuant to the
10 provisions of Chapter 96 P.L. 1951 including this
11 resolution total \$14,376,960.

12 Now, therefore, be it resolved that in
13 accordance with N.J.S.A. 40A:4-20: 1) the emergency
14 appropriations be and the same are hereby made for the
15 total amount of \$14,376,960; and, 2) that said
16 emergency temporary appropriation will be provided for
17 in the 2020 budget for the accounts and departments
18 that are listed individually within the resolution. So
19 move.

20 COMMISSIONER TUCCI: Second.

21 THE CLERK: Commissioner Rogers.

22 COMMISSIONER ROGERS: Aye.

23 THE CLERK: Commissioner Tucci.

24 COMMISSIONER TUCCI: Aye.

25 THE CLERK: Commissioner Evans.

1 COMMISSIONER EVANS: Aye.

2 THE CLERK: Commissioner Petracco.

3 COMMISSIONER PETRACCO: Aye.

4 THE CLERK: Mayor Scarpelli.

5 MAYOR SCARPELLI: Aye.

6 COMMISSIONER EVANS: The next one relates to
7 the Water Utility. Whereas, N.J.S.A. 40A:4-20 provides
8 that where contracts, commitments, or payments are to
9 be made prior to the final adoption of the 2020 Water
10 Utility budget, emergency appropriations may lawfully
11 be made for purposes and amounts required in the amount
12 and time therein provided;

13 Whereas, the total emergency temporary
14 resolution adopted in the year 2020, pursuant to the
15 provisions of 96 P.L. 1951, including this resolution,
16 total \$1,122,646.88.

17 Now, therefore, be it resolved in accordance
18 with N.J.S.A. 40A:4-20: 1) emergency temporary
19 appropriations be and the same are hereby made for the
20 total amount of \$1,122,646.88; 2) that said emergency
21 temporary appropriations will be provided for in the
22 2020 Water Utility budget, for the accounts that are
23 listed and contained in this resolution. So move.

24 COMMISSIONER TUCCI: Second.

25 THE CLERK: Commissioner Rogers.

1 COMMISSIONER ROGERS: Aye.

2 THE CLERK: Commissioner Tucci.

3 COMMISSIONER TUCCI: 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: Be it resolved by the

11 Board of Commissioners of the Township of Nutley,

12 County of Essex, New Jersey, that in accordance with

13 the provisions of R.S. 40A:4-59, the following

14 transfers of the 2019 appropriation reserves be and the

15 same are hereby authorized and approved from Municipal

16 Elections O/E, 10,000, to Township Clerk's Office, O/E,

17 10,000, so move.

18 COMMISSIONER TUCCI: Second.

19 THE CLERK: Commissioner Rogers.

20 COMMISSIONER ROGERS: Aye.

21 THE CLERK: Commissioner Tucci.

22 COMMISSIONER TUCCI: 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 COMMISSIONER EVANS: And, whereas, the law
5 firm of Inglesino, Webster, Wyciskala, and Taylor,
6 600 Parsippany Road, Suite 204, Parsippany, New Jersey,
7 has been awarded a non-fair and open contract as a
8 professional service, pursuant to the provisions of
9 N.J.S.A. 19:44A-20.4 or 20.5, as appropriate, pursuant
10 -- as appropriate to provide services to the Board of
11 Commissioners as counsel for the Township of Nutley
12 concerning compliance, procedural, and general legal
13 issues;

14 Whereas, such services will exceed the
15 contract amount of \$35,000 in change order number one,
16 in the amount of \$5,000, and change order number two,
17 in the amount of \$8,500, the following order is needed,
18 change order number three, provide legal services not
19 to exceed \$7,100;

20 Whereas, funds are available from account 9-
21 01-201 -- 210-205, and has been certified by the Chief
22 Financial Officer, said certification being attached to
23 this resolution.

24 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
2 three in the amount of \$7,100 be and is hereby approved.
3 So move.

4 COMMISSIONER TUCCI: Second.

5 THE CLERK: Commissioner Rogers.

6 COMMISSIONER ROGERS: Aye.

7 THE CLERK: Commissioner Tucci.

8 COMMISSIONER TUCCI: 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 EVANS: My next resolution
16 relates to MunicIPAY and Spatial Data. We have been
17 able to successfully move forward with being able to
18 use credit cards to process our dog and cat licenses
19 which come up in April, and I think as you all know,
20 there's about 1800 licenses that we have to issue
21 within the 30 days of April, so this is actually
22 expanding our service, and it comes at a great time,
23 when you think about the environment that we're living
24 in right now.

25 Whereas, the Township of Nutley desires to

1 accept credit cards, debit cards, and E-Checks within
2 the Spatial Data Logic Applications for the collection
3 of fees in various municipal departments;

4 Whereas, the acceptance of credit cards,
5 debit cards, and E-Checks by the Township will make
6 payment of these fees easier and more convenient;

7 Whereas, it has been determined that
8 MuniPAY, 511 Congress Street, Suite 503, Portland,
9 Maine, will provide all necessary services for these
10 transactions;

11 Whereas the contract is based upon a
12 convenience fee method.

13 Now, therefore, be it resolved by the Board
14 of Commissioners of the Township of Nutley, County of
15 Essex, State of New Jersey, that the township will
16 enter into a one-year contract with MuniPAY for
17 acceptance of credit cards, debit cards, and E-Checks
18 within Spatial Data Logic applications for a one-year
19 -- with a one-year option to extend such contract
20 subject to the availability and appropriation annually
21 of funds as may be required within the extended
22 obligation. So move.

23 COMMISSIONER TUCCI: Second.

24 THE CLERK: Commissioner Rogers.

25 COMMISSIONER ROGERS: Aye.

Public Session

1 THE CLERK: Commissioner Tucci.

2 COMMISSIONER TUCCI: 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: Thank you.

10 MAYOR SCARPELLI: Thank you, Commissioner.

11 Commissioner Petracco?

12 COMMISSIONER PETRACCO: I have Resolution
13 Number 62-20. Be it resolved by the Board of
14 Commissioners of the Township of Nutley, County of
15 Essex, New Jersey, that the Township Clerk is hereby
16 authorized to advertise for sealed bids for surplus
17 equipment that is no longer used in the township. The
18 equipment vehicles are listed below, a 2002 Dodge
19 Durango, a 1990 -- a 1990 van/ambulance. Be it further
20 resolved that the above equipment is available for
21 inspection on Wednesday, April 1st, 2020, between the
22 hours of 8:30 and 11:30. Contact the Nutley Police
23 Department at (973) 284-4947 if interested in
24 inspecting the equipment.

25 Be it further resolved that the equipment is

1 to be sold as-is and where-is, and bids are to be
2 received on Wednesday, April 8th, 2020, at 11:00 a.m.
3 prevailing time, in Commission Chambers, Town Hall,
4 1 Kennedy Drive, Nutley, New Jersey, at which time they
5 will be publicly opened and read. I move the
6 resolution.

7 COMMISSIONER TUCCI: Second.

8 THE CLERK: Commissioner Rogers.

9 COMMISSIONER ROGERS: Aye.

10 THE CLERK: Commissioner Tucci.

11 COMMISSIONER TUCCI: Aye.

12 THE CLERK: Commissioner Evans.

13 COMMISSIONER EVANS: Aye.

14 THE CLERK: Commissioner Petracco.

15 COMMISSIONER PETRACCO: Aye.

16 THE CLERK: Mayor Scarpelli.

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER PETRACCO: That's all I have.

19 MAYOR SCARPELLI: Thank you, Commissioner.

20 Whereas, bids for Nairn Place Roadway

21 Improvement Project were received and opened on

22 Wednesday, September 26th, 2018;

23 Whereas, AJM Contractors was the low bidder;

24 Whereas, the base bid for the Nairn Place

25 Roadway Improvement Project was in the amount of

1 \$143,811;

2 Whereas, the Township of Nutley entered into
3 a contract with AJM Contractors for the amount of
4 \$143,811;

5 Whereas, Change Order Number 1 to the bid --
6 base bid has been authorized for a decrease in the
7 amount of \$337.29, for a total deductive change order
8 in the amount of \$337.29.

9 Now, therefore, be it resolved by the Board
10 of Commissioners of the Township of Nutley, County of
11 Essex, State of New Jersey, that change order number
12 one as attached is a change from the contract
13 previously made by the Township of Nutley with AJM
14 Contractors for the project known as Nairn Place
15 Roadway Improvement Project, is hereby authorized and
16 approved. I move the resolution.

17 COMMISSIONER TUCCI: Second.

18 THE CLERK: Commissioner Rogers.

19 COMMISSIONER ROGERS: Aye.

20 THE CLERK: Commissioner Tucci.

21 COMMISSIONER TUCCI: Aye.

22 THE CLERK: Commissioner Evans.

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco.

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Mayor Scarpelli.

2 MAYOR SCARPELLI: Aye.

3 Whereas, bids for Ernest Street Improvement
4 Project, Essex County Community Development Block Grant
5 were received and opened April 24th, 2019;

6 Whereas, Cifelli and Sons General
7 Contracting, 81 Franklin Avenue, Nutley, New Jersey,
8 was the low bidder;

9 Whereas, the Township of Nutley entered into
10 a contract with Cifelli and Sons General Contracting
11 for the amount of \$177,464.50;

12 Whereas, Change Order Number One to the
13 contract has been authorized for a decrease in the base
14 bid amount of \$10,325.93.

15 Now, therefore, be it resolved by the Board
16 of Commissioners, Township of Nutley, County of Essex,
17 State of New Jersey, that Change Order Number One as
18 attached is a change from the previous contract made by
19 the Township of Nutley, with \$10,325.93 decrease for
20 the project known as Ernest Street Improvement Project
21 CDBG, is hereby authorized and approved. I move the
22 resolution.

23 COMMISSIONER TUCCI: Second.

24 THE CLERK: Commissioner Rogers.

25 COMMISSIONER ROGERS: Aye.

1 THE CLERK: Commissioner Tucci.

2 COMMISSIONER TUCCI: 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 Whereas, bids for the Harrison Street Roadway
10 Improvement Project, Section 4, Bloomfield Avenue to
11 East Passaic Avenue, were received and opened on
12 July 11, 2018;

13 Whereas, AJM Contractors was the low bidder;

14 Whereas, the base bid for the Harrison Street
15 Improvement Project, Bloomfield Avenue to East Passaic
16 Avenue, was in the amount of \$373,186.70 for a total
17 bid amount of \$373,186.70.

18 Whereas, Change Order Number One for the base
19 bid has been authorized for a decrease in the amount of
20 \$62,808.58, for a total deductive change order in the
21 amount of \$62,808.58.

22 Now, therefore, be it resolved by the Board
23 of Commissioners of the Township of Nutley, County of
24 Essex, State of New Jersey, that Change Order Number
25 One as attached is a change from the contract

1 previously made by the Township of Nutley with AJM
2 Contractors for the project known as Harrison Street
3 Improvement Project, and is hereby authorized and
4 approved. I move the resolution.

5 COMMISSIONER TUCCI: Second.

6 THE CLERK: Commissioner Rogers.

7 COMMISSIONER ROGERS: Aye.

8 THE CLERK: Commissioner Tucci.

9 COMMISSIONER TUCCI: 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. That concludes the
16 business portion of our meeting. Is there anyone from
17 the public who would like to -- wish the -- wish to
18 address the Board of Commissioners this evening?

19 COMMISSIONER PETRACCO: Hearing no one, I
20 move to --

21 MR. KOSLECKI: Hi, this is Patrick Koslecki.

22 MAYOR SCARPELLI: Yes, Patrick. Can you give
23 me your address, Patrick?

24 MR. KOSLECKI: Hi, Patrick Koslecki,
25 87 Mountainview. I would just like to start by saying,

1 I'm sure there was so much going on that as residents
2 we're unaware of, and I would like to extend my
3 sincerest thanks to the commissioners for working well
4 into the night as things develop and (indiscernible)
5 what's going on with COVID-19. I'm getting a master's
6 in political administration right now, and working on a
7 solid thesis (indiscernible) about them, so thank you
8 for that.

9 I really would just like to say if there's
10 any way -- or I guess more of a question, to volunteer
11 and help deliver anything to the elderly in our
12 community, I would be more than happy to do that. I
13 know that they are the highest risk population right
14 now. I've been monitoring my temperatures and my
15 symptoms, and I am completely fine, but I would be
16 happy to report to a physician if necessary. But I
17 think this really would be a community building moment,
18 and bring out the best in every Nutley resident, so if
19 there's anything as a resident I can do to help the
20 elderly in our community, I just would hope to know and
21 really help out the people that need it most right now.

22 MAYOR SCARPELLI: Commissioner Rogers, do you
23 want to respond to that?

24 COMMISSIONER ROGERS: Yeah. Thank you very
25 much for stepping up. We've had a lot of people call

1 in reference to that, and we are keeping, at least at
2 the Health Department, a list of names. Our concern is
3 that we don't want to endanger anyone from getting the
4 virus as a result of assisting us, but that's something
5 that we are looking into.

6 But the first thing we have to be concerned
7 about is the safety of those who we have volunteering
8 to come out. But right now everything's under control,
9 but if it does expand to a point where we need
10 volunteers, if you could certainly call the Health
11 Department tomorrow, give them your name and your
12 telephone number, believe me, we'll call you if we
13 certainly need you.

14 MAYOR SCARPELLI: And, Patrick, maybe another
15 possibility is contacting Nutley Family Service Bureau.

16 COMMISSIONER ROGERS: Yeah.

17 MAYOR SCARPELLI: See if they need
18 volunteers. I'm sure they are -- based on their
19 shortage, and the fact that they are going to get this
20 influx probably of money from the Township through
21 Commissioner Rogers' office, they're going to probably
22 need help in getting those supplies stocked into their
23 various ways that they do things down to the Family
24 Service Bureau.

25 COMMISSIONER TUCCI: Patrick, this is

1 Commissioner Tucci. As usual --

2 MR. KOSLECKI: That sounds great. Thank you.

3 COMMISSIONER TUCCI: Just one last thing,
4 Patrick. As usual, you're stepping up to help your
5 town. If you like, I will let Linda Hamilton know, all
6 right, of your intentions to volunteer. I know you're
7 no stranger to the Parks Department, and I'm sure there
8 is something that you can do to help us help our
9 seniors. So thank you very much once again for your
10 kindness.

11 COMMISSIONER PETRACCO: And, Patrick, this is
12 Commissioner Petracco. I'd like to say thank you to
13 you also. It's really nice when young people step up
14 like that. If you know any seniors that are struggling
15 or need any food yourself, blah, blah, blah, Petracco's
16 Deli would be very willing to help out with that. So
17 if you come across anybody that needs help, you should
18 always let me know.

19 MR. KOSLECKI: Thank you so much to everyone.
20 Definitely I'll do all of those things. Thank you.

21 COMMISSIONER ROGERS: Thank you, Patrick.

22 MAYOR SCARPELLI: Anybody else wish to
23 address the Board of Commissioners this evening?

24 COMMISSIONER PETRACCO: Hello?

25 MAYOR SCARPELLI: Do I hear anybody else

1 before I close the public portion of the meeting?

2 COMMISSIONER PETRACCO: Somebody's trying to
3 talk.

4 MAYOR SCARPELLI: Hearing none, do I have a
5 motion to close the public portion of the meeting?

6 COMMISSIONER PETRACCO: Move to close.

7 COMMISSIONER ROGERS: Second.

8 THE CLERK: Commissioner Rogers.

9 COMMISSIONER ROGERS: Aye.

10 THE CLERK: Commissioner Tucci.

11 COMMISSIONER TUCCI: Aye.

12 THE CLERK: Commissioner Evans. Commissioner
13 Evans?

14 THE CLERK: Commissioner Petracco.

15 COMMISSIONER PETRACCO: Aye.

16 THE CLERK: Mayor Scarpelli.

17 COMMISSIONER EVANS: Aye, I say aye.

18 MAYOR SCARPELLI: Aye.

19 THE CLERK: Thank you. The time is now 8:12.

20 MAYOR SCARPELLI: Commissioner. That
21 concludes the business portion. We do have a need to
22 go into executive session. And it's --

23 COMMISSIONER TUCCI: For one brief item.

24 MAYOR SCARPELLI: -- potential litigation.

25 MR. GENITEMPO: Mayor Scarpelli?

1 MAYOR SCARPELLI: Yes, Alan.

2 MR. GENITEMPO: Mayor Scarpelli? I just need
3 to go on the record while you're still in the regular
4 session, before you vote, just to announce that we
5 invoke the New Jersey Statute 10:4-9(b) to conduct two
6 emergency meetings, one on Friday, March 13th, and one
7 on Sunday March 15th, of the five commissioners.
8 Obviously, any meeting of the five commissioners or any
9 more than two of you requires notice, but under this
10 provision of the emergency provisions of 10:4.9(b), in
11 a situation where notice could not have been provided,
12 for parts (indiscernible) of urgency and importance,
13 limited to the discussion of the urgent matter, that
14 notice will also be (indiscernible) notice.

15 We've met all those criteria for those two
16 meetings. I just wanted the record to be clear that I
17 was in attendance at those meetings, and that the
18 comments and the discussions of the commissioners fully
19 complied with the emergency provisions of the OPMA.
20 Thank you.

21 MAYOR SCARPELLI: Thank you, Counselor. So
22 do we have a motion to go into executive?

23 COMMISSIONER TUCCI: So moved.

24 COMMISSIONER PETRACCO: Second.

25 THE CLERK: Whereas, Section 8 of the Open

1 Public Meeting Act, Chapter 231, Public Law 1975,
2 permits the exclusion of the public from meeting in
3 certain circumstances; and

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

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

10 Now, therefore, be it resolved by the Board
11 of Commissioners of the Township of Nutley move into
12 closed executive session to discuss potential
13 litigation.

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

21 COMMISSIONER ROGERS: Aye.

22 THE CLERK: Commissioner Tucci.

23 COMMISSIONER TUCCI: Aye.

24 THE CLERK: Commissioner Evans.

25 COMMISSIONER EVANS: Aye.

1 THE CLERK: Commissioner Petracco.

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Mayor Scarpelli.

4 MAYOR SCARPELLI: Aye.

5 THE CLERK: The time is 8:14.

6 MAYOR SCARPELLI: You've got to keep the
7 commissioner -- you've got to keep Mr. Genitempo on.

8 THE CLERK: No, we're going to redial
9 everybody in.

10 MAYOR SCARPELLI: All right.

11 THE CLERK: Tom, are you still there?

12 (Off record)

13 MAYOR SCARPELLI: We're back on the record.
14 Can I have a motion to adjourn?

15 COMMISSIONER PETRACCO: Move it.

16 COMMISSIONER TUCCI: Second.

17 THE CLERK: Commissioner Rogers.

18 COMMISSIONER ROGERS: Aye.

19 THE CLERK: Commissioner Tucci.

20 COMMISSIONER TUCCI: 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: Stay safe, everybody.

2 THE CLERK: The time is 8:30.

3 (End of recording)

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

I, Ilene Watson, 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.

_____ April 1, 2020

Ilene Watson
AAERT CET/CER 447
Certified Court Transcriptionist