TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

*** PUBLIC SESSION ***

DATE: March 17, 2020

BOARD OF COMMISSIONERS:

JOSEPH P. SCARPELLI, MAYOR

STEVEN L. ROGERS, COMMISSIONER

MAURO G. TUCCI, COMMISSIONER

THOMAS J. EVANS, COMMISSIONER (VIA TELEPHONE)

ALPHONSE PETRACCO, COMMISSIONER

Also Present:

ALAN GENITEMPO, TOWNSHIP ATTORNEY (VIA TELEPHONE)
(Recording begins)

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

So, Mr. Genitempo, are you there?

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

MAYOR SCARPELLI: Commissioner Evans?

COMMISSIONER EVANS: Yes, I'm here.

MAYOR SCARPELLI: Who else is on the line?

MS. HAMLIN: Maria Hamlin.

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

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

MS. HAMLIN: (Indiscernible) thank you.

MAYOR SCARPELLI: Who is it? Who else is on there?
Public Session

MR. GENITEMPO: Patrick Koslecki.

MR. KOSLECKI: Patrick Koslecki,

87 Mountainview Avenue.

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

MR. KOSLECKI: Thank you.

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

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

MAYOR SCARPELLI: Madam Clerk.

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

COMMISSIONER ROGERS: Here.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Here.
THE CLERK: Commissioner Petracco.
COMMISSIONER PETRACCO: Here.
THE CLERK: Mayor Scarpelli.
MAYOR SCARPELLI: Here.
THE CLERK: All --
MAYOR SCARPELLI: Can I ask everybody to stand for the flag salute.

(Pledge of Allegiance)
MAYOR SCARPELLI: Minutes, Madam Clerk?
THE CLERK: Yes, Mayor. We have Board of Commissioner meeting minutes for February 18th, 2020. We need a motion.
COMMISSIONER PETRACCO: Move it.
COMMISSIONER TUCCI: Second.
THE CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Will I abstain on that one? Was that the meeting that I missed, I believe?
THE CLERK: Yes.
COMMISSIONER ROGERS: Or -- yes, I abstain.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. Reports.

Commissioner Evans?


MAYOR SCARPELLI: Commissioner Petracco?

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

MAYOR SCARPELLI: Bills, Madam Clerk?

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

COMMISSIONER EVANS: Move the --

COMMISSIONER TUCCI: Second.

COMMISSIONER EVANS: Move the bills.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

THE CLERK: And that's it for bills.

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

COMMISSIONER ROGERS: Make a motion that we close.

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans? Commissioner Evans?

COMMISSIONER EVANS: Aye.
Public Session

1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Mayor Scarpelli.

4 MAYOR SCARPELLI: Aye. Board of Commissioner announcements. This couple I have is, one is that I

5 want to thank the commissioners for all their hard work over this past week. You know, we met a couple times last week, we met over the weekend, in regard to the COVID-19 virus, and its effect on this municipality, and I want to thank you for your time and efforts in getting through this crisis. In that regard, we have Chief Cafone here, and Will Cassidy, the head of OEM, who would like to discuss declaring a health emergency, and some of the advantages that that gives us going forward.

6 COMMISSIONER PETRACCO: And (indiscernible).

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

8 MR. CASSIDY: Hello, everyone. Will Cassidy.

9 So like the mayor said, this has been an evolving issue with COVID-19. There's been many meetings, and we're kind of following suit with the state as well as the county, and we've had a meeting recently, and we believe it is necessary to declare a public health emergency at this time.
And what that will do is it will open up federal funding throughout the course of this event if the federal government decides that we meet a threshold and they want to backfill payments to municipalities. So without declaring, we won't be available to receive those funds.

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

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

I think it might be counterproductive to close the parks entirely, and I know a lot of other
jurisdictions have done that, but I'm not really prepared to do that at this point in time. And also for our seniors, all right, who will get a bit claustrophobic staying indoors all day long. As long as we have the separation and the safety protocols are in place, I don't think we should close the parks at this time.

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

COMMISSIONER TUCCI: And just to follow up -- MAYOR SCARPELLI: You're going to close the playgrounds, though?

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

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

COMMISSIONER ROGERS: And our nursing --

Bill, our nursing staff is still visiting the
vulnerable, still visiting disabled people, and still
visiting seniors, so that hasn't stopped. I've kind of
restructured things a bit, but what -- the government
is still working, and it's just important -- I know
you're the messenger, not the -- the -- don't feel that
I'm --

COMMISSIONER PETRACCO: And at his first meeting.

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

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

UNIDENTIFIED: Will, welcome aboard.

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

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

MR. CASSIDY: Absolutely.

COMMISSIONER PETRACCO: Chief, you want to say
something?

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

COMMISSIONER TUCCI: Right.

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

COMMISSIONER TUCCI: Absolutely.

DEPUTY CHIEF CAFONE: -- it needs to be closed.

But if we need to further do it, at least it's in the
declaration, so we can come up with an agreement with
the commissioners to do that in the event that we have
to.
COMMISSIONER ROGERS: Right. The only problem I have with that -- and if I'm wrong, correct me -- once we use that verbiage, that's going to go public. And people are going to be under the impression that we have closed -- we're closing our town down, for goodness sakes. Could we -- Paul, do we have to put that verbiage in there or can we reshape that not to cause alarm?

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

However, this can get amended along the way, so if -- say this becomes a worse situation than it already is, we start to get residents affected, we can change the wording in this document to restrict even further congregations, park closures at that point, and whatever else we need to slow this virus down in the whole. So this is something that's -- the verbiage can definitely be changed, but this verbiage needs to be in
here for congregating, and that's a state -- not a recommendation, it's a state --

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

MR. CASSIDY: So the way it works --

COMMISSIONER PETRACCO: How I read it.

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

We can't say we're going to be less stringent than the county or the state. The counties at this time have closed all parks in response to this, and multiple municipalities have also followed their -- not guidelines but orders to close parks. I also believe, just as you said, Commissioner Tucci and Commissioner
Rogers, that it's good for people to go out and walk and be in the park. It's good for public health and personal health. However, if this gets worse, we want to slow it down. We're not trying to slow down the person from walking through the park, walking their dog, you know, getting out of the house type spot. We don't want that. What we do want to limit is now that school's out, kids playing baseball and different stuff in the parks because they're open.

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

MR. CASSIDY: Correct.

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

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

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

COMMISSIONER PETRACCO: I agree, by the way.

COMMISSIONER TUCCI: Otherwise, folks will be
walking on the streets. You're not going to stop them from going out.

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

MR. CASSIDY: So change it to just playgrounds.

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

COMMISSIONER EVANS: So this is Tom jumping in. You know, Mauro, you and I talked about this earlier. You know, as services change, then resourcing needs changed. You know, for example, my plumbing inspector, my electrical inspector, my subcode official, you know, they have those -- inspector responsibilities change, you know. Those are resources that become available, and they'll -- and if you need
it, offer your staff to help patrol the parks, to look out, to make sure --

COMMISSIONER TUCCI: Absolutely.

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

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

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

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

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

COMMISSIONER EVANS: Yeah, I added in
addition it doesn't require us to go out and get multiple quotes. If it's any -- in the event of an emergency or bidding information.

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

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

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

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

MR. CASSIDY: It's a declaration.

COMMISSIONER EVANS: The -- all right. This
declaration, some of the language here, you know, when
you read it, it seems to suggest one course of action
versus the action that we've been talking about. Are
-- is this going to be modified?

MR. CASSIDY: As of right --

COMMISSIONER EVANS: The language in there?

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

COMMISSIONER EVANS: So what it --

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

COMMISSIONER EVANS: Yes.

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

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

COMMISSIONER EVANS: Yeah, it's just that I
have a question. It's -- the paper I have is on Page 2
of the "whereases", the third one, the third and
fourth one from the bottom.

MR. CASSIDY: Correct.

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

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

MR. CASSIDY: So basically right now --

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

MR. CASSIDY: And Commissioner Evans, I'm
going to do my best to try to help clarify that. But
basically where it says, "Whereas, on March 16th,"
that's basically putting into this declaration that we are going to abide by his Executive Order 104. In addition to that, we have the ability and capability of enforcing stricter guidelines or rules.

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

COMMISSIONER EVANS: Okay.

MR. CASSIDY: -- anything.

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

COMMISSIONER TUCCl: Tom, let me jump back in here.

COMMISSIONER EVANS: -- a directive to --

COMMISSIONER TUCCl: Because the --

COMMISSIONER EVANS: Mauro, can you help me?

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

COMMISSIONER EVANS: Yes, Page 3 --

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

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

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

COMMISSIONER EVANS: (Indiscernible.)

COMMISSIONER TUCCI: -- an imminent hazard, I don't know that we have an imminent hazard, all right? We have a threat of an imminent hazard, all right, but this is very emphatic that it presently endangers the health, safety, and resources of -- and it goes -- and it goes on and on. Can we modify that and still be eligible or does -- is that the boilerplate language they're --
MR. CASSIDY: No.

COMMISSIONER TUCCI: -- looking for?

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

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

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

COMMISSIONER ROGERS: Yeah. Correct.
COMMISSIONER PETRACCO: -- and that if you change the language in any form, shape, does that make us ineligible?

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

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

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

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

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

MR. CASSIDY: Sure.

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

MAYOR SCARPELLI: Sure, Alan.

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

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

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

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

MR. GENITEMPO: Yes?

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

MR. GENITEMPO: I think that we --

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

MR. GENITEMPO: -- (indiscernible).

COMMISSIONER PETRACCO: We don't want to be
ineligible.

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

MAYOR SCARPELLI: So, Commissioner --

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

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

COMMISSIONER TUCCI: Can I make a suggestion that --

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

COMMISSIONER ROGERS: There you go.

COMMISSIONER TUCCI: Can't do potentially constitute?

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

COMMISSIONER TUCCI: Right. We're saying --

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

COMMISSIONER TUCCI: Right.

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

MAYOR SCARPELLI: So --

DEPUTY CHIEF CAFONE: Wait until it does become --
COMMISSIONER TUCCI: I'm going to answer that question because we want to be positioned, in the event that county, state, and federal funding becomes available, to take advantage of that and to get whatever reimbursements we need to get --

COMMISSIONER PETRACCO: Absolutely.

COMMISSIONER TUCCI: -- to service our people.

COMMISSIONER PETRACCO: Yeah, exactly.

COMMISSIONER TUCCI: That's the reason.

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

COMMISSIONER TUCCI: Exactly.

CHIEF STRUMOLO: -- (indiscernible).

COMMISSIONER TUCCI: So I don't --

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

MR. CASSIDY: Of 50 or more persons.

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

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

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

COMMISSIONER EVANS: All right. So that's my point. Here's my point. If we look at Executive Order 104, and we attach it to this declaration, and we show that we're in compliance with the Executive Order 104, which says no congregating, then I think that we're actually more stringent in Number 5, because you're saying no congregating in the park. All right. So --
but the executive order states 50. Well, then 25
people would be okay, but if we want to be more
stringent, that's fine. Right? But I think we should
just attach the order because that dictates why we're
doing it and that we're in compliance. And I think we
did that and then looked at these further results, make
sure they're in alignment with that executive order, I
think this would then -- being able to move forward --

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

MAYOR SCARPELLI: Will.

COMMISSIONER ROGERS: Will. I'm sorry, Will.

My only concern -- I haven't been around lately, so I
don't even know who's who.

COMMISSIONER PETRACCO: Lieutenant.

COMMISSIONER ROGERS: Lieutenant.

COMMISSIONER PETRACCO: Yeah.

COMMISSIONER ROGERS: Lieutenant.

COMMISSIONER PETRACCO: Yeah.

COMMISSIONER ROGERS: Thank you,

Commissioner.

COMMISSIONER PETRACCO: You're welcome.

COMMISSIONER ROGERS: Will, the only concern
I have and I believe my other colleagues have is just
the verbiage in that paragraph. I don't want us to be
alarming people more than they're alarmed already. And so that's the only sticking point, so -- at least for me. Gentlemen --

MAYOR SCARPELLI: So can I suggest that --

COMMISSIONER TUCCI: I agree.

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

COMMISSIONER PETRACCO: Sounds great.

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

MR. CASSIDY: I don't have that answer. I would have to look into that before I give you that answer. And I know this whole thing we just talked about, we don't want to alarm or scare anyone, and I believe that's why all the commissioners in this room have been putting out social media blasts. We have been putting out alerts through OEM and confirming or letting the residents know that there are no cases in Nutley at this time, and we're trying to do the best to keep the public from being -- getting overwhelmed or
over-alarmed. So this does not put -- this should not put anyone in a state of panic. What this does is it protects the township to make sure this COVID-19 virus doesn't get any more out of hand than it already has, and that's all that document does.

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

MR. CASSIDY: Thank you, sir.

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

COMMISSIONER ROGERS: Thank you.

MAYOR SCARPELLI: Commissioners, any other announcements?

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

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

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

MAYOR SCARPELLI: Any other announcement, commissioners?

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

(Recording malfunction)

COMMISSIONER TUCCI: Oh, good. Anyway, I just wanted to commend the Mayor on his State of the Township 2020 statement that he put out and to Tap Into and, like, everyone's witnessing the cooperation amongst all the departments, all right, putting aside any personal feelings or any potential political
directives. I think you did an outstanding job, all right, in capsulizing what's gone on, all right, in the last year. I was very proud to read that. I was very happy, all right, that there were no I's in that, in any of that statement. It was the Board of Commissioners, all right, and I think it's important for everyone to realize that that's how we operate here. All right? Whether it's dealing with ON3, whether it's dealing with this virus or any other issue, we deal with it as a unit. And while we may not always agree on every single point, when it comes to the important portions, we are in sync.

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

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

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

COMMISSIONER PETRACCO: You want to put him
on your cell phone, or maybe just --

THE CLERK: Can we do that?

MAYOR SCARPELLI: Yeah.

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

COMMISSIONER EVANS: Yeah, I can.

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

COMMISSIONER TUCCI: Absolutely.

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

MAYOR SCARPELLI: Folks --

COMMISSIONER PETRACCO: -- make out --

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

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

COMMISSIONER PETRACCO: (Indiscernible) hair
cutter --

MAYOR SCARPELLI: Just shop locally, right?

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

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

COMMISSIONER PETRACCO: For seniors.

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

COMMISSIONER ROGERS: Okay.

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

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

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

COMMISSIONER PETRACCO: I'd just like to add
something to the small business people, since I'm one
of them, or we are one of them, right? Really, I'd
just like to say that -- exactly. Summer's coming.
But I'd like to say that a lot of the businesses are
really suffering. I did pull out all my tables and chairs completely out of my store just because, you know, I wanted to make sure it was clear, and we don't want to be, you know, transmitting this virus in any way.

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

Shop-Rite's been excellent to a lot of the small stores, letting us get what we need, you know, to supply our people. So it's really been a team effort, and I really have to -- I really want to acknowledge, when we get back online, for these small shops, it's going to be very difficult for them to get up and going because not a lot of -- you know, a lot of these businesses are week to week, you know, and are struggling. And, you know, I know most of them, and they have been calling me. So whatever we can do as a board of commissioners, as a township, as a good
friend, neighbor, I think we should do this. And keep
in mind that these -- you know, these places are
struggling. They're going to need all of our help.
And not just any businesses. All of the businesses as
well, you know.

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

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

COMMISSIONER PETRACCO: Yes.

COMMISSIONER ROGERS: All right. Get them on
board.

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

MAYOR SCARPELLI: Absolutely.

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

MAYOR SCARPELLI: No.

COMMISSIONER TUCCI: -- but just retail in
general that are on the brink, all right. A
catastrophe like this could be their -- you know, their
demise.

COMMISSIONER PETRACCO: That they don't
reopen.

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

MAYOR SCARPELLI: One more --

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

I also think for small business, you know, to
the extent that we need to do inspections, but there's
fees associated with those inspections for this period,
we waive those fees so that we make sure that they stay
compliant, but we don't have to financially penalize
them. Same thing with tax payments for the second quarter. We're still working with the State on this, but while I can't actually zero out the tax interest rate right now without permission from the State, which we've already asked for, I can, and we as a board, and I bring this to this board -- and we can all vote on this -- is to extend the grace period for the second quarter tax bills so that the penalty, the interest for late payments doesn't actually start because we can extend the grace period before it does.

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

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

COMMISSIONER ROGERS: Yeah, the -- my department and myself, and I know I collaborated with all of the three commissioners here, and I believe -- I don't know if I caught up to you today, Commissioner Evans, and I apologize if I didn't. But we've been talking to the Nutley Family Service Bureau about that issue that you just brought up, and we are going to put
something in motion very quickly, which I will report
tonight during the course of the time that we introduce
resolutions.

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

    COMMISSIONER ROGERS: We have the solution
tonight, Mayor.

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

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

    COMMISSIONER PETRACCO: I'm hoping -- just
one other comment. Tom, I'm hoping that the State, I
mean, depending on how long this lags on for these
businesses, I'm hoping that the State will even give
them, these, you know, small businesses, excluding me
because I'm fine, thank you, but even some kind of
abatement, you know, to get them on top and on their
feet, man. Because I've got to tell you, the mayor's
idea with the Friday Takeout and -- I'm going to tell you something, being out of business for, God forbid, two weeks, that's not -- one night and one day is not going to bring them back online. Maybe, you know, take -- chips at it, but, you know, again, I know a lot of these people. I'm hoping that the State, the governor comes up with a plan to put these people back online because I'm going to tell you, I don't think they're all going to be returning.

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

MAYOR SCARPELLI: Any other announcements, commissioners?

COMMISSIONER EVANS: And, Al, I'm happy to, you know, continue to work on that with everybody, but as of right now the State's guidance isn't clear yet. But I think to your point is, as this progresses, it will have to be -- and even at the federal level, the bill for $850 billion to help with coronavirus has in
it provisions for small business, which I hope will get
activated very soon.

COMMISSIONER PETRACCO: I've heard that.

Yeah. Thank you, Tom.

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

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

THE CLERK: April 7th.

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?


Commissioner Petracco?

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

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

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.
COMMISSIONER PETRACCO: I move the ordinance.
COMMISSIONER TUCCI: Second.
THE CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.
COMMISSIONER PETRACCO: Thank you.
MAYOR SCARPELLI: All right. Ordinance
Number 33 -- 3439, an ordinance to amend an ordinance
codified in the code of the Township of Nutley, Chapter
349, entitled Flood Damage Prevention. This ordinance
was -- we had to be in compliance with state code for
flood damage, they let us know, probably like two
months ago, that we had to get it done, and if we
didn't get it done by a certain date, we'd be out of
compliance and open to fines, so --

COMMISSIONER PETRACCO: So here we are.

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

COMMISSIONER PETRACCO: Hearing no one --

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

COMMISSIONER PETRACCO: Second.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. I move the ordinance.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye. Let's move on to resolutions. Commissioner Rogers?

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER ROGERS: Resolution Number
68-20, recognizing April 6th through April 12th, 2020, as National Public Health Week, so moved as written.

COMMISSIONER PETRACCO: Second.

THE CLERK: You need a -- Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

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

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

Whereas, as a result of the public --

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

COMMISSIONER ROGERS: Yes.

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

COMMISSIONER ROGERS: Thank you.

MR. GENITEMPO: Thank you.

COMMISSIONER ROGERS: Thank you very much, Counselor. Very important. Whereas, as a result of
the current public health emergency related to COVID-19, and to amend an already existing agreement between the Township of Nutley and the Nutley Family Service Bureau Food Pantry, for the provision of services to the residents of Nutley, the Township has a need to amend resolution 09-20 due to the current local, state, and national public health emergency situation by increasing the payment of $25,000 to $50,000, effective immediately, for the term of January 1st, 2020 to December 31st, 2020, with more aid — and this is important — with more aid to be made available as needed.

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

Now, therefore, be it resolved that the Board of Commissioners of the Township of Nutley hereby authorizes the aforementioned amendment to Resolution Number 09-20, and payments are made as follows: $12,500 in January; $12,500 in June; but immediately
$25,000. And before I move this, I just want to make note that we're able to do this because of how we have conducted ourselves as a Board of Commissioners with regard to the fiscal responsibility of this township. We've had money available to do this, and it's important that the residents know it. So I hereby move this resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER ROGERS: That's it, Mayor.

Thank you.

MAYOR SCARPELLI: Thank you, Commissioner.

Commissioner Tucci, do you have anything on the agenda?

COMMISSIONER TUCCI: Nothing at all, Mayor.

MAYOR SCARPELLI: Commissioner Evans.

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

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

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

So I -- the provisions of this are -- it lays out in each page the particular bond ordinances that were adopted by the Board. So by title I will read
Resolution authorizing the issuance of, not exceeding, $5,944,856 in bond anticipation notes of the Township of Nutley, County of Essex, be it resolved by the Board of Commissioners, Township of Nutley, that the -- County of Essex, State of New Jersey, that the commissioners approve this resolution for each of the sections contained herein. So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Whereas, certain Water Utility capital improvement appropriation balances remain dedicated to projects now complete, and no debt has been issued towards the unspent balances; Whereas, it is necessary to formally cancel said balances so unused debt authorizations may be canceled;
Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the following unexpended and dedicated balances of the Water Utility Capital Appropriation be canceled:

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

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

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

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

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

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

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

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.
Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that in accordance with the provisions of R.S. 40A:4-59, the following transfers of the 2019 appropriation reserves be and the same are hereby authorized and approved from Municipal Elections O/E, 10,000, to Township Clerk's Office, O/E, 10,000, so move.
COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

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

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

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

Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of
Essex, State of New Jersey, that change order number three in the amount of $7,100 be and is hereby approved.

So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

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

Whereas, the Township of Nutley desires to
accept credit cards, debit cards, and E-Checks within
the Spatial Data Logic Applications for the collection
of fees in various municipal departments;
Whereas, the acceptance of credit cards,
debit cards, and E-Checks by the Township will make
payment of these fees easier and more convenient;
Whereas, it has been determined that
MuniciPAY, 511 Congress Street, Suite 503, Portland,
Maine, will provide all necessary services for these
transactions;
Whereas the contract is based upon a
convenience fee method.
Now, therefore, be it resolved by the Board
of Commissioners of the Township of Nutley, County of
Essex, State of New Jersey, that the township will
enter into a one-year contract with MuniciPAY for
acceptance of credit cards, debit cards, and E-Checks
within Spatial Data Logic applications for a one-year
-- with a one-year option to extend such contract
subject to the availability and appropriation annually
of funds as may be required within the extended
obligation. So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.
Commissioner Petracco?

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

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

    COMMISSIONER TUCCI: Second.
    THE CLERK: Commissioner Rogers.
    COMMISSIONER ROGERS: Aye.
    THE CLERK: Commissioner Tucci.
    COMMISSIONER TUCCI: Aye.
    THE CLERK: Commissioner Evans.
    COMMISSIONER EVANS: Aye.
    THE CLERK: Commissioner Petracco.
    COMMISSIONER PETRACCO: Aye.
    THE CLERK: Mayor Scarpelli.
    MAYOR SCARPELLI: Aye.
    COMMISSIONER PETRACCO: That's all I have.
    MAYOR SCARPELLI: Thank you, Commissioner.

Whereas, bids for Nairn Place Roadway Improvement Project were received and opened on Wednesday, September 26th, 2018;

Whereas, AJM Contractors was the low bidder;

Whereas, the base bid for the Nairn Place Roadway Improvement Project was in the amount of
$143,811;

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

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

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.
THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

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

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

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

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

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.
THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

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

Whereas, AJM Contractors was the low bidder;

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

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

Now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Change Order Number One as attached is a change from the contract
previously made by the Township of Nutley with AJM
Contractors for the project known as Harrison Street
Improvement Project, and is hereby authorized and
approved. I move the resolution.

COMMISSIONER TUCCI: Second.
THE CLERK: Commissioner Rogers.
COMMISSIONER ROGERS: Aye.
THE CLERK: Commissioner Tucci.
COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans.
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Petracco.
COMMISSIONER PETRACCO: Aye.
THE CLERK: Mayor Scarpelli.
MAYOR SCARPELLI: Aye. That concludes the
business portion of our meeting. Is there anyone from
the public who would like to -- wish the -- wish to
address the Board of Commissioners this evening?
COMMISSIONER PETRACCO: Hearing no one, I
move to --
MR. KOSLECKI: Hi, this is Patrick Koslecki.
MAYOR SCARPELLI: Yes, Patrick. Can you give
me your address, Patrick?
MR. KOSLECKI: Hi, Patrick Koslecki,
87 Mountainview. I would just like to start by saying,
I'm sure there was so much going on that as residents we're unaware of, and I would like to extend my sincerest thanks to the commissioners for working well into the night as things develop and (indiscernible) what's going on with COVID-19. I'm getting a master's in political administration right now, and working on a solid thesis (indiscernible) about them, so thank you for that.

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

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

COMMISSIONER ROGERS: Yeah. Thank you very much for stepping up. We've had a lot of people call
in reference to that, and we are keeping, at least at
the Health Department, a list of names. Our concern is
that we don't want to endanger anyone from getting the
virus as a result of assisting us, but that's something
that we are looking into.

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

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

COMMISSIONER ROGERS: Yeah.

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

COMMISSIONER TUCCI: Patrick, this is
Commissioner Tucci. As usual --

MR. KOSLECKI: That sounds great. Thank you.

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

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

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

COMMISSIONER ROGERS: Thank you, Patrick.

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

COMMISSIONER PETRACCO: Hello?

MAYOR SCARPELLI: Do I hear anybody else
before I close the public portion of the meeting?

    COMMISSIONER PETRACCO: Somebody's trying to talk.

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

    COMMISSIONER PETRACCO: Move to close.

    COMMISSIONER ROGERS: Second.

    THE CLERK: Commissioner Rogers.

    COMMISSIONER ROGERS: Aye.

    THE CLERK: Commissioner Tucci.

    COMMISSIONER TUCCI: Aye.

    THE CLERK: Commissioner Evans. Commissioner Evans?

    THE CLERK: Commissioner Petracco.

    COMMISSIONER PETRACCO: Aye.

    THE CLERK: Mayor Scarpelli.

    COMMISSIONER EVANS: Aye, I say aye.

    MAYOR SCARPELLI: Aye.

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

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

    COMMISSIONER TUCCI: For one brief item.

    MAYOR SCARPELLI: -- potential litigation.

    MR. GENITEMPO: Mayor Scarpelli?
MAYOR SCARPELLI: Yes, Alan.

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

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

Thank you.

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

COMMISSIONER TUCCI: So moved.

COMMISSIONER PETRACCO: Second.

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

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

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

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

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

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

THE CLERK: The time is 8:14.

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

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

MAYOR SCARPELLI: All right.

THE CLERK: Tom, are you still there?

(Off record)

MAYOR SCARPELLI: We're back on the record.

Can I have a motion to adjourn?

COMMISSIONER PETRACCO: Move it.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco.

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.
MAYOR SCARPELLI: Stay safe, everybody.

THE CLERK: The time is 8:30.

(End of recording)

* * * * *
CERTIFICATION

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

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