

In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings

June 4, 2020



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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

*** PUBLIC SESSION ***

DATE: June 4, 2020

BOARD OF COMMISSIONERS:

MAURO G. TUCCI, MAYOR

JOSEPH P. SCARPELLI, COMMISSIONER

ALPHONSE PETRACCO, COMMISSIONER

THOMAS J. EVANS, COMMISSIONER

JOHN V. KELLY III, COMMISSIONER

Also Present:

ALAN GENITEMPO, TOWNSHIP ATTORNEY

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1 (Recording begins)

2 MAYOR TUCCI: Okay, I guess it's time.
3 Everyone please stand for the Pledge of Allegiance?

4 (Pledge of Allegiance)

5 MAYOR TUCCI: Thank you. Madam Clerk?

6 THE CLERK: Thank you, Mayor. Board of
7 Commissioners Public Meeting, Thursday, June 4th, 2020.
8 The time is now 7:06. Pursuant to the requirements of
9 the Open Public Meeting Act, Chapter 231, Public Law
10 1975, notice of this meeting was published in the
11 November 28th, 2019 issues of the Nutley Sun, the
12 Herald News, and the Star Ledger. In an effort to
13 prevent further spread of COVID-19 pandemic, the public
14 meeting of the -- for the remainder of the year 2020
15 have been changed to Zoom, webinar, or teleconference
16 meetings, until further notice. The public will be
17 able to listen to the Board of Commissioners meeting
18 and participate during the designated public comment
19 portion of the meeting by utilizing access through a
20 URL link, or dial-in numbers provided on the township
21 website. Commissioner Kelly?

22 COMMISSIONER KELLY: Present.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Here.

25 THE CLERK: Commissioner Petracco is absent,

1 excused. Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Here.

3 THE CLERK: Mayor Tucci.

4 MAYOR TUCCI: Here.

5 THE CLERK: All present, Mayor, except for
6 Commissioner Petracco. He is absent, excused, this
7 evening.

8 MAYOR TUCCI: Thank you, Madam Clerk.

9 THE CLERK: Thank you.

10 MAYOR TUCCI: Now let's come around and see
11 what we have this evening. I have a proclamation on
12 behalf of the entire Board of Commissioners, and I will
13 also be entering into the statement, the joint
14 statement of the Nutley Board of Commissioners
15 concerning the George Floyd death. So we will go into
16 -- Commissioner Kelly, what do you have this evening?

17 COMMISSIONER KELLY: In terms of resolutions,
18 or --

19 MAYOR TUCCI: Yes. Uh-huh. Yes.

20 COMMISSIONER KELLY: I have five resolutions.
21 One to recognize the Army's 245th birthday. One to
22 celebrate Flag Day, June 14th. June is also Men's
23 Health Month. It's also PTSD Awareness Month, and
24 June 27th is PTSD Awareness Day. And June is also
25 Alzheimer and Brain Awareness Month.

1 MAYOR TUCCI: Thank you. Commissioner Evans?

2 COMMISSIONER EVANS: Thank you, Mayor.

3 Tonight, we have the public hearing on the introduced
4 budget. We also have -- I have an ordinance, which is
5 on the (indiscernible). I also have resolutions. One
6 is an amendment to the settlement agreement on our COA,
7 a refund to an ON3 related to -- you know, just an
8 early pre-payment that we have to give back to them. A
9 raffle refund, and then also, the third quarter
10 resolutions. Given the fact that the state's behind on
11 the reviewing municipal budgets, we won't be able to
12 adopt tonight, but we do need a third quarter
13 resolution to collect taxes for the third quarter.

14 MAYOR TUCCI: Okay.

15 COMMISSIONER EVANS: Thank you, Mayor.

16 MAYOR TUCCI: Thank you, Commissioner.

17 Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Thank you, Mayor. I
19 have an award of professional services contract to
20 DeFeo Associates, which is to develop an RFP for our
21 recycling that we have to go out to bid for. I have a
22 change order, number one with Tilcon New York for the
23 resurfacing of Highfield Lane, which is a decrease in
24 the amount of \$8,750 and change. Authorize the
25 Municipal Clerk to advertise for an RFP for the

1 marketing of recycling materials. Approve the
2 submission of a grant application and the grant
3 contract with the DOT for the Washington Avenue
4 Improvement Project, Park Avenue to Nutley Avenue.
5 Authorize and adoption of the 2020 Essex County Hazard
6 County Mitigation Plan, which mostly deals with flood
7 plain management, and the last resolution, to endorse
8 the submission of the 2019 Municipal Recycling Tonnage
9 Grant Application, and designate Salvatore Ferraro as
10 our recycling coordinator. That's all I have, Mayor.

11 MAYOR TUCCI: I will take this -- I'll take
12 Commissioner Petracco's resolution. He has a contract
13 extension award to turn out uniforms for police,
14 dispatchers, and crossing guard uniforms and equipment
15 through December 31st, 2020, for a total of \$60,500.

16 It's my understanding this evening that
17 before we get to our regular business as listed on the
18 agenda that we need a brief executive session for
19 reasons of personnel and potential litigation?

20 COMMISSIONER EVANS: Yes.

21 MAYOR TUCCI: Can I get a motion?

22 COMMISSIONER EVANS: Motion.

23 COMMISSIONER SCARPELLI: Second.

24 MAYOR TUCCI: Moved, second. Madam Clerk?

25 THE CLERK: Thank you. Whereas, Section 8 of

1 the Open Public Meeting Act, Chapter 231, Public
2 Law 1975, permits the exclusion of the public from
3 meeting in 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
8 State of New Jersey, desires to proceed to closed
9 executive session.

10 And now therefore be it resolved by the Board
11 of Commissioners of the Township of Nutley to move into
12 closed executive session to discuss potential
13 litigation and personnel matters;

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

20 Commissioner Kelly?

21 COMMISSIONER KELLY: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 THE CLERK: Mayor Tucci.

2 MAYOR TUCCI: Aye.

3 THE CLERK: The time is 7:11.

4 MAYOR TUCCI: Thank you.

5 (Executive session)

6 MAYOR TUCCI: Okay, we're back. Thank you
7 all very much. Before we left, I believe we're up to
8 minutes. Madam Clerk?

9 THE CLERK: Thank you, Mayor. We have Board
10 of Commissioner meeting minutes for April 21st, 2020.
11 I need a motion, please.

12 COMMISSIONER EVANS: Move it.

13 THE CLERK: I need a second.

14 COMMISSIONER SCARPELLI: Second. Second.

15 THE CLERK: Thank you. Commissioner Kelly?

16 COMMISSIONER KELLY: Abstain.

17 THE CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 THE CLERK: Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 THE CLERK: Mayor Tucci.

22 MAYOR TUCCI: Aye.

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

24 MAYOR TUCCI: Thank you. We're going to take
25 a few things out of order this evening, in light of

1 some of the current events. What I'd like to do is
2 read into the record the joint statement of the Nutley
3 Board of Commissioners concerning the George Floyd
4 incident in Minnesota.

5 On behalf of the Nutley Board of
6 Commissioners and the Nutley Police Chief, we extend
7 our deepest condolences to the family, loved ones, and
8 friends of George Floyd, and to people everywhere who
9 are aggrieved by his death. We, like so many others,
10 have watched the disturbing video of George Floyd's
11 arrest in Minneapolis, which led to his untimely death.

12 The entire Nutley community is greatly
13 saddened by this event, as well as the tragic events
14 currently striking our nation. The Nutley Board of
15 Commissioners condemn, denounce, and reject the actions
16 of the individuals responsible, and join in the
17 collective sense of national sorrow that the death of
18 George Floyd has brought on our society as a whole.
19 Police officers, like all public servants, are held to
20 a high standard, that has as its foundation, empathy
21 and the mutuality of respect. They have chosen a
22 profession like no other, and have sworn to uphold the
23 law, and protect and serve everyone, regardless of who
24 they are, what they look like, or what they believe, at
25 great personal risk for their own lives.

1 The residents of Nutley should rest assured
2 that we will never tolerate the behavior that resulted
3 in Mr. Floyd's death. The video is upsetting,
4 disappointing, and infuriating. It does not show the
5 policing standards we know and expect in this
6 community. Policing is an honorable profession, filled
7 with honorable public servants, who treat all citizens
8 with fairness and equality. However, it is clear we
9 can and will grow as a community, and not be afraid to
10 call out injustice. Our police department is committed
11 to protecting life and serving the community, even at
12 the cost of their own lives.

13 We reaffirm our commitment to all Nutley
14 residents that we will continue to be a safe and
15 welcoming township for all people, regardless of their
16 race, national origin, ethnicity, gender, gender
17 identity, sexual orientation, or religion.

18 Over the past several days, some peaceful
19 demonstrations in cities across the country have turned
20 violent. We respect everyone's First Amendment rights.
21 However, we are asking our citizens to do their part in
22 helping us protect our communities by refraining from
23 violence. Our community stands united to condemn the
24 shameful acts exhibited on the video, and to urge
25 people to remain engaged in healthy, safe, non-violent

1 discussion and discourse. Racism and discrimination
2 have no place in our society. We will continue to work
3 to ensure a civil community, where everyone is treated
4 equal, the rule of law prevails, and fair and equal
5 justice serves as a guiding principle. People across
6 the country are rightfully demanding justice and
7 accountability, and we believe as Americans that
8 injustice is unacceptable, and that justice will be
9 served.

10 Finally, in the words of Martin Luther King,
11 "Injustice anywhere is a threat to justice everywhere."
12 This statement was crafted by each and every
13 commissioner. I just have the privilege of reading it
14 this evening. At this point, what I'd like to do is
15 have a moment of silence for George Floyd, his family,
16 his friends, and also all of those we have lost to the
17 COVID virus.

18 (Pause)

19 MAYOR TUCCI: Thank you very much.

20 Moving right along, again, on behalf of the
21 Board of Commissioners, I'd like to read this
22 proclamation concerning Pride Month.

23 Whereas, the Nutley Board of Commissioners
24 recognizes that the pursuit of equality, respect, and
25 inclusion for all individuals is an attainable goal;

1 and

2 Whereas, all human beings are born free and
3 equal in dignity and rights, and that no one should
4 live in fear, or face persecution and violence arising
5 from sexual orientation or gender identity; and

6 Whereas, the Township of Nutley celebrates
7 and encourages diversity and inclusion within our
8 community; and

9 Whereas, LGBTQ+ individuals have had
10 immeasurable impact, and make vital contributions to
11 our country, including cultural, political, civic,
12 military and economic among other fields; and

13 Whereas, the Township of Nutley is committed
14 to supporting visibility, dignity, and equality for
15 LGBTQ+ people in our community; and

16 Whereas, while society at large increasingly
17 supports LGBTQ+ equality, it is essential to
18 acknowledge that the need for education and awareness
19 remains vital to end discrimination, biases, and
20 prejudice; and

21 Whereas, this nation was founded on the
22 principle that every individual has infinite value and
23 worth, and that human rights are protected under our
24 U.S. Constitution; and

25 Whereas, the Board of Commissioners call upon

1 the people of this municipality to embrace this
2 principle, and work together to foster a warm and
3 hospitable place for all to live; and

4 Whereas, celebrating Pride Month influences
5 awareness, and provides support and advocacy for
6 Nutley's LGBTQ+ community, and is an opportunity to
7 take action, and engage in dialogue to strengthen
8 alliances, build understanding and acceptance, and
9 advance equal rights.

10 Now therefore be it resolved that the Nutley
11 Board of Commissioners hereby proclaim the month of
12 June, 2020, as Lesbian, Gay, Bisexual, Transgender,
13 Queer/Questioning, and Plus Pride Month throughout the
14 Township of Nutley. And this is on behalf of the
15 entire Board of Commissioners. Thank you.

16 We will now move into reports. Commissioner
17 Petracco is not with us this evening, but he has a
18 Public Safety Report for the month of April, 2020.
19 Bills, Madam Clerk?

20 THE CLERK: Thank you, Mayor. Bill list for
21 June 4th, 2020. Public Affairs, \$85,367.09; Revenue
22 and Finance, \$2,616,760.98; Public Safety, \$54,612.18;
23 Public Works, \$76,358.86; Parks and Public Property,
24 \$610,695.20; Water Utility, \$401,667.26; Payroll for
25 May 15th, 2020, Regular Payroll Total, \$780,360.34;

1 Overtime Payroll Total, \$18,313.68; COVID-19 Overtime
2 Payroll Total, \$26,040.16; Total Payroll for May 15,
3 2020, is \$824,714.18. Payroll for May 29th, 2020;
4 Regular Payroll Total is \$828,361.81. Overtime Payroll
5 Total is \$19,551.94; COVID-19 Overtime Payroll Total,
6 \$19,842.88; Total Payroll for May 29, 2020, is
7 \$867,756.63 for a grand total of \$5,537,932.38.

8 COMMISSIONER EVANS: Move the bills.

9 COMMISSIONER SCARPELLI: Second. Second.

10 THE CLERK: Thank you. Commissioner Kelly?

11 COMMISSIONER KELLY: Aye.

12 THE CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Mayor Tucci?

17 MAYOR TUCCI: Aye.

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

19 MAYOR TUCCI: Thank you. We'll now have
20 public comment on agenda items only.

21 THE CLERK: Thank you, Mayor. Would you like
22 me to read the public comment?

23 MAYOR TUCCI: Please.

24 THE CLERK: All persons addressing the Board
25 of Commissioners regarding community concerns should

1 state their name and address for the record. Unless
2 further time is granted by the Board of Commissioners,
3 persons should limit their address to three minutes.
4 All remarks to the Board and its individual members
5 must be addressed to the mayor. The mayor may defer
6 citizens' comments to the appropriate member of the
7 board.

8 MR. GENITEMPO: Right now we have one person.
9 Just a minute. First this is Mr. Moore, I guess.

10 MR. MOORE: Yes. Rory Moore, 462 Chestnut
11 Street. Mayor Tucci, I have two questions about the
12 bill list.

13 MR. GENITEMPO: Mr. Moore, you're probably on
14 mute.

15 MR. MOORE: I don't think so. Can you hear
16 me now? Can you hear me now?

17 MR. GENITEMPO: Sal, do you see him anywhere?

18 THE CLERK: We can see him on the screen.

19 MR. GENITEMPO: I know, but I don't see him
20 with his microphone.

21 THE CLERK: We can't hear.

22 MR. GENITEMPO: Mr. Moore -- hold on a
23 second. Try now.

24 MR. MOORE: Can you hear me now? Is it any
25 better? You have it R. You have me muted, I think.

1 Can you hear me --

2 MR. GENITEMPO: Sal, I'm going to let Rhonda
3 in first, we can always come back to Mr. Moore.

4 MS. FROBOSE: Hi, can you hear me?

5 MR. GENITEMPO: Rhonda, can you hear us?

6 MS. FROBOSE: I can hear you. Can you hear
7 me? Can you hear me? Hi, can you hear me?

8 MR. GENITEMPO: Best laid plans.

9 MS. FROBOSE: Can you hear me? I have my
10 camera.

11 THE CLERK: There it is.

12 MR. GENITEMPO: There you go.

13 MS. FROBOSE: Can you hear me? Hello?

14 MR. GENITEMPO: Hold on one second.

15 MS. FROBOSE: Okay.

16 MR. GENITEMPO: Sal, do you know why she's
17 not able to -- we can't hear her?

18 UNIDENTIFIED: (Indiscernible)

19 MR. GENITEMPO: Rhonda, can you say
20 something?

21 MS. FROBOSE: Can you hear me?

22 MR. GENITEMPO: Is your mute off?

23 MS. FROBOSE: Yes, my mute is off. Can you
24 hear me? Can anybody hear me?

25 MR. MOORE: I can hear you.

1 MS. FROBOSE: Rory can hear me.

2 MR. MOORE: Hi, Rhonda.

3 MS. FROBOSE: Hi, Rory.

4 MR. MOORE: At least you and I will talk to
5 each other tonight.

6 MR. GENITEMPO: There we go.

7 MS. FROBOSE: Okay, can you hear me now?

8 THE CLERK: Somebody has to mute.

9 MR. GENITEMPO: All right. Who do you want
10 to go first, Mr. Mayor? Rhonda, do you want to go
11 first?

12 MS. FROBOSE: I defer to Rory. Why don't you
13 let Rory go first?

14 MR. GENITEMPO: Okay, go ahead, Mr. Moore.

15 MR. MOORE: Rory Moore, 462 Chestnut Street.
16 Mayor Tucci, I have two questions on the bill list if
17 that's okay. On the first page, we have New Jersey
18 League of Municipalities. I believe it's 400-something
19 dollars. What do we -- what are we paying that for?

20 MAYOR TUCCI: I've been informed that that's
21 our dues as a township.

22 MR. MOORE: Okay, that's -- I have -- I'll
23 save that for the other portion for it. And the Essex
24 County Bar Association. We paid for that as well.
25 What are we paying that for? It's on the first page,

1 just below the League of Municipalities.

2 MAYOR TUCCI: Alan, are you aware of what
3 that payment is?

4 MR. GENITEMPO: It's not for me, so I don't
5 know who it's for.

6 MAYOR TUCCI: Mr. Moore, I don't know what
7 that is at this moment, but I'll be happy to get back
8 to you.

9 MR. MOORE: Okay, sounds great. Thank you
10 very much.

11 MAYOR TUCCI: You're welcome. Rhonda?

12 MR. GENITEMPO: Okay. Rhonda, you're on.

13 MS. FROBOSE: Okay. Thank you. Can you hear
14 me?

15 MR. GENITEMPO: Yes.

16 MS. FROBOSE: Okay. On behalf of Nutley
17 Pride LGBTQ Advocacy Group, and also on behalf of
18 myself, I'd like to thank you, Mayor Tucci,
19 Commissioner Scarpelli, Commissioner Evans -- I don't
20 see Commissioner Petracco there, but to Commissioner
21 Petracco, and Commissioner Kelly, for proclaiming June,
22 2020 as a month of Pride. It's hard to believe that a
23 year has gone by already. Since then, Mayor Scarpelli
24 issued Nutley's first Pride Month Proclamation, and as
25 you recall, at the June 2019 Board of Commissioners

1 meeting, Town Hall was full that day, and when
2 Mayor Scarpelli finished reading Nutley's inaugural
3 Pride Proclamation, there wasn't a dry eye in the
4 house.

5 One year later, I have co-founded Nutley's
6 LGBTQ Advocacy Group with Patrick Koslecki. Nutley
7 Pride's mission is to bring together the Nutley
8 community, sponsors, residents, and allies for events
9 regarding LGBTQ representation and inclusion in Nutley.

10 Since that time, LGBTQ Nutleyites both home
11 and away have become more connected, supported,
12 included, and today, celebrated. We had so many plans
13 for Pride Month 2020 in Nutley, but the pandemic has
14 challenged us all to recalibrate. To his credit, Mayor
15 Tucci came through for our community by lighting up
16 Nutley Town Hall in the colors of Pride, and I'd like
17 to thank you, Mayor Tucci, and the finest Parks
18 Department in New Jersey, led by Frank DiMaio, and
19 special thanks to Parks Department employee Anthony
20 Fabliardo (phonetic), who probably knows more about
21 rainbow colored lights than he ever anticipated.

22 And we would be remiss if we did not mention
23 here today, June 4th, 2020, during the time of great
24 social unrest, the first Pride wasn't a party or a
25 celebration. It was a rebellion, led by queer people

1 of color in an effort to achieve freedom from systemic
2 oppression. In the words of Senator Kamala Harris, who
3 spoke about the queer people of color who gave us
4 Pride, "Because Marsha P. Johnson, Storme DeLarverie,
5 Sylvia Rivera, and countless other LGBTQ people had the
6 courage to stand up for their rights, we now celebrate
7 Pride Month. Those pivotal events showed what we know
8 to be true to this day. No one should be left to fight
9 alone."

10 And with that, I want to let our brothers and
11 sisters of color they are not alone in Nutley. Nutley
12 Pride LGBTQ Advocacy stands with you. Thank you.

13 MAYOR TUCCI: Thank you. Thank you for all
14 your input, beginning during Mayor Scarpelli's tenure,
15 and -- but I just need -- I appreciate the thank yous
16 for myself and Frank DiMaio, and Anthony Gagliardo who
17 actually did the work, but all of this happened with
18 the consent and approval of all the commissioners that
19 are here this evening. So they share in proclaiming
20 Pride Month, and for lighting up Town Hall.

21 MS. FROBOSE: Thank you.

22 MAYOR TUCCI: Thank you very much. Alan?

23 MR. GENITEMPO: (Indiscernible).

24 (Audio malfunction)

25 MR. GENITEMPO: Mr. Markowitz (phonetic),

1 you're muted.

2 MR. MARKOWITZ: I'll take my hand down, sorry
3 about that. Hey, good evening, I'm sorry about that,
4 I'll go ahead and take my hand down.

5 MR. GENITEMPO: I'm only seeing ten out
6 there, that's good. Mayor, I'm sorry about that.

7 MAYOR TUCCI: Okay, thank you. Board of
8 Commissioner announcements. I have a bunch of
9 announcements. At our last meeting, I mentioned that I
10 was contemplating appointing a committee of
11 commissioners and interested individuals to help not
12 only our businesses, but help with our school situation
13 and the overcrowding there. So I'd like to announce
14 the folks that I will be appointing to the Business
15 Committee. And this is not only to help our businesses
16 open up, because the Governor's office allowed them to
17 open up as of June 15th, and through the good offices
18 of Commissioner Scarpelli, we received all of the
19 protocols that the employers need to follow, and the
20 customers need to follow, and the different options
21 that we can exercise here.

22 So in the interests of getting our businesses
23 open, and especially our restaurants, I will be
24 appointing to our business committee Commissioner Evans
25 and Commissioner Kelly. Jim Gruder of Jim Dandy's.

1 Nella Cucino of Mama Vittoria's. And Chris DiMaggio of
2 the Franklin Steakhouse. They will be coming back to
3 the Board of Commissioners and we will not be ending
4 this meeting this evening. We're going to keep it open
5 in the event that we need to pass a resolutions, and/or
6 take any other actions to facilitate them opening and
7 getting back into business.

8 In addition to that, I also mentioned that I
9 was going to be appointing a schools committee, to
10 foster greater collaboration with our Board of Ed. And
11 on that committee, we will have Commissioner Scarpelli,
12 Commissioner Petracco, our former principal of the
13 middle school, John Coliccio, once he accepts, because
14 I wasn't able to get in touch with him, but I figured
15 I'd use this pulpit to kind of force him into doing it.
16 Charlie Kaczynski, the president of our Board of
17 Education, and Joe Haines (phonetic), who is one of our
18 local architects, and who's very involved in the
19 community.

20 Now, these committees are not exclusive.
21 We'll be rotating folks in and out as necessary. I
22 wanted to move as quickly as possible, because I knew
23 the Governor's office was going to be coming down with
24 some announcements as to when the restaurants could
25 open up again, and how they could serve, and how we go

1 about that, but we will also be cycling in other
2 business owners and restaurateurs from some of the
3 other areas in town.

4 We are yet to make a decision on fireworks.
5 We're still awaiting some guidance from the Governor's
6 office. I know Essex County has canceled their
7 fireworks for this year, and all of their concerts.
8 I'm not prepared to do that yet. That doesn't mean
9 that we won't do that, but if we can hold our fireworks
10 with the proper protocols in place, and safety issues,
11 then we're looking to do that.

12 Also our Camp Nutley, where we have upwards
13 of 150 to 200 children attending, we're still looking
14 at how we can make that happen this year. It's very
15 difficult, and there are a lot of different moving
16 parts to that, but we will be getting back to you on
17 that.

18 On June 9th, in collaboration with Essex
19 County, we will be holding COVID testing at 44 Park
20 Avenue, the Parks Department parking lot from four
21 o'clock to 6:30. You can go online,
22 www.essexcovid.org, to register. They will be
23 accepting 250 people for testing. I also received a
24 request from Reverend Laduke from Vincent Methodist,
25 requesting that we come up with a temporary site, all

1 right, a temporary memorial, for folks that we've lost
2 to the COVID virus. So we will be working as a
3 commission with Reverend Laduke to try and come up with
4 something so that people can come and reflect for those
5 family, friends, and other associates that we've lost
6 to this. So we'll be working with the Nutley clergy to
7 do that.

8 We also will be participating as a county in
9 the contact tracking program through the state. Essex
10 County was selected as one of two counties, I believe
11 it was Essex and Mercer, to participate in the pilot
12 program, and that pilot program will occur through the
13 good offices of Commissioner Kelly and the Health
14 Department, and guidance will be forthcoming from the
15 state Department of Health. That'll begin on June
16 15th, and we will be going live statewide with contact
17 tracing on June 29th of this year. And that's all I
18 have for now. Commissioner Evans?

19 COMMISSIONER EVANS: Thank you, Mayor. I
20 have nothing.

21 MAYOR TUCCI: Nothing? Commissioner Kelly?

22 COMMISSIONER KELLY: Nothing as well.

23 MAYOR TUCCI: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Yeah, I just want to
25 say I'm extremely proud to be part of this Board of

1 Commissioners, in both our joint statement and our
2 proclamation for Pride Month. I think it shows the
3 kind of township that we are, inclusive and welcoming.
4 So I'm very proud to be a part of this commission.

5 MAYOR TUCCI: Thank you, I think we all are.
6 Thank you, Commissioner, well said. Ordinance
7 introductions. Madam Clerk?

8 THE CLERK: Ordinance introductions for
9 Commissioner Evans.

10 MAYOR TUCCI: Ordinance intro -- we have
11 none? I'm sorry. Ordinances on second reading?

12 COMMISSIONER EVANS: Yes. We have one
13 ordinance, we have a public hearing on the budget. The
14 ordinance is the adoption -- establishing a CAP Bank
15 that we do every year. This is a memorandum entry. It
16 does not affect the budget at all this year, and we do
17 this as a matter of good bookkeeping and good account
18 management.

19 The CAP Bank is something that's by paper.
20 It expires every two years, so we keep renewing it, in
21 the event something catastrophic, absolutely
22 catastrophic, was to happen that required us to have a
23 significant appropriation, the CAP Bank would allow us
24 to do that. We have never had that event, including
25 Sandy and everything else that's come up. We've never

1 had that event, but it's also part of just good
2 planning. That's what this ordinance is about tonight.
3 Public comment.

4 MAYOR TUCCI: Open to public hearing?

5 COMMISSIONER EVANS: Yes. I have to move
6 that, to open a public hearing?

7 MAYOR TUCCI: Yes, I need a motion.

8 COMMISSIONER EVANS: I would move then to
9 open a public hearing.

10 MAYOR TUCCI: Second.

11 THE CLERK: Commissioner Kelly?

12 COMMISSIONER KELLY: Abstain.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 THE CLERK: Mayor Tucci.

18 MAYOR TUCCI: Aye.

19 COMMISSIONER EVANS: So public comment --

20 MAYOR TUCCI: Anyone in the public wish to
21 comment on this?

22 MR. GENITEMPO: One person.

23 COMMISSIONER EVANS: We're going to have to
24 get Sal roller skates.

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

1 Can you hear me? Can you hear me, Alan?

2 MR. GENITEMPO: Yes, we can hear you. Go
3 ahead.

4 MR. MOORE: I just have one question,
5 Mr. Evans. If, for some unknown reason, that the state
6 does not provide funds to the municipality for the
7 budget as they promised, would we have to tap into that
8 (indiscernible) budget to mitigate that shortfall for
9 this year?

10 COMMISSIONER EVANS: Mr. Moore, I'll be happy
11 to answer that. This is a public hearing specifically
12 on establishing a CAP bank.

13 MR. MOORE: Okay, I wasn't sure.

14 COMMISSIONER EVANS: We will get to the --

15 MR. MOORE: I just wanted to see then.

16 COMMISSIONER EVANS: Okay.

17 MR. MOORE: I'm sorry. Okay, thank you.

18 THE CLERK: I need a second.

19 COMMISSIONER SCARPELLI: Second.

20 THE CLERK: Commissioner Kelly?

21 COMMISSIONER KELLY: Abstain.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 THE CLERK: Mayor Tucci?

2 MAYOR TUCCI: Aye.

3 COMMISSIONER EVANS: Move the ordinance.

4 COMMISSIONER SCARPELLI: Second.

5 THE CLERK: Commissioner Kelly?

6 COMMISSIONER KELLY: Abstain.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 THE CLERK: Mayor Tucci?

12 MAYOR TUCCI: Aye. Thank you. Commissioner,
13 do you want to continue?

14 COMMISSIONER EVANS: Yes, thank you, Mayor.
15 So we -- earlier, in the first meeting, the first, I
16 think May 5th, we introduced our municipal budget. The
17 budget reflected a zero increase in the tax rate to
18 taxpayers this year. And so, included in that budget
19 was recognizing that we did have appropriation expense
20 increases because of contractual obligations and some
21 other things that are listed in the presentation. We
22 also had revenues that we needed to address, including
23 shortfalls in revenues, because of the various closures
24 in town arising from COVID, such as lower parking meter
25 revenues, code revenues, municipal court, and so on.

1 So in that presentation, we covered how we were going
2 to absorb, as a board, the revenue losses, as well as
3 how we were going to offset the revenue -- the
4 appropriation increases.

5 So we were able to do that by releasing a
6 reserve, actually related to tax appeals, which related
7 to the ability -- our ability to eliminate tax appeal
8 risk on the Hoffman/LaRoche site that we've talked
9 about before. So that enabled us to zero out any
10 increase this year in the budget.

11 In the presentation, we also talked about the
12 fact that while the township has a -- the ability to
13 borrow over \$130 million in bonds, our outstanding
14 bonds were at \$13.7 million, and actually are down
15 \$1.7 million from 2015, and are -- with an overall
16 lower interest rate, which actually lowered our debt
17 service. We do have contingencies that are related to
18 the budget, which is in the event of shortfalls in tax
19 collections. Also, while the state has actually given
20 us a written commitment, and approved our aid, we
21 generally don't receive that aid until the end of the
22 year, so that -- there are some possible future
23 developments at the state level that could also cause
24 us to have a little bit of risk.

25 But overall, that was our budget

1 presentation, but for tonight, the -- we have a budget
2 that requires us to raise \$41,872,000 in taxes, and
3 that -- for the municipality. So we can move to open
4 conversation.

5 MAYOR TUCCI: Like to sustain a motion to
6 open public hearing.

7 COMMISSIONER EVANS: Second.

8 THE CLERK: Commissioner Kelly.

9 COMMISSIONER KELLY: Aye.

10 THE CLERK: Commissioner Evans.

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 THE CLERK: Mayor Tucci.

15 MAYOR TUCCI: Aye.

16 Alan, we'll go to the videotape.

17 MR. GENITEMPO: (Indiscernible).

18 COMMISSIONER EVANS: Mr. Moore had asked a
19 question that I didn't respond to?

20 MR. GENITEMPO: You want to answer that
21 (indiscernible)?

22 COMMISSIONER EVANS: So if Mr. Moore is there,
23 if he would want to repeat. It's related to something to
24 state aid. I'm not quite sure what it fully related
25 to.

1 MR. GENITEMPO: Ms. Rossi wants
2 (indiscernible).

3 Ma'am, can you hear us?

4 MAYOR TUCCI: Go ahead, can you hear us?

5 MS. ROSSI: I can -- I can -- you can hear
6 me?

7 MR. GENITEMPO: Go ahead.

8 THE CLERK: We just lost her.

9 MAYOR TUCCI: She's off the screen.

10 MS. ROSSI: I think you're having technical
11 difficulties. Tammy Rossi, 28 Colonial Terrace. Can
12 you hear me?

13 MR. GENITEMPO: Yes, we can.

14 MS. ROSSI: Okay. Commissioner Evans, I have
15 a question regarding 2020 Second Quarter taxes. What
16 percentage of those have been paid?

17 COMMISSIONER EVANS: Tammy, please repeat
18 that. What percentage of what?

19 MS. ROSSI: Of the second quarter taxes for
20 2020 have been paid?

21 COMMISSIONER EVANS: I -- at this point, 94.2
22 percent.

23 MS. ROSSI: Okay. And how much of the
24 reserve was released to mitigate a tax -- to absorb the
25 other deficiencies?

1 COMMISSIONER EVANS: In tax collections?

2 MS. ROSSI: Well, you had mentioned that the
3 town had a reserve, and you had released some of it --

4 COMMISSIONER EVANS: Yes, we've --

5 MS. ROSSI: Yeah, so how --

6 COMMISSIONER EVANS: -- yes, we've released
7 -- including in the budget, we've released
8 \$1.2 million.

9 MS. ROSSI: \$1.2 million. Okay. And right
10 now, the town needs to raise \$41,832,000. And are you
11 saying that will result in a tax increase at this time,
12 or not?

13 COMMISSIONER EVANS: No. We do not have a
14 tax increase at the municipal level that we're
15 projecting or including in the tax rate for this year.
16 The tax rate, as you know, is comprised of a piece for
17 the library, a piece for the county, a piece for the
18 school, and the municipality.

19 MS. ROSSI: Right.

20 COMMISSIONER EVANS: The increase is related
21 to the county, the library and the school -- excuse me,
22 and the municipality are projected to be flat. We do
23 have an increase for the school, which is 2.7 percent.
24 So because only one component of the taxes that we have
25 to collect is increasing, the overall increase on the

1 tax rate is about 1.2 percent for the total town.

2 What's important, Tammy, to also remember, in
3 my role as the revenue and finance commissioner, while
4 I sit on the municipal board, and we focus in on the
5 five departments, my department has the responsibility
6 to send out a single bill and collect taxes for the
7 county, for the school, for the library, as well as for
8 the municipality, and then we actually make payments to
9 those individual boards, and that's all done by
10 statute.

11 MS. ROSSI: Uh-huh. Uh-huh. And so with all
12 of this, is there a plan B should we not receive the
13 remainder of transition aid from the state?

14 COMMISSIONER EVANS: So if we -- if there is
15 a -- later in the year, if there is an issue with
16 collecting that money, you know, we will be prepared to
17 address it, and we're in discussions as a board related
18 to that now, as to in effect, establish a contingency
19 planning, in the event that it happens.

20 MS. ROSSI: Uh-huh.

21 COMMISSIONER EVANS: If we have a shortfall
22 of taxes, tax collections, that's significant, coupled
23 with a loss of the state aid, that would be -- have a
24 dramatic effect on our tax collections, that could be
25 significant. So we as a board, we would not be able to

1 cover all of that because the -- of our obligation to
2 pay the county and the school. But the collection risk
3 is the munic -- is on the municipality. So we would
4 have to -- ultimately, if it became that drastic, we
5 would also have to look at a financing plan.

6 MS. ROSSI: And would you, at that point,
7 consider releasing more of the reserves? Because I see
8 we have \$40,538,000 in reserves. Is that correct --
9 that's --

10 COMMISSIONER EVANS: That's not correct, no.

11 MS. ROSSI: That's not correct? How much in
12 reserves do we have?

13 COMMISSIONER EVANS: We have some. We have a
14 few million dollars, but they're there for particular
15 reasons, and so there's not really a free reserve. So
16 for example, our tax appeal reserve is a real reserve,
17 we just, in the light of this calamity, we released
18 some of those funds. It just -- we might need to
19 reevaluate that in a future year, to put that money
20 back. So we don't have significant amounts of free
21 reserves.

22 And we have a policy that we have always
23 followed, for the last 18 years, that if the money that
24 we don't spend is returned to the taxpayers in the form
25 of what we call applied fund balance, and the amount

1 that's already been applied for this current year is
2 \$5 million.

3 MS. ROSSI: Okay. And the question I have
4 now is, you say you have a few million dollars in
5 reserve. Would you be more specific with an amount of
6 how much we have in reserves?

7 COMMISSIONER EVANS: Not at this time.

8 MS. ROSSI: Is there any particular reason?

9 COMMISSIONER EVANS: Because the reserves
10 that are there are guide -- they're under guidance from
11 the state, and in anything that I would be looking at,
12 I would need permission from the state to release them.

13 MS. ROSSI: I see. Okay. Thank you.

14 MR. GENITEMPO: Mr. Moore? Go ahead,
15 Mr. Moore.

16 MR. MOORE: Can you hear me now?

17 MR. GENITEMPO: Yes.

18 MR. MOORE: This is Rory Moore, 462 Chestnut
19 Street. I'm -- am I audible?

20 MR. GENITEMPO: Yes, go ahead.

21 MR. MOORE: Okay. You're very faint.

22 Mr. Evans, I understood -- if I understood correctly,
23 that you're having a discussion with the commissioners
24 now for the possibilities of a tax shortfall, or the
25 state not contributing money as they had promised. Why

1 is that discussion not public?

2 COMMISSIONER EVANS: Because it involves
3 contract negotiations, potential personnel, and we need
4 to follow very specific guidance and rules to protect
5 everyone's interests.

6 MR. MOORE: How is it in the contracts? The
7 contracts that are already signed, and they're in
8 place. I would think, as a board of commissioners,
9 that you would have some alternatives, or some specific
10 guidance that you can do to minimize a tax increase, if
11 there is any.

12 COMMISSIONER EVANS: So, the specifics of our
13 union contracts would be dealt with by the
14 commissioners of those departments, and with legal
15 counsel and advice, right. But the contracts are in
16 place, and the -- there are contractual obligations for
17 them.

18 MR. MOORE: I understand the contracts. I'm
19 not disputing that.

20 COMMISSIONER EVANS: Good.

21 MR. MOORE: I guess I'm -- the question I'm
22 trying to get at is, we can't -- you would have to go
23 back to unions to negotiations if you had to change the
24 contracts. But I'm being more specific or more broad
25 about this is, have you come up with any financial

1 plans, any contingency that you can reduce costs almost
2 immediately to minimize a tax increase, if there was
3 one?

4 COMMISSIONER EVANS: So our goal is not to
5 increase the tax rate this year, and I don't anticipate
6 doing that. So we came into this year saying there
7 will not be an increase in the tax rate. We will hold
8 to that. So I don't forecast having to change that
9 assumption at this time. If we have a consequence
10 where we have a cash collection issue, or an aid issue,
11 we are preparing to look at that as we look at the
12 balance of the year, but I don't anticipate a tax
13 increase.

14 MR. MOORE: My only concern, my last question
15 would be, is that, I understand that the school aid,
16 Nutley lost several million dollars, I believe it was,
17 and I would imagine that's going to impact the school
18 budget. That would be somewhat of an increase, which
19 would be ultimately be some type of an increase to
20 property owners. Has that been addressed at all? I
21 realize that's on the Board of Education side, but
22 eventually, it will come over to you for collections.

23 COMMISSIONER EVANS: So, exactly. And so if
24 -- I'm not aware of the fact that the school lost
25 several million dollars. I know they've released aid

1 from the state, school aid from the state, so I'm not
2 sure that's a correct assumption at this point, because
3 I haven't been advised of that. Right now, the school
4 budget calls for a 2.7 percent increase, but I'm not
5 aware of any other increases that are projected for the
6 year.

7 MR. MOORE: Okay, thank you.

8 MR. GENITEMPO: No other hands are up.

9 MAYOR TUCCI: No others? Okay, thank you.

10 COMMISSIONER EVANS: Motion to close the
11 public hearing.

12 COMMISSIONER SCARPELLI: Second. Second.

13 THE CLERK: Commissioner Kelly?

14 COMMISSIONER KELLY: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

19 THE CLERK: Mayor Tucci.

20 MAYOR TUCCI: Aye.

21 COMMISSIONER EVANS: I have to read the
22 adoption of the budget. Right? Because of the
23 sentence -- oh, no, I can't do it. I'm sorry. That's
24 right. I can't adopt, just to be aware, that's right.
25 Sorry. No, I -- normally, we would adopt this evening.

1 MAYOR TUCCI: Right.

2 COMMISSIONER EVANS: We're not able to adopt
3 this evening because of the COVID delays. The state is
4 administratively behind in reviewing the local budgets.
5 So once we get clearance from the state, we'll come
6 back and adopt the budget.

7 MAYOR TUCCI: Okay. Thank you, Commissioner.
8 Okay. We'll move into resolutions. Commissioner
9 Kelly?

10 COMMISSIONER KELLY: Thank you, Mayor. I
11 have five resolutions to read tonight. The first one.
12 Whereas, meeting in Philadelphia on June 14th, 1775,
13 the Continental Congress formed the Continental Army as
14 a means for the 13 unified American colonies to fight
15 the forces of Britain;

16 Whereas, General George Washington was
17 unanimously elected Commander-in-Chief of the new army
18 the next day, and he would lead the colonies to victory
19 and independence;

20 Whereas, since its inception, the United
21 States Army has developed leaders of character, who
22 have gone on to serve the nation and our community. It
23 currently provides more than 150 different career paths
24 in art, science, intelligence, combat, aviation,
25 engineering, law, and more

1 Whereas, the United States Armies and it more
2 than one -- the United States Army and its more than
3 one million solders stand watch for the country day and
4 night against all enemies. They are respected around
5 the world for their bravery and vigor;

6 Whereas, from the Revolution to the Civil
7 War, to the World Wars, to the present day, the
8 Township of Nutley is thankful for and is proud to
9 support the United States Army. On the occasion of the
10 Army's 245th birthday, the township remembers those who
11 have sacrificed to serve their nation in the Army, and
12 thanks and recognizes the Army veterans who call Nutley
13 home today.

14 Now therefore be it resolved that the Board
15 of Commissioners in the Township of Nutley, County of
16 Essex, State of New Jersey, recognizes and celebrates
17 the United States Army on its 245th birthday. So move.

18 COMMISSIONER EVANS: Second.

19 THE CLERK: Commissioner Kelly.

20 COMMISSIONER KELLY: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 THE CLERK: Mayor Tucci.

1 MAYOR TUCCI: Aye.

2 COMMISSIONER KELLY: Whereas, on June 14th,
3 1777, by resolution of the Second Continental Congress,
4 the United States Flag was adopted;

5 Whereas, on June 14th, 1777, the Second
6 Continental Congress decreed that our nation's flag
7 shall be 13 stripes, alternate red and white, that the
8 union be 13 stars, white in a field of blue,
9 representing a new constellation;

10 Whereas, on June 14th, 1916, President
11 Woodrow Wilson issued a proclamation to officially
12 establish observance of Flag Day;

13 Whereas, on August 3rd, 1949, national Flag
14 Day, June 14th, was declared by an act of Congress.

15 Now therefore be it resolved by the Board of
16 Commissioners in the Township of Nutley, County of
17 Essex, State of New Jersey, recognizes and celebrates
18 our nation's flag. Be it further resolved, June 14th,
19 2020, as Flag Day in the Township of Nutley. So moved.

20 COMMISSIONER EVANS: Second.

21 THE CLERK: Commissioner Kelly.

22 COMMISSIONER KELLY: Aye.

23 THE CLERK: Commissioner Evans.

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 THE CLERK: Mayor Tucci.

3 MAYOR TUCCI: Aye.

4 COMMISSIONER KELLY: Whereas, despite the
5 advances in medical technology and research, men
6 continue to live an average of almost five years less
7 than women, with African-American men having the lowest
8 life expectancy. Many of these deaths can be prevented
9 by men eating proper diets, exercising, and getting
10 regular health checks, including prostate examinations;

11 Whereas, educating the public and health care
12 providers about the importance of healthy lifestyle and
13 early detection of male health problems will result in
14 reducing the rates of mortality from disease; and

15 Whereas, men who are educated about the value
16 of preventative health practices will be more likely to
17 participate in health screenings addressing heart
18 disease, diabetes, prostate, testicular, and colon
19 cancer;

20 Whereas, the third Sunday of June is
21 customarily celebrated as Father's Day, for all fathers
22 and father figures in the lives of Nutley residents,
23 the importance of reminding these role models and all
24 men of the importance of proper health cannot be
25 understated.

1 Now therefore be it resolved that the Board
2 of Commissioners in the Township of Nutley, County of
3 Essex, State of New Jersey, recognize the month of June
4 as Men's Health Month, and encourage all male residents
5 of Nutley to pursue preventative health practices, and
6 early detection efforts, so as to live longer and
7 healthier lives, so as to continue to be positive
8 influences in the lives of all those that they touch.

9 So moved.

10 COMMISSIONER EVANS: Second.

11 THE CLERK: Commissioner Kelly.

12 COMMISSIONER KELLY: Aye.

13 THE CLERK: Commissioner Evans.

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 THE CLERK: Mayor Tucci?

18 MAYOR TUCCI: Aye.

19 COMMISSIONER KELLY: Whereas, Post-Traumatic
20 Stress Disorder, PTSD, is associated with chemical
21 changes in the body's hormonal systems and autonomic
22 nervous system, and is characterized by symptoms
23 including flashbacks, nightmares, insomnia, avoidance,
24 hypervigilance, anxiety, and depression;

25 Whereas, despite its treatability, many cases

1 of PTSD remain undiagnosed and untreated, due to a lack
2 of awareness of this condition, and the persistent
3 stigma associated with mental health conditions;

4 Whereas, raising awareness of this condition
5 is necessary to remove the stigma, and to encourage
6 those suffering to seek proper and timely treatment
7 that may save their lives;

8 Whereas, exposure to trauma can lead to PTSD;

9 Whereas, PTSD is significantly increased by
10 the risk of -- whereas, PTSD significantly increases
11 the risk of anxiety, depression, suicide, homelessness,
12 and drug and alcohol related disorders and deaths,
13 especially if left untreated;

14 Whereas, public perceptions of PTSD or other
15 mental health disorders create unique challenges for
16 those seeking employment;

17 Whereas, the larger medical community, both
18 private and public, have made significant advances in
19 the identification, prevention, diagnosis and treatment
20 of PTSD, and the symptoms of PTSD, but many challenges
21 remain;

22 Whereas, increased understanding of PTSD can
23 help diminish the stigma attached to this mental health
24 issue, and efforts are needed to find further ways to
25 reduce this stigma, including an examination of how

1 PTSD is discussed in the United States, and a
2 recognition that PTSD is a common injury that is
3 treatable and repairable;

4 Whereas, the brave men and women of the
5 United States Armed Forces who proudly served the
6 nation and risked their lives to protect our freedom,
7 are at an increased risk of suffering from PTSD,
8 deserve the investment of every possible resource to
9 ensure their lasting physical, mental, and emotional
10 well-being;

11 Whereas, combat related PTSD stress among our
12 men and women in the armed forces is significantly
13 pronounced, given that they're often exposed to highly
14 traumatic events for weeks, months, and even years;

15 Whereas, between 10 and 30 percent of service
16 members will develop PTSD within a year of leaving
17 combat, while others may not develop symptoms until
18 years later;

19 Whereas, the Secretary of Veterans Affairs
20 reports that in fiscal year 2014, more than 531,000 of
21 nearly 6 million veterans who sought care at a medical
22 facility of the Department of Veterans Affairs received
23 treatment for PTSD;

24 Whereas, all citizens suffering PTSD deserve
25 our consideration, and those who are affected by PTSD

1 from wounds while -- wounds received while protecting
2 our freedom, deserve our respect and special honor;

3 Whereas, PTSD can result from any number of
4 stressors other than combat, including rape, sexual
5 assault, battery, torture, confinement, child abuse,
6 car accidents, train wrecks, plane crashes, bombings,
7 or natural disasters, it affects approximately
8 8 million adults in the United States annually;

9 Whereas, now more than ever, due to the
10 trauma of many victims, their families, first
11 responders, and front line workers have faced due to
12 the ongoing global health crisis, an emphasis needs to
13 be placed on PTSD mental health counseling and
14 treatment;

15 Whereas, the designation of a Post-Traumatic
16 Stress Disorder Awareness Month, and a Post-Traumatic
17 Stress Disorder Day, will raise public awareness about
18 the issues related to PTSD, reduce the stigma
19 associated with PTSD, and help ensure those suffering
20 from the invisible wounds of trauma receive proper
21 treatment.

22 Now therefore be it resolved that the Board
23 of Commissioners in the Township of Nutley, County of
24 Essex, State of New Jersey, recognize the month of June
25 as Post-Traumatic Stress Disorder Awareness Month.

1 Be it further resolved, June 27th, 2020, as
2 Post-Traumatic Stress Disorder Awareness Day; be it
3 further resolved that the Board of Commissioners
4 supports the entire medical community to educate
5 members of the Armed Forces, veterans, frontline
6 medical workers, first responders and all those that
7 have been exposed to trauma, their families and
8 friends, and the public about the causes, symptoms, and
9 treatment of PTSD.

10 Be it further resolved that all are
11 encouraged to bring awareness to those with PTSD, and
12 encourage fellow citizens to provide support and remove
13 the stigma associated with this disorder; be it further
14 resolved that any one who needs assistance with PTSD,
15 or anyone that knows someone suffering from PTSD is
16 encouraged to reach out to the Nutley Department of
17 Public Affairs for resources and guidance, or review of
18 the attached resource guide. And there's an attached
19 guide here that will be made public. So moved.

20 COMMISSIONER EVANS: Second.

21 THE CLERK: Commissioner Kelly.

22 COMMISSIONER KELLY: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 THE CLERK: Mayor Tucci.

3 MAYOR TUCCI: Aye.

4 COMMISSIONER KELLY: Last one from me.

5 Whereas, Alzheimer's Disease is a
6 progressive, degenerative disease of the brain, causing
7 deterioration in memory and thinking, as well as
8 judgment and reasoning ability. It also affects
9 behavior, emotions, and the ability to perform self-
10 care;

11 Whereas, according to the Center for Disease
12 Control and Prevention, Alzheimer's is the sixth-
13 leading cause of death in U.S. adults, and kills more
14 than breast cancer and prostate cancer combined; and,

15 Whereas, according to the Center for Disease
16 Control and Prevention, approximately 5.8 million
17 people in the United States are living with
18 Alzheimer's; and

19 Whereas, every 65 seconds, someone in the
20 United States develops the disease;

21 Whereas, more than 16 million Americans
22 provide unpaid care for people with Alzheimer's or
23 other dementia; and

24 Whereas, in 2019, Alzheimer's and other
25 dementia costs the nation \$290 billion, and by the year

1 2050, these costs could rise as high as \$1.1 trillion.

2 Now therefore be it resolved by the Board of
3 Commissioners of the Township of Nutley, County of
4 Essex, in the State of New Jersey, that the month of
5 June be recognized as Alzheimer's and Brain Awareness
6 Month;

7 Be it further resolved that we recognize
8 individuals, families, and friends and caregivers
9 dealing with the devastating effects of Alzheimer's
10 Disease, the researchers who are seeking a cause or
11 causes and a cure, and the educational programs and
12 support services provided by local and national
13 Alzheimer's organizations. So moved.

14 COMMISSIONER EVANS: Second.

15 THE CLERK: Commissioner Kelly?

16 COMMISSIONER KELLY: Aye.

17 THE CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 THE CLERK: Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 THE CLERK: Mayor Tucci.

22 MAYOR TUCCI: Aye. Thank you, Commissioner.
23 Commissioner Evans?

24 COMMISSIONER EVANS: Thank you, Mayor. My
25 first resolution is Resolution Number 124-20. This

1 resolution relates to affordable housing. As at a
2 previous meeting back in January, we approved our
3 original settlement with the Court, that was on January
4 14th, 2019, which had stipulated that we had a
5 co-obligation for Fair Share Housing on the
6 Hoffman/LaRoche site, as well as there were nine units
7 that were in town, that made for a total of 64.

8 This resolution supports an amendment to the
9 settlement agreement that was signed in January of
10 2019, which reduces that original obligation to reduce
11 the nine units, so that the township only has an
12 obligation to meet on the Hoffman/LaRoche property. In
13 order to execute that settlement, there is a payment by
14 the owners of the properties in Nutley to the COAH
15 Affordable Housing Trust Fund, which funds will be used
16 for rehabilitation for qualifying households in Nutley,
17 which we'll be speaking about more in the very near
18 future. The total contribution that has to be made to
19 the trust fund is \$450,000. So it's prudent for us,
20 because it eliminates a housing requirement that could
21 have a negative consequence on our schools, and it also
22 would affect the future tax valuation of these
23 properties that we now relieve.

24 So it's prudent for the Board of
25 Commissioners to consider this resolution, so I'll read

1 in part.

2 Whereas, this original settlement agreement
3 was approved by court order dated January 14th, 2019;

4 Whereas, subsequent to the Court's approval
5 of the original agreement, the parties identified
6 various crediting issues, with certain compliance
7 mechanisms noted in the original settlement agreement,
8 and desired to amend the original settlement agreement
9 in order to resolve the same;

10 Whereas, both the Fisher Housing Council and
11 the court appointed special master are in favor of this
12 amendment to the original agreement;

13 Whereas, the Board of Commissioners finds it
14 prudent to authorize this amendment to the original
15 settlement agreement.

16 Now therefore be it resolved by the Board of
17 Commissioners of the Township of Nutley, County of
18 Essex, State of New Jersey, as follows:

19 1. The aforesaid recitals are hereby adopted
20 and incorporated herein as if repeated in full;

21 2. That the Mayor be, and is hereby
22 authorized to execute, and the Township Clerk be and
23 hereby is authorized to witness a first amended and
24 restated settlement agreement resolving the Township's
25 judge -- settlement action in a form and content

1 acceptable to counsel for the Township;

2 3. That the Township Administration Planner
3 and Counsel for the Township be, and are hereby
4 authorized to undertake all reasonable necessary steps
5 to effectuate the foregoing.

6 This resolution takes effect immediately. So
7 move.

8 COMMISSIONER SCARPELLI: Second.

9 THE CLERK: Commissioner Kelly?

10 COMMISSIONER KELLY: Aye.

11 THE CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 THE CLERK: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 THE CLERK: Mayor Tucci?

16 MAYOR TUCCI: Aye.

17 COMMISSIONER EVANS: The next resolution is a
18 refund for an overpayment of taxes. The -- it's a
19 sizable amount. It's \$590,000 -- \$587,000 relates to
20 an overpayment by the ON3 property that was made in
21 error. So this resolution does hereby authorize the
22 Treasurer to refund overpayments of tax charges in the
23 total amount of \$590,505.13. So move.

24 COMMISSIONER SCARPELLI: Second.

25 THE CLERK: Commissioner Kelly?

1 COMMISSIONER KELLY: Aye.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 THE CLERK: Mayor Tucci?

7 MAYOR TUCCI: Aye.

8 COMMISSIONER EVANS: Whereas, the Nutley High
9 School PTO had applications for on-premise raffles to
10 be held this year. Obviously, with COVID, those
11 raffles have been canceled. The cost of the raffle
12 application is \$20. All the events were canceled, so
13 the Township is agreeable to refunding to the Nutley
14 High School PTO a total amount of \$60. So move.

15 COMMISSIONER SCARPELLI: Second.

16 THE CLERK: Commissioner Kelly?

17 COMMISSIONER KELLY: Aye.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 THE CLERK: Mayor Tucci?

23 MAYOR TUCCI: Aye.

24 COMMISSIONER EVANS: My last resolution.

25 Whereas, in light of the disruption caused by

1 the coronavirus outbreak, the state delayed the
2 adoption of the state fiscal year 2020-2021 budget to
3 September 30th, 2020;

4 Whereas, the Division of Local Governmental
5 Services cannot certify state aid allocations to the
6 municipal budgets until state aid appropriations are
7 known; and

8 Whereas, the Department of Local Governmental
9 Services cannot approve municipal budgets, and the
10 county tax -- the County Board of Taxation cannot
11 certify taxes until long after the June 30th deadline
12 to process third quarter tax bills.

13 Whereas, without a certified tax rate, the
14 Tax Collector of the Township is unable to issue the
15 preliminary final property tax bill, which -- as it
16 would be normally issued at this time for the 2020 and
17 '21 -- 2021 tax year;

18 Whereas, it is necessary for the Township to
19 issue an estimated bill covering the third quarter
20 only. Please -- many people think that that's the bill
21 for both the third and fourth quarter, but it's only
22 approval for the third quarter to meet our municipal
23 school and county obligations. The Township is able to
24 do so through Chapter 72, Public Law 1994,
25 N.J.S.A. 54:4-66.2.

1 Now therefore be it resolved by the Board of
2 Commissioners of the Township of Nutley, County of
3 Essex, New Jersey, as follows:

4 1. The Tax Collector of the Township of
5 Nutley is hereby authorized and directed to prepare and
6 issue estimated tax bills for the Township of Nutley
7 for the third installment of 2020 taxes. The Tax
8 Collector shall proceed and take such action as
9 permitted and required by Chapter 72, Public Laws 1994,
10 N.J.S.A. 54:4-66.2, 66.3.

11 2. The total estimated tax levy for 2020 is
12 hereby set at \$119,156,237.87. The total estimated tax
13 rate for 2020 is hereby set at \$3.67.7 per hundred.

14 Again, that tax rate only includes a tax
15 increase for the school district. So move.

16 COMMISSIONER SCARPELLI: Second.

17 THE CLERK: Commissioner Kelly?

18 COMMISSIONER KELLY: Aye.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Commissioner Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 THE CLERK: Mayor Tucci.

24 MAYOR TUCCI: Aye. Okay, Commissioner
25 Scarpelli?

1 COMMISSIONER SCARPELLI: Thank you, Mayor.

2 Whereas, the Township of Nutley has a need to
3 retain the service of a consultant who specializes in
4 recycling law and policy, to provide consulting advice
5 and services to the Department of Public Works for the
6 marketing of recycling materials in the Township of
7 Nutley;

8 Whereas, Wayne DeFeo of DeFeo and Associates,
9 15 Washington Valley Road, Warren Township, New Jersey,
10 has submitted a proposal for an hourly rate of \$185 per
11 hour, not to exceed \$6,000.

12 Now therefore be it resolved by the Board of
13 Commissioners of the Township of Nutley, County of
14 Essex, State of New Jersey, that the Mayor be and is
15 hereby authorized to enter into a contract with Wayne
16 DeFeo of DeFeo and Associates, 15 Washington Valley
17 Road, Warren Township, as a professional service;

18 And be it further resolved that a copy of
19 this resolution, as well as the contract, shall be
20 placed on file with the Clerk of the Township, and a
21 notice in accordance with the Local Public Contracts
22 Law of New Jersey shall be published in the Nutley Sun.
23 I move the resolution.

24 COMMISSIONER KELLY: Second.

25 THE CLERK: Thank you. Commissioner Kelly?

1 COMMISSIONER KELLY: Aye.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 THE CLERK: Mayor Tucci.

7 MAYOR TUCCI: Aye.

8 COMMISSIONER SCARPELLI: Whereas, Nutley is a
9 member of the Morris County Cooperative Pricing
10 Council;

11 Whereas, Nutley wishes to resurface Highfield
12 Lane, ½ width between Washington Avenue and River Road,
13 East White Terrace and Conduit Place in Nutley, New
14 Jersey; and

15 Whereas, contracts that exceed the bid
16 threshold are required to be awarded by resolution;

17 Whereas, the Township of Nutley entered into
18 a contract with Tilcon New York for the amount of
19 \$97,550.30; and

20 Whereas, change to order number one to the
21 contract has been authorized for a decrease in the
22 amount of \$8,757.69; and

23 Whereas, the original contract amount is
24 being decreased in the amount of \$8,757,69 to be
25 credited to the account G-04-153-401 reflected in the

1 adjusted contract price of \$88,792.61. I move the
2 resolution.

3 COMMISSIONER EVANS: Second.

4 THE CLERK: Commissioner Kelly?

5 COMMISSIONER KELLY: Aye.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 THE CLERK: Mayor Tucci.

11 MAYOR TUCCI: Aye.

12 COMMISSIONER SCARPELLI: Be it resolved by
13 the Board of Commissioners of the Township of Nutley,
14 County of Essex, State of New Jersey, that the Township
15 Clerk is hereby authorized to advertise for sealed bids
16 in the marketing of recycling materials collected from
17 the Township of Nutley to be received on behalf of the
18 Board of Commissioners, Commission Chambers, Township
19 Hall, 1 Kennedy Drive, Nutley, New Jersey, on
20 Wednesday, June 24th, 2020, at 11:00 a.m. prevailing
21 time, at which time they will be opened and read. I
22 move the resolution.

23 COMMISSIONER KELLY: Second.

24 THE CLERK: Commissioner Kelly.

25 COMMISSIONER KELLY: Aye.

1 THE CLERK: Commissioner Evans?
2 COMMISSIONER EVANS: Aye.
3 THE CLERK: Commissioner Scarpelli?
4 COMMISSIONER SCARPELLI: Aye.
5 THE CLERK: Mayor Tucci.
6 MAYOR TUCCI: Aye.
7 COMMISSIONER SCARPELLI: This is Resolution
8 Number 121-20. I'll read by title. Resolution of
9 Approval to submit a grant application and execute a
10 grant contract with the New Jersey Department of
11 Transportation for the Township of Nutley Washington
12 Avenue Improvement Project, Park Avenue to Nutley
13 Avenue. I move the resolution.
14 COMMISSIONER KELLY: Second.
15 THE CLERK: Commissioner Kelly.
16 COMMISSIONER KELLY: Aye.
17 THE CLERK: Commissioner Evans?
18 COMMISSIONER EVANS: Aye.
19 THE CLERK: Commissioner Scarpelli?
20 COMMISSIONER SCARPELLI: Aye.
21 THE CLERK: Mayor Tucci.
22 MAYOR TUCCI: Aye.
23 COMMISSIONER SCARPELLI: Sorry, Mayor.
24 MAYOR TUCCI: It's okay.
25 COMMISSIONER SCARPELLI: Resolution 122-20,

1 also read by title, authorizing the adoption of the
2 2020 Essex County, New Jersey Hazard Mitigation Plan
3 Update. I move the resolution.

4 COMMISSIONER KELLY: Second.

5 THE CLERK: Commissioner Kelly.

6 COMMISSIONER KELLY: Aye.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 THE CLERK: Mayor Tucci?

12 MAYOR TUCCI: Aye.

13 COMMISSIONER SCARPELLI: Whereas, Mandatory
14 Source Recycling Act PL 1987 Chapter 102 has
15 established a recycling fund from which tonnage grants
16 may be made to municipalities in order to encourage
17 local source separation and recycling programs;

18 Whereas, it is the intent and the spirit of
19 the Mandatory Source Separation and Recycling Act to
20 use the tonnage grants to develop new recycling
21 programs and continue to expand existing programs; and

22 Whereas, such a resolution should designate
23 the individual authorized to ensure that the
24 application is properly completed and timely filed.

25 Now therefore be it resolved by the Board of

1 Commissioners of the Township of Nutley, County of
2 Essex, State of New Jersey, that the Township of Nutley
3 hereby endorses the submission of the 2019 Municipal
4 Recycling Tonnage Grant Application to the New Jersey
5 Department of Environmental Protection, and designates
6 Salvatore Ferraro, Recycling Coordinator of the
7 Township of Nutley, to ensure the application is
8 properly filed. I move the resolution.

9 COMMISSIONER KELLY: Second.

10 THE CLERK: Commissioner Kelly.

11 COMMISSIONER KELLY: Aye.

12 THE CLERK: Commissioner Evans.

13 COMMISSIONER EVANS: Aye.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Mayor Tucci.

17 MAYOR TUCCI: Aye.

18 COMMISSIONER SCARPELLI: That's all I have,
19 Mayor.

20 MAYOR TUCCI: Thank you, Commissioner.

21 Commissioner Petracco has one resolution that I will
22 read for him this evening.

23 Whereas, sealed bids for furnishing and
24 delivering police, dispatchers, and crossing guards
25 uniforms and equipment were publicly opened and read on

1 May 23rd, 2018; and

2 Whereas, Turnout Uniforms, Inc., was the only
3 bidder; and

4 Whereas, as per the original specification,
5 the contract is for one year, with two optional one
6 year extensions, therefore the existing contract with
7 Turnout Uniforms, Inc., should be extended to
8 December 31st, 2020, utilizing the second and last
9 optional extension; and

10 Whereas, funds in the amount of \$48,000 are
11 available in an appropriation entitled 0-01-310-200,
12 police and dispatcher maintenance and allowance, and
13 funds in the amount of \$12,500 are available in an
14 appropriation entitled 0-01-310-200, crossing guards
15 allowance, and have been certified by the Chief
16 Financial Officer, said certification being attached to
17 this resolution.

18 Now therefore be it resolved by the Board of
19 Commissioners of the Township of Nutley, County of
20 Essex, State of New Jersey, that a contract for
21 furnishing and delivering police dispatchers and
22 crossing guard uniforms and equipment consistent with
23 the 2020 clothing voucher allocation be and is hereby
24 awarded to Turnout Uniforms, Inc., 195 Patterson
25 Avenue, Little Falls, New Jersey. I move the

1 resolution.

2 COMMISSIONER EVANS: Second.

3 THE CLERK: Commissioner Kelly?

4 COMMISSIONER KELLY: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 THE CLERK: Mayor Tucci?

10 MAYOR TUCCI: Aye. That concludes our
11 business for this evening. We will now open the
12 meeting up to the public.

13 THE CLERK: Would you like me to read the
14 public comment? Thank you. All persons addressing the
15 Board of Commissioners regarding community concerns
16 should state their name and address for the record.
17 Unless further time is granted by the board, each
18 person shall limit their address to five minutes.

19 MR. MOORE: Rory Moore, 462 Chestnut Street.
20 You have a wicked reverb, wow. Can you hear me?

21 MR. GENITEMPO: Yes, I can hear you.

22 MR. MOORE: Mayor Tucci, I would like to
23 redress -- I was prepared to talk about the budget this
24 evening. What I wanted to suggest -- this evening I
25 asked on the payroll list about the money that we spent

1 to the New Jersey League of Municipalities, and that
2 was a fee, or that's our -- what we get out of it, I
3 imagine. Last year, Mr. Scarpelli had almost \$3,000
4 that we paid to the League of Municipalities, and when
5 I questioned it, he gave me a rather timid answer, it
6 wasn't very good, so I had called the League the very
7 next day. I got hold of the financial people down
8 there, which were very, very helpful, and they said
9 that we paid for the close -- \$3,000, and we received
10 zero benefits from the money we paid.

11 Additionally, last year, when they go for the
12 two weeks down -- the two days down in Atlantic City, I
13 believe we sent about 27 people down, and at least half
14 of them stayed over one night, some over two nights,
15 which the cost was prohibiting. I filed an OPRA
16 request to find out what did we gain from that expense,
17 and the answer was nothing.

18 I would like to suggest, as a new mayor, can
19 you allow the public to respond or at least participate
20 in budget reductions? If you looked at just the fees
21 that we paid to all these organizations, we as a town,
22 could save some money. Maybe not a lot, but at least
23 it's a start to try to minimize what we're paying out.
24 In May, we paid \$5200 to the Essex County Sheriff's
25 Academy. I asked three people what did we pay it for,

1 and the answer was, nobody knew, but we paid \$5200. We
2 also sent the Chief to a seminar for international
3 police chiefs, and I believe that was about \$600. When
4 is it going to stop? When do we have some type of
5 fiscal responsibility? To say, enough's enough. We do
6 not have to participate in these social groups. I
7 would like to know if you would allow the public to
8 start to address those issues in the budget portion,
9 because I think that's a lot of money.

10 MAYOR TUCCI: Mr. Moore, we held a public
11 hearing on the budget. I mean, citizens can ask
12 questions about any expenditures at any time. Just as
13 a point of clarification, though, the New Jersey State
14 League of Municipalities provides recertification
15 classes for many of our employees, all right, that need
16 to maintain certifications and/or licenses, and are
17 very important to us in lobbying, all right, and in
18 advising us as to legislation and how it's moving and
19 what the effects are, and whether or not they, on our
20 behalf, support it or oppose it. I think you'll find
21 that any question that's asked of me or any other
22 commissioner here will always be answered. The answer
23 may not always be something that you'll like to hear,
24 but it'll always be the truth. But input from citizens
25 is always welcome, as is input from commissioners and

1 anyone else who want to make things better. If there
2 are reductions that we can realize, then by all means,
3 we're doing that. I mean, I can speak for my
4 department alone, going back some years, we had 30 some
5 odd employees. I'm down to 13 that manage 110 acres of
6 park land and all the buildings. All right. In
7 addition to insurances and other ancillary duties that
8 come up. So cost reductions have been realized.
9 Moving forward, we will continue to look, and scrub out
10 the budget, and yes, if citizens want to make
11 suggestions about different expenditures, well then,
12 we'll welcome that.

13 MR. MOORE: Twenty-seven people going to
14 Atlantic City overnight for at least one night,
15 sometimes two nights, and nobody coming back with any
16 useful information doesn't seem very beneficial to the
17 taxpayers. The reason I say that is because I'm on
18 three mailing lists, I get the New Jersey League of
19 Municipalities update every day. It's free. I just
20 wrote a note -- an email asking about the police and
21 fire salaries because that's available as of today, and
22 when I spoke to the finance people down there, they
23 said Nutley never -- we never asked for anything from
24 them. We never -- last year, we asked for the salary
25 ranges, and it was prepared by the League, but when I

1 asked Mr. Evans last year, he said that he did not
2 obtain it from the League. So I guess I'm a little
3 confused. Why are we saying we need the League, when
4 we don't use the League? We could save a lot of money.

5 MAYOR TUCCI: Well, Mr. Moore, I'm not sure
6 that that statement's entirely correct. We use the
7 League. I know they've been very beneficial to my
8 department, and I'm sure all of the other departments
9 over the years, and as far as folks attending the
10 League of Municipalities convention, all of the people
11 that go put in requests to go, and have to identify
12 which of the courses, all right, and/or recertification
13 classes that they need to attend. So each commissioner
14 makes those decisions based upon need in their
15 departments.

16 MR. MOORE: Then I'd like to make a
17 suggestion. I will conclude with this. Make that
18 public prior to everybody going, so that the public has
19 the right to see why we're sending 27 people down to
20 Atlantic City, and what the Township receives in a
21 benefit from it. We can do that now, because it's -- I
22 believe it's in September, I think it's September.
23 September or October, I think.

24 MAYOR TUCCI: Mr. Moore, I will absolutely
25 take that under advisement. Thank you very much.

1 MR. MOORE: Thank you.

2 MR. GENITEMPO: Hello, can you hear? Sal, is
3 he -- turn your video on and your microphone on. Sir,
4 do you wish to address the commissioners? We can't
5 hear you. Turn your microphone on. Sir, you're on
6 mute. Please press unmute. Unmute him? He's not
7 muted from me. No. Sir, it appears your microphone is
8 not working. Sir, you're showing as being unmuted on
9 our end. I don't know what the problem is. Do you
10 still wish to address the commissioners? Okay. Thank
11 you. That's it, Mr. Mayor.

12 MAYOR TUCCI: Okay. Thanks very much. I
13 guess we can resume the executive session we went into
14 before, or do we need another motion?

15 MR. GENITEMPO: We need another motion, but
16 if you don't mind, Mr. Mayor, you should probably
17 address the public that we will not be coming out after
18 that to take action, so if they don't have to stay on
19 if they don't want to. We're not coming out to do any
20 business.

21 MAYOR TUCCI: Okay. Did everyone hear
22 Mr. Genitempo? We will be going into executive
23 session, and we will only be coming out to adjourn.

24 MR. GENITEMPO: And we will be in
25 extensively, for hours, so they should probably know

1 that instead of waiting --

2 MAYOR TUCCI: For hours. It's not that we're
3 looking to preclude anyone from being informed as to
4 the actions that we're taking, but we have much
5 business to attend to this evening. Personnel and
6 potential litigation.

7 MR. GENITEMPO: And contract negotiations.

8 MAYOR TUCCI: And contract negotiations --

9 COMMISSIONER SCARPELLI: Move it.

10 MAYOR TUCCI: -- so we will hit all three.
11 We have a motion. A second?

12 THE CLERK: Sorry, the microphone's not on?
13 Okay. Permits the exclusion of the public from meeting
14 in certain circumstances; and

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

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

21 And now therefore be it resolved by the Board
22 of Commissioners of the Township of Nutley to move into
23 closed executive session to discuss personnel,
24 potential litigation, and contract negotiations?

25 Correct?

1 MR. GENITEMPO: Correct.

2 THE CLERK: Thank you. Be it further
3 resolved that at the time when such discussion may be
4 disclosed to the public shall be when and such
5 disclosure may be made without adversely affecting the
6 Township of Nutley pending and/or anticipated legal,
7 personnel, contractual matters and other matters within
8 the exceptions provided for by statute. Commissioner
9 Kelly?

10 COMMISSIONER KELLY: Aye.

11 THE CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 THE CLERK: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 THE CLERK: Mayor Tucci.

16 MAYOR TUCCI: Aye.

17 THE CLERK: The time is 9:26.

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1 (JUNE 11, 2020 PROCEEDINGS COMMENCE)

2 MAYOR TUCCI: -- things happen. Okay. So
3 this is the continued meeting of June 4th, 2020. Madam
4 Clerk?

5 THE CLERK: Thank you. This is the -- like
6 the Mayor said, this is the continued meeting -- I'm
7 muted. Okay. Thank you. Like the Mayor said, this is
8 the continued meeting of June 4th, 2020. Today is
9 Thursday, June 11th, 2020. The time right now is 3:06.
10 Commissioner Kelly?

11 COMMISSIONER KELLY: Present.

12 THE CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Here.

14 THE CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Here.

16 THE CLERK: Commissioner Scarpelli?

17 COMMISSIONER SCARPELLI: Here.

18 THE CLERK: Mayor Tucci.

19 MAYOR TUCCI: Here.

20 THE CLERK: All present, Mayor.

21 MAYOR TUCCI: Thank you. My understanding
22 is, we only have one resolution on this continued
23 meeting, so at this time, if there's any public that
24 wish to comment only on that resolution, we will
25 entertain that.

1 MR. GENITEMPO: There's no one raising their
2 hand. There's only one attendee. It's one of the
3 phone numbers. It might be one of ours, but I don't
4 see any hands raised, Mr. Mayor, so I would go forward.

5 MAYOR TUCCI: Okay. Let's progress.
6 Commissioner Evans?

7 COMMISSIONER EVANS: Thank you, Mayor. As
8 you all know, last week, the mayor formed the business
9 reopening committee. Commissioner Kelly and I met with
10 the committee members on Monday. We also had gone
11 through, and through the Code Department, went through
12 and revised our procedures to make sure they were
13 streamlined and efficient. Dave did a great job of
14 coordinating with the multiple departments required for
15 signoffs. As of today, we have four applications for
16 outdoor cafes that have been submitted, and they're
17 ready for the release of the permits tomorrow after we
18 adopt this resolution. The -- all four of the
19 locations have ABC licenses, and my understanding is
20 that they are progressing through that process with the
21 police department. So we're moving, and we've started.

22 I think there's more to come, to talk about
23 what we will need to do as a community, and board of
24 commissioners, for broader things, but it became clear
25 that in order to actually allow certain things to

1 happen, we needed to relieve some of the requirements
2 of our zoning ordinance for outdoor cafes, which is --
3 today's resolution addresses that. It also includes a
4 waiver of the \$100 fee for outdoor café permits.

5 Before I read this, John, do you want to add anything?

6 COMMISSIONER KELLY: I don't have much to
7 add. I feel it was a productive first meeting, and
8 it's going to be a continued process, and we're going
9 to continue to work with the businesses to help make
10 sure everyone gets back on track, and get our economy
11 rolling again.

12 COMMISSIONER EVANS: Fair enough. I'll read
13 Resolution 135-20. Whereas, on March 9th, 2020,
14 Governor Murphy issued Executive Order 103, declaring a
15 Public Health State of Emergency arising from the
16 dangers of the COVID-19 pandemic health crisis; and

17 Whereas, on March 18th, 2020, the Township of
18 Nutley declared as well a local emergency consistent
19 with Executive Order 103; and

20 Whereas, on March 16th and March 21, Governor
21 Murphy issued Executive Orders 104 and 107, which
22 limited all restaurants, dining establishments, and
23 food courts with or without a liquor license, all bars
24 and other holders of a liquor license with retail
25 consumption permits to offering food delivery and/or

1 takeout services only;

2 Whereas, given the decrease in the rate of
3 reported new cases of COVID-19 in New Jersey and in the
4 Township of Nutley, the State of New Jersey has relaxed
5 certain restrictions related to restaurants, bars, food
6 establishments, by allowing outdoor dining, as long as
7 businesses comply with COVID-19 guidelines.

8 Whereas, the New Jersey Department of Health
9 executive directive 20-014 and its department of Law
10 and Public Safety Division of Alcohol Beverage Control
11 S.R. 2020-10, have issued compliance guidance which
12 must be followed by restaurants, bars, dining
13 establishments, which enable them to conduct business
14 with customers; and

15 Whereas, the mayor established a business
16 reopening committee to be proactive in helping
17 businesses to reopen; and

18 Whereas, the Board of Commissioners are
19 desirous of supporting business reopening efforts
20 consistent with orders herein, which will necessitate
21 temporarily relaxing certain provisions contained in
22 Chapter 7.31 of the Zoning Code of the Township of
23 Nutley, through November 30th, 2020, as may be modified
24 by the State of New Jersey; and

25 Whereas the Board of Commissioners, in

1 support of business reopening efforts, and in
2 recognition of the financial hardship our local
3 businesses have sustained as a result of the pandemic
4 crisis, are willing to allow restaurants to utilize
5 their public parking lots and public walkways for
6 outdoor dining on a limited basis.

7 And now therefore be it resolved by the
8 Township of Nutley, in the County of Essex, State of
9 New Jersey, does hereby temporarily authorize and
10 approve the following:

11 1. Chapter 700.41 is modified to allow both
12 continuous and non-continuous outdoor seating
13 consistent with state executive orders, as long as the
14 business owner provides evidence of a legal right to
15 use non-contiguous property for their business.

16 2. Chapter 791(a), which requires certain
17 cases on-site -- which requires certain cases on-site
18 parking is modified to allow the use of parking lots
19 for outdoor seating, as long as safety requirements of
20 the Nutley Code Enforcement Department are met.

21 3. Chapter 41 -- Chapter 741-F(5)(B)(7), the
22 application fee of \$100 is waived for 2020.

23 4. Requests to use public property can be
24 made through the single application process established
25 by the Code Enforcement Office, and does not require

1 separate approval of the Board of Commissioners.

2 5. None of the above relieve business owners
3 of the obligation to be compliant with the sanitary and
4 social distancing requirements set out by the State of
5 New Jersey.

6 6. All businesses requesting an outdoor
7 dining permit and/or alcoholic beverage permit must
8 continue to provide bodily injury and property damage
9 insurance coverage, consistent with an ordinance naming
10 the Township of Nutley and/or County of Essex as a
11 coverage party.

12 7. All businesses requesting an outdoor
13 dining permit and/or alcoholic beverage permit must
14 continue to sign an indemnification to hold harmless
15 agreement with the Township of Nutley and/or County of
16 Essex, which also includes their agreement to comply
17 with COVID-19 sanitary and social distancing
18 requirements. So moved.

19 COMMISSIONER SCARPELLI: Second.

20 COMMISSIONER PETRACCO: Second.

21 THE CLERK: Commissioner Kelly?

22 COMMISSIONER KELLY: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 THE CLERK: Mayor Tucci.

5 MAYOR TUCCI: Aye.

6 COMMISSIONER EVANS: Thank you, Mayor.

7 That's all I have.

8 MAYOR TUCCI: Thank you. Very well done, and
9 I want to commend both Commissioner Evans and
10 Commissioner Kelly for moving at godspeed to get the
11 information out to our people, to taking the necessary
12 steps so that we can do as a board everything within
13 our power to help our businesses reopen. So I thank
14 you for your good work, and I look forward to your
15 continued good work.

16 Madam Clerk, do we have anything else?

17 THE CLERK: I think we do not.

18 MAYOR TUCCI: All right, I'll entertain a
19 motion to adjourn.

20 COMMISSIONER PETRACCO: Move it.

21 THE CLERK: Thank you -- thank you.

22 Commissioner Kelly?

23 COMMISSIONER KELLY: Aye.

24 THE CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Before I vote, I just
3 have one comment I'd like to say. This is the clearest
4 I've heard all of you. Thank you, Alan, so much for
5 working with me. Aye.

6 THE CLERK: Okay. Commissioner Scarpelli?

7 COMMISSIONER SCARPELLI: Aye.

8 THE CLERK: Mayor Tucci.

9 MAYOR TUCCI: Aye.

10 THE CLERK: And the time is 3:15.

11 MAYOR TUCCI: Thank you, everyone.

12 THE CLERK: Thank you.

13 COMMISSIONER SCARPELLI: Thank you. Take
14 care, everybody. See you --

15 THE CLERK: Bye.

16 COMMISSIONER SCARPELLI: -- see you Tuesday.

17 THE CLERK: Yeah, see you Tuesday.

18 (End of recording)

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

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

June 23, 2020

_____ Alicia Jarrett

AAERT Cert. No. 428

Certified Court Transcriptionist