

**In The Matter Of:**

*In RE: Nutley Board of Commissioners*

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*Transcript of Proceedings*

*August 11, 2020*

*Public Session*

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*Min-U-Script®*

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

\*\*\* PUBLIC SESSION \*\*\*

DATE: August 11, 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

1 (Recording begins)

2 MAYOR TUCCI: Everyone please stand for the  
3 Pledge of Allegiance.

4 (Pledge of Allegiance)

5 MAYOR TUCCI: Thank you. Sunshine Notice,  
6 please.

7 THE CLERK: Thank you, Mayor. Board of  
8 Commissioners Public Meeting, Tuesday, August 11th,  
9 2020. The time is 7:08. Pursuant to the requirements  
10 of the Open Public Meeting Act, Chapter 231, Public Law  
11 1975, notice of this meeting was published in the  
12 August 7th, 2020 issue of the Herald News, and on  
13 TapIntoNutley.net. A copy of this notice has been  
14 posted on the Nutley Town Hall bulletin board, and a  
15 copy is on file in the Municipal Clerk's Office.

16 In an effort to prevent further spread of  
17 COVID-19, the public meetings for the remainder of the  
18 year 2020 have been changed to Zoom webinar or  
19 teleconference meetings until further notice. Notice  
20 of meeting revisions was published in the May 13th,  
21 2020 of the Star Ledger, May 2nd, 2020 issue of the  
22 Herald News, TapIntoNutley.net, and through the  
23 township's alert system. The public will be able to  
24 listen to the Board of Commissioners meeting and to  
25 participate during the designated public comment

Public Session

1 portions of the meeting by utilizing access through our  
2 URL link, or dial-in numbers provided on the township  
3 website.

4 Commissioner Kelly?

5 COMMISSIONER KELLY: Present.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Here.

8 THE CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Here.

10 THE CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Here.

12 THE CLERK: Mayor Tucci?

13 MAYOR TUCCI: Here.

14 THE CLERK: All present, Mayor.

15 MAYOR TUCCI: Thank you. I see we have  
16 minutes for July 9th, 2020. Can I get a motion please?

17 COMMISSIONER EVANS: Move it.

18 COMMISSIONER KELLY: Second.

19 THE CLERK: Commissioner Kelly?

20 COMMISSIONER KELLY: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 THE CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 THE CLERK: Mayor Tucci.

3 MAYOR TUCCI: Aye.

4 Communications and correspondence, please.

5 Commissioner Evans?

6 COMMISSIONER EVANS: Getting there.

7 MAYOR TUCCI: Okay.

8 COMMISSIONER EVANS: I said I was here, I  
9 didn't say I was ready. Yes, I -- just that I need to  
10 put into the record that the Corrective Action Report  
11 is ready to be filed with the Division of Local  
12 Government Services. We're satisfied -- I'm satisfied  
13 that the corrective action report meets the  
14 requirements of the statute, and is ready for filing.  
15 Thank you.

16 MAYOR TUCCI: Thank you, Commissioner.

17 We have no proclamations this evening.

18 Reports, Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Thank you, Mayor.

20 I have various reports for the Township Department of  
21 Public Works.

22 MAYOR TUCCI: Thank you. Bills, please?

23 THE CLERK: Thank you, Mayor. Public  
24 Affairs, \$83,109.61 -- oh, I'm sorry. Bill list for  
25 August 11th, 2020. Public Affairs, \$83,109.61; Revenue

1 and Finance, \$8,087,782.83; Public Safety, \$29,278.67;  
2 Public Works, \$51,329.70; Parks and Public Property,  
3 \$627,812.53; Water Utility, \$70,639.41. Payroll for  
4 Friday, July 24th, 2020: Regular Payroll Total,  
5 \$799,855.71; Overtime Payroll Total, \$46,533.34;  
6 COVID-19 Overtime Payroll Total, \$6,188.89; for a total  
7 payroll of \$852,577.94; for a grand total of  
8 \$9,802,530.69.

9 COMMISSIONER EVANS: Move the bills.

10 COMMISSIONER PETRACCO: Second.

11 THE CLERK: Commissioner Kelly?

12 COMMISSIONER KELLY: Aye.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

19 THE CLERK: Mayor Tucci.

20 MAYOR TUCCI: Aye.

21 We will now have public comment on agenda  
22 items only, please.

23 THE CLERK: Yes, Mayor. All persons  
24 addressing the Board of Commissioners regarding  
25 community concerns should provide their name and

1 address for the record. Unless further time is granted  
2 by the board, each person shall limit their address to  
3 three minutes. All remarks to the board and its  
4 individual members must be addressed to the mayor. The  
5 mayor may defer citizen comments to the appropriate  
6 member of the board.

7 MS. GONCHAR: May I be heard?

8 MAYOR TUCCI: Yes, you can. Please proceed.

9 MS. GONCHAR: Thank you. My name is Meryl  
10 Gonchar, I'm with Sills, Cummis & Gross, and we're  
11 representing P.B. Nutcliff Master this evening. This  
12 is a consistency or a modified consistency review.

13 MR. GENITEMPO: Meryl? Meryl?

14 MS. GONCHAR: Yes?

15 MR. GENITEMPO: Excuse me, may I interrupt  
16 you?

17 MS. GONCHAR: Yeah.

18 MR. GENITEMPO: This part, this is for agenda  
19 items only.

20 Right, Mayor? This is what we're doing?

21 MAYOR TUCCI: That's correct --

22 MR. GENITEMPO: Agenda items?

23 MAYOR TUCCI: -- agenda items only.

24 MR. GENITEMPO: This is for agenda item  
25 comments for the public on agenda items, not your

1 presentation yet. You're going to come on right --

2 MS. GONCHAR: Okay, well --

3 MR. GENITEMPO: -- after this part.

4 MS. GONCHAR: -- can we just confirm, we  
5 didn't see it on the agenda. That's the other reason I  
6 was asking to be heard.

7 MR. GENITEMPO: Oh, yeah, no, you -- we  
8 apologize for that, but you're -- we're going to hear  
9 you. We just want to do this other section first, and  
10 then you'll be next.

11 MS. GONCHAR: Okay. That's all -- that's --  
12 so just --

13 MR. GENITEMPO: So sorry about that.

14 MS. GONCHAR: -- confirming we're on the  
15 agenda.

16 MR. GENITEMPO: Yeah, no problem. You are.

17 MS. GONCHAR: Thank you.

18 MAYOR TUCCI: Okay. Seeing no more public  
19 comment on agenda items, we will go into Board of  
20 Commissioner announcements. Commissioner Evans?

21 COMMISSIONER EVANS: Thank you, Mayor. I  
22 just -- yesterday we had the grant registration for  
23 small business owners. It was conducted by the State  
24 of New Jersey through the Redevelopment Authority. We  
25 circulated a lot of information, and basically, it was



1 a horse race to keep on top of the changes for the  
2 state, but I hope everyone was able to take advantage  
3 of that.

4 And I just want to do a special shoutout to  
5 Sam Fleitell, who I coordinated with, and was very  
6 helpful in spreading the word, as well as all the  
7 commissioners, because all of you were out there doing  
8 the same thing.

9 So we -- the Governor, as well, just  
10 announced today that there will be a -- starting the  
11 week of the 19th of August, a rental reimbursement for  
12 small rental owners who haven't been able to collect  
13 rent. Three units to ten units. And there will be an  
14 application process starting with that. I have very  
15 little information, but I just wanted to make people  
16 aware that that's coming out.

17 We continue to look for ways to help the  
18 business district. I've asked the chief, with John  
19 [Kelly], together, is there a way we can do temporary  
20 barriers that could avoid business owners having to  
21 incur the cost of a park in the street, which is very,  
22 very expensive. So we're exploring those options, and  
23 we're continuing to coordinate with the Chamber.

24 MAYOR TUCCI: Great. Just to follow up on  
25 the rental assistance, we had our mayors' meeting this

1 morning with the county executive and the chief of  
2 staff, and they will be coming out with protocols where  
3 dollars will be available through the Community  
4 Development Block Grant program.

5 COMMISSIONER EVANS: Oh, good.

6 MAYOR TUCCI: So as soon as we get that, we  
7 will obviously distribute that, and get that to all  
8 those in need.

9 Commissioner Kelly?

10 COMMISSIONER KELLY: Thank you, Mayor. I  
11 don't have much tonight. Last week we had COVID  
12 testing and antibody testing, and I want to say that  
13 despite many of the challenges that last week  
14 presented, it was a great success, and the company that  
15 was doing the testing had nothing but compliments to  
16 say about the -- this town and the community and  
17 everyone who they interacted with. They were -- they  
18 said this was one of the best communities that they  
19 ever tested since this pandemic has started, so that's  
20 truly a testament to everyone in this town, and in this  
21 community.

22 So thank you to everyone, and we're going to  
23 look to try to do it again. I know with the -- some of  
24 the issues that last week presented, not everyone was  
25 able to get in, and there was a lot of demand for it,

1 so we're going to look to do it again sometime in the  
2 near future. Thank you.

3 MAYOR TUCCI: Commissioner Scarpelli?

4 COMMISSIONER SCARPELLI: Thank you, Mayor.  
5 Anybody that's driven along Franklin Avenue over the  
6 last two weeks have seen the installation of our  
7 parking meters that have gone up. We are completed  
8 with the installation. To help the business owners,  
9 what we are doing is having 15 minutes of free parking  
10 that you get at the end of the first paid hour. So if  
11 you pay for an hour, you get an hour and 15 minutes.  
12 So we're looking to help businesses out that way. More  
13 to come as we get them up and running, probably be an  
14 app in the near future for parking, but just wanted to  
15 let everybody aware that there are new parking meters,  
16 and we are asking you to feed the meter. Thank you,  
17 Mayor.

18 MAYOR TUCCI: Thank you, Commissioner.

19 Commissioner Petracco?

20 COMMISSIONER PETRACCO: Mayor, I just wanted  
21 to comment and compliment all the departments about the  
22 storm that we just had. Nutley is an unbelievable  
23 town. A couple days afterwards, I mean, you know most  
24 people had their powers restored. I think Public  
25 Service did a pretty good job by us too. They called

1 out -- I met crews from Alabama in here, and after a  
2 couple days, it's almost like (audio interference) was  
3 a storm, even here.

4           And I have to tell you, as far as the police  
5 and fire perspective, it was, you know, really worse  
6 than Sandy was for us. We didn't have the rain, but we  
7 had the wind. I want to thank the ambulance squad up  
8 the street also for doing their part during a critical  
9 time in town. But I do want to compliment you, Joe,  
10 too, your department. I saw them out there picking up  
11 the branches in the street today.

12           But I would be remiss, Mayor, if I didn't say  
13 this, because we had a tree fall right by the deli.  
14 Frank DeMaio, to me, is what Nutley's all about. He  
15 leads by example. He was out there, on his hands and  
16 knees, picking stuff up off the ground. I mean, it was  
17 really good to see that. To me, he's weighted -- he's  
18 worth his weight in gold. He's always out there for  
19 us, and just having the deli, and seeing it with my own  
20 eyes, how fast things are done in this town.

21           I mean, if you drive through town now, you'd  
22 really not even know that there was a storm of that  
23 magnitude here in our town. So, you know, the police,  
24 I want to thank the police and fire for sitting on  
25 wires, all our volunteers, the fire volunteers as well.

1 We had guys out there for three, four days, sitting on  
2 these live wires, because we didn't know if they were  
3 live or not. But again, a tremendous job by all the  
4 departments. Thank you, Mayor.

5           MAYOR TUCCI: Thank you, Commissioner. One  
6 of the drawbacks of going last is some of your  
7 announcements are taken up by the other commissioners,  
8 but I also would like to echo Commissioner Petracco's  
9 compliments; not only to the Parks Department, but the  
10 DPW, Police, Fire, and EMS. Everyone worked so well  
11 together, the Health Department, Finance, everyone  
12 pitching in.

13           And you're absolutely right, Commissioner.  
14 Frank DeMaio, during this storm -- as he is pretty much  
15 through all of his duties and activities in town, is  
16 the epitome of what Nutley is all about. When Nutley  
17 people are in need, Nutley people buckle down and get  
18 the job done. So I just want to thank everyone for  
19 their cooperation, and I'm sure our townspeople  
20 appreciate it.

21           And during Sandy, we had 1.7 million people  
22 out of power in the state of New Jersey. During this  
23 hurricane last Tuesday, we had 1.4 million people out  
24 of power. And after the hurricane hit, there were 400  
25 homes that had absolutely no power. Then we had a

1 small -- I guess, rainstorm, that I wasn't even aware  
2 of, I probably slept through it, where it knocked out  
3 1,200 homes of power, all right?

4           And Public Service, even though I know they  
5 get criticized, and governors from different states  
6 are, you know, reviewing their franchises and  
7 everything, I think here in Nutley, I think they did an  
8 outstanding job. They called in folks from other  
9 states to come in and help us, and I think it was  
10 phenomenal. So thank you, everyone, and I'm sure  
11 everyone in the township is grateful. I know I am.

12           My second bit of good news this evening is  
13 that, I was informed by Gene Diaz that Prism has leased  
14 200 Metro Boulevard. All 300,000 square feet is being  
15 -- will be occupied by Eisai, Inc. It's a  
16 biopharmaceutical company, specializing in oncology and  
17 neurology. It's a Japanese company who's had a  
18 presence here in the U.S. for the past 30 years.  
19 They'll be transferring 1,200 R&D employees from the  
20 Woodcliff Lake headquarters right now in late 2021. So  
21 that's very good. Congratulations to Prism,  
22 congratulations to Nutley, and we welcome our new  
23 neighbors.

24           And the last bit of business that I have, as  
25 of twelve o'clock today, we rescinded the state of

1 emergency [on the Isaias Storm]. And that's all I  
2 have.

3 COMMISSIONER SCARPELLI: Mayor, just a  
4 question on 200 Metro. Will they be coming in to  
5 introduce themselves to us?

6 MAYOR TUCCI: I had -- I got -- I received a  
7 call from a Mr. Beckshill (phonetic). I returned his  
8 call. I'm waiting for him to get back to me, and as  
9 soon as he does that, hopefully we can set something up  
10 where we can all meet. Thank you, Commissioner.

11 Okay. I guess this is the time now, we can  
12 get Meryl back on the line for the Prism presentation.

13 MR. GENITEMPO: (Audio interference)

14 MAYOR TUCCI: I'm sorry. I couldn't hear  
15 that. What was that?

16 MR. GENITEMPO: We're going to bring Meryl  
17 back on. We're going to bring Gene on at the same  
18 time.

19 MAYOR TUCCI: Okay, great.

20 MS. GONCHAR: Okay.

21 MR. GENITEMPO: Meryl, now it's your turn,  
22 Meryl.

23 MS. GONCHAR: Thank you. And I apologize,  
24 Alan. It was added to the agenda.

25 MR. GENITEMPO: It's on there, it's okay.

MS. GONCHAR: I don't want to accuse Eleni of

1 not -- of leaving us -- we had been added apparently  
2 between last week and this week, so I apologize for  
3 that. I think if we can do one more, Rich Procanik is  
4 -- should also raise his hand, as he'll be able to  
5 address this.

6 By way of some history, most of the  
7 commissioners may recall that we came before them for  
8 -- or we came before you for a consistency review about  
9 two years ago, maybe a little less than two years ago,  
10 at which time we not only showed the subdivision and  
11 site plan with regard to 100 and 200 and the proposed  
12 garage, we also presented a layout for the parking area  
13 adjacent to 111 Ideation Way, formerly that was known  
14 as Building 102 in the Hoffman-LaRoche Campus, and it  
15 is now referred to as 1 point -- Lot 1.05 in Block 300.  
16 That was, you'll recall, the result of a subdivision  
17 which merged Lots 1 -- parts of Lot 1 and 20 in  
18 Block 300, and then subdivided so that the portion  
19 where 111 Ideation Way is located, which was included  
20 in the Phase II-A redevelopment plan, became Lot 1.05,  
21 and there's the remainder lot, which is a piece that  
22 was not included in that redevelopment plan, which  
23 continues down Ideation Way and wraps around to  
24 Kingsland.

25 This is merely a modification of what we had



1 previously presented to you. You may recall that under  
2 the redevelopment plan and the redevelopment agreement,  
3 there was a possibility of a 32,000-plus square foot  
4 pilot plant that was considered for construction on a  
5 piece of the lot that's before you. It was an  
6 alternative, not a requirement, and much of the parking  
7 that was proposed on this lot was anticipated to be  
8 needed for that pilot plant. As you're aware, that  
9 building is fully occupied, and functions with the  
10 parking that's currently on site. That is a total of  
11 120 parking spaces, and there are some on-street spaces  
12 as well.

13           When we came before you previously, we  
14 proposed to add an additional -- I think we actually  
15 thought there were 121 or 22 spaces on site --  
16 currently, there are actually 120. And we were  
17 proposing to provide about another 100, 108 spaces.  
18 And again, those were calculated, as Rich will explain,  
19 based upon the -- largely upon the 32,000 square foot  
20 pilot plan.

21           We have now -- oh, and one of the things we  
22 discussed with you that evening was the fact that as a  
23 result of the expansion as been proposed, we were  
24 reducing the landscaped area, the buffer, between the  
25 residential homes that adjoin the site to the east. We

1 maintained a minimum of 17-point-something feet, but we  
2 did increase -- propose to increase the landscaping.  
3 As a result of this proposal, we are not reducing the  
4 buffering to the residential nearly to the same degree,  
5 and not at all in the area of the homes closest to our  
6 property.

7           We are not proceeding with the pilot plant.  
8 That will not be constructed, and therefore reduces the  
9 demand for parking beyond what's there. And therefore,  
10 we are proposing to reduce the amount of parking  
11 proposed to a total of 146 on-site, and increasing  
12 three on-street parking spaces up to a total of ten  
13 proximate to the building. So -- excuse me.

14           So those are some of the changes that we are  
15 proposing. Rich can explain how that was calculated,  
16 and so I would ask that Rich go through the actual  
17 numbers. I know we submitted plans, and I apologize.  
18 I didn't realize we were able to come before you live  
19 this evening. We understood that we could only present  
20 in a virtual manner. So I hope -- I know we submitted  
21 a number of plans a number of weeks ago, side by side  
22 showing previously proposed and current, as well as the  
23 overall layout. So I'm hoping that you have the plans,  
24 or have reviewed the plans, and I'll ask Rich to --  
25 well, let me have Gene, since we just referred to him,

1 before we go to Rich.

2 Gene, if you could just also describe for the  
3 Board why you have -- or the commissioners -- why you  
4 have a comfort that what we're proposing will be more  
5 than adequate for the demand as it now exists with the  
6 tenanted building.

7 MR. DIAZ: Sure, thanks, Meryl.

8 Good evening, Commissioners. Nice to see you  
9 all, if not from a -- from afar, here. The original  
10 parking demands for this building were actually -- was  
11 actually created very early on by the original lease  
12 requirements. Those lease requirements were given to  
13 us by the tenants as we negotiated the transactions,  
14 principally Modern Meadow and Hackensack's Center for  
15 Discovery and Innovation.

16 And they included, at that point in time, the  
17 possibility of the addition -- of the parking necessary  
18 to accommodate the -- then the planned and proposed  
19 pilot plant. The original -- I think it's important  
20 from a context standpoint to understand, the original  
21 R&D or laboratory zoning for this campus was actually  
22 one spot per thousand square feet. And when we  
23 aggregated the parking spaces that the tenants believed  
24 they would need, we came out to somewhere closer to two  
25 and a half spaces per thousand, including the extra

1 spots for the pilot plant.

2           Since the original presentation that was made  
3 regarding the anticipated improvements that the -- that  
4 Meryl spoke about that we were going to add parking  
5 on-site, two homeowners had approached us -- one I  
6 think just after the meeting, and then one a short time  
7 thereafter via email or phone call, and echoed just  
8 some concerns or some questions again about the buffer  
9 between that parking plan and their houses.

10           As things developed, it got us thinking,  
11 well, can we do this more efficiently? And as we  
12 started to look at this more efficiently, and then  
13 engaged with Hackensack and with Modern Meadow, and  
14 y-mAbs, which occupies a portion of the lower level of  
15 the building, as we engaged with those tenants on their  
16 parking needs and trying to optimize layouts on surface  
17 for this parking, a couple of things came out.

18           One, the tenants all favored trying to keep  
19 more green around the building, and to not encroach, or  
20 not reduce the buffer, not get any closer to the  
21 residential houses, actually try and stay as far away  
22 from them as they could, and keep as much of the buffer  
23 as they could, preserving as much green around the  
24 building as possible. But they also went through their  
25 own analysis and determined that the original parking

1 requirements that they had given us, they didn't feel  
2 that they were going to need or meet.

3 In fact, from their own personal experiences  
4 in terms of who was driving to the offices, who was  
5 taking public transportation, who was ride-sharing, et  
6 cetera, they each determined that they probably needed  
7 somewhere in the neighborhood of about 10 percent less  
8 than what their original leases required. And in fact,  
9 we have entered into amendments with those tenants that  
10 reduce their parking requirements in the building from  
11 the original by about 10 percent.

12 So we went back, and we looked at what could  
13 we do to optimize this, create a better buffer with the  
14 neighbors, encroach less; and that, combined with the  
15 lower parking load and parking demand from the tenants,  
16 we were able to accomplish that by meeting the parking  
17 requirements, certainly at roughly two and a half per  
18 thousand still, overall for the building -- which is  
19 again, 150 percent greater than the prior zone in place  
20 for laboratory research and development -- and preserve  
21 a significant buffer.

22 We actually presented plans to the neighbors.  
23 Mike Meehan, who is a Prism employee who lives over  
24 there, actually did present those plans and asked  
25 various neighbors how they felt about it; and I think,

1 without a doubt, they were all highly in favor of  
2 preserving that buffer and reducing the amount of  
3 parking that we were putting in there. And we did  
4 encourage them to send some emails to the  
5 commissioners. I don't know whether you received any  
6 or not, but there seemed to be a lot of interest on the  
7 part of the neighbors there to preserve that.

8           So that's what we've accomplished with this,  
9 so I think this plan meets our requirements under our  
10 leases, exceeds what was considered previous zoning  
11 requirements for laboratory research and development.  
12 From our perspective, we think without a doubt, meets  
13 demand for current modern day laboratory space --  
14 certainly as evidenced by the users that are in the  
15 building today, which are current, modern programmed  
16 research and development laboratory tenants; and we  
17 think it's a win/win for the community, in that it  
18 preserves the larger buffer zone between the houses and  
19 the building and the parking.

20           MS. GONCHAR: Rich, if you could just run  
21 through the numbers that we're proposing, and how they  
22 have been arrived at.

23           MR. PROCANIK: Yeah, sure, I would love to.  
24 So just really simplistically, the redevelopment plan  
25 requires certain parking ratio for -- depending on the

1 type of use. For the 111 Ideation Way, as it stands,  
2 it was 498 as a minimum, to 830 as a maximum. What  
3 we've done -- what we do is, we were able to provide a  
4 total of 146 parking spaces. We're going to leave that  
5 existing front parking field of 120 in place, and then  
6 propose an additional 26 around the east side, closer  
7 to the residential, and then also allocate an  
8 additional 10 spaces on Ideation Way to 111, which  
9 would bring our grand total to 56 spaces allocated for  
10 111.

11 That is the current plan that you have before  
12 you. If you go back in time the two years, as Meryl  
13 and Gene had mentioned, there was the element of the  
14 pilot plant. The parking ratio for that was one per  
15 1,000, and the min/max on that -- sorry, let me just  
16 pull it up on my screen.

17 MR. GENITEMPO: Hey, Rich, excuse me, it's  
18 Alan.

19 MR. PROCANIK: Yes.

20 MR. GENITEMPO: And I appreciate what you're  
21 saying. Do you have any -- and I know you're not here  
22 in person, and I know we did get the plans. Do you  
23 have anything you can pull up on the screen just to  
24 show --

25 MR. PROCANIK: Yeah, absolutely.

1 MR. GENITEMPO: -- give us some perspective?

2 MS. GONCHAR: We didn't know we could screen  
3 -- okay.

4 MR. PROCANIK: Yeah, it would be my pleasure.  
5 How could I do that?

6 MR. GENITEMPO: Commissioners, would that be  
7 helpful? To see what he's referring to?

8 MAYOR TUCCI: Sure.

9 MS. GONCHAR: You have a screen share? Where  
10 would you be -- what would you be looking at for them  
11 to see it?

12 MR. PROCANIK: I think I figured it out,  
13 Meryl. It would be side-by-side comparison that --

14 MS. GONCHAR: One of two?

15 MR. PROCANIK: -- we -- yes, the one and two.  
16 Please let me know if you can see this. And hopefully  
17 that's a little bit better. And this is full-screen  
18 for you guys?

19 MR. GENITEMPO: Yep.

20 MR. PROCANIK: Okay, perfect. I'll just have  
21 my notes off to the side here. So going back in time,  
22 like I was saying, we submitted this layout, which  
23 provided 228 parking spaces. Now, this consisted of  
24 basically eliminating the current parking field and  
25 reconstructing it in this matter as it's shown. Based



1 on Gene and Meryl's explanation, we decided to take a  
2 less impactful route of this parking field and the  
3 surrounding green spaces, so we were able to come up  
4 with a parking layout where we utilized the existing  
5 120 parking spaces -- and I can actually draw a box.  
6 Can you see that box? What with -- is that something  
7 that you can see? And so this 120 parking spaces in  
8 the front, we're going to leave as-is. We're going to  
9 utilize the existing --

10 MAYOR TUCCI: Can you speak up a little bit?  
11 I'm having a hard time hearing you. I can see you but  
12 I --

13 MR. PROCANIK: Yes, sure.

14 MAYOR TUCCI: -- can't hear you.

15 MR. PROCANIK: Is that better?

16 MS. GONCHAR: A little louder.

17 MR. PROCANIK: Okay. So this front field is  
18 120 parking spaces we're going to leave as is, it's how  
19 it exists today, and we're looking to expand the  
20 parking field to the east. Now, this is the  
21 residential property, if you can see my mouse, and the  
22 additional parking we're proposing is along this  
23 portion of the property.

24 This consists of an additional 26 parking  
25 spaces. We have 15 standard, six parallel, and five

1 ADA. In addition to those 26, we're also proposing an  
2 additional 10 spaces on Ideation to be allocated  
3 towards the 111 parking field -- the building.

4 So with the reduction of our original  
5 proposed plan that we had submitted, we originally  
6 submitted a plan that showed 228 spaces. And I  
7 mentioned we're looking to reduce that 228 to 156.

8 Now, if we look at the pilot plant, the pilot  
9 plant requirement for parking, that requires 70 --  
10 we're proposing 72 less spaces, whereby the  
11 redevelopment plan is 33 to 98 are required. Because  
12 there's a minimum and a maximum. So the spaces we're  
13 eliminating aligns with the redevelopment plan  
14 requirements for that pilot plant. So our parking  
15 ratio, even though we're removing the pilot plant, our  
16 parking ratio today -- I'm sorry, with this proposal,  
17 will remain consistent with the previous plan we  
18 submitted.

19 MS. GONCHAR: In other words, the number of  
20 spaces that were being eliminated fit within the  
21 requirement that would have served the pilot plant that  
22 we're no longer providing?

23 MR. PROCANIK: Correct.

24 MS. GONCHAR: Can you also -- I don't know if  
25 this is the plan or if there's another one, Rich, but

1 we spoke about the buffer, and I think I had indicated  
2 that under the previous plan -- you know, actually,  
3 Rich, I know this is the actual landscaping, but can  
4 you go back to the other one? I just want you to give  
5 me the dimension. That has too much on it.

6 At the minimum, in the area to the south  
7 where the houses are closer to our development, on the  
8 previous proposed plan to the left, the measurement  
9 there, the closest point, and this is -- was pursuant  
10 to the plan, but the number, that's what we went down  
11 to, was that the closest we were to the residential?

12 MR. PROCANIK: Yes. It was 17.75 feet. The  
13 redevelopment plan required a minimum of 17.5 feet. So  
14 we were very close to the requirements that were set  
15 forth in the redevelopment plan.

16 MS. GONCHAR: All right. Can you go over to  
17 the proposal now, and at the same point where we were  
18 the closest, show us where that house would be  
19 vis-a-vis our -- the landscaping now?

20 MR. PROCANIK: Yeah. So our new closest  
21 point would be a little bit further south. It will be  
22 increased to 44.5 feet, as opposed to the 17.75 feet,  
23 and we're going to utilize the existing vegetation to  
24 maintain the buffer between the parking field and the  
25 residential developments.

1 MS. GONCHAR: Okay. To be fully transparent  
2 here, if you move up, though, we do have an area where  
3 we are closer, but is that consistent with the -- where  
4 we have the drive now, or is this --

5 MR. PROCANIK: Yes.

6 MS. GONCHAR: -- are we -- okay.

7 MR. PROCANIK: We are not proposing the  
8 existing drive to encroach further east. This is where  
9 the current drive exists today. We're going to expand  
10 the drive a little bit further to the west. As you can  
11 see here, we have some parallel parking spaces, and  
12 some gore striping, but this curb line along the  
13 residential is not moving, and it will be the same  
14 distance as it is today.

15 MS. GONCHAR: Okay. So that's the nearest  
16 point, but that's existing. And below where we were  
17 going to cut off 20 something, we're maintaining that.  
18 Okay.

19 While you -- maybe this isn't the screen.  
20 One of the items that I did not mention that is new as  
21 part of this proposal that we'd like to take to the  
22 planning board, we are seeking to subdivide.

23 And the lot line that you're showing on this  
24 plan, the southerly line, Rich, that reflects a  
25 proposed subdivision line? Is that correct?

1 MR. PROCANIK: That is correct.

2 MS. GONCHAR: All right. Do you have the  
3 plan that we also submitted to the commissioners, which  
4 was Layout Plan Sheet 2.0? While you're -- oh, good.  
5 The -- for the commissioners, we are seeking to  
6 subdivide off a 1.2 acre parcel which does exceed the  
7 redevelopment plan minimum lot requirement of one acre.  
8 And the piece that we're taking off is, in large part,  
9 the piece that would have been utilized for  
10 construction of the pilot plant.

11 Because that is no longer being proposed, we  
12 have proposed the lot as indicated. This lot would be  
13 wholly within the Phase 2A plan area, and frankly,  
14 can't be merged with anything else at the moment,  
15 because if the commissioners will recall, south of the  
16 southerly line as shown on this plan, the property  
17 remains in the M.O. zone, because that was not included  
18 by design in the Phase 2A redevelopment plan area. So  
19 this would be another lot. Gene could certainly speak  
20 to it.

21 We're not proposing a site plan, but the lot  
22 was laid out to indicate all of the requisite setbacks  
23 under the redevelopment plan. The acreage is as  
24 proposed under the redevelopment plan -- as required, I  
25 should say, under the redevelopment plan. So this is

1 simply a subdivision to provide flexibility at the  
2 present time, because otherwise, it's land that is not  
3 proposed to be utilized, since we won't -- will not be  
4 proceeding with the pilot plant.

5 I think, Rich, the only other thing I see, is  
6 there a small courtyard outside the entrance? I think  
7 that would have been part of the connection between the  
8 pilot plant and the main building?

9 MR. PROCANIK: Yes. As an amenity to the  
10 tenants of 111, we are proposing a small patio area  
11 outside. It's relatively small. It's going to be a  
12 couple of tables, so that someone can go out there, eat  
13 some lunch, maybe take a phone call. But it's going to  
14 be, you know, an addition on the south side of 111.

15 MS. GONCHAR: I just wanted to point that  
16 out, because that would not have shown on an earlier  
17 plan, because that would have been where a connection  
18 to the pilot plant would have been --

19 MR. PROCANIK: Yes.

20 MS. GONCHAR: -- located.

21 MR. PROCANIK: Yes. And one other thing,  
22 Meryl, is a minor change, is we are now proposing  
23 security gates entering into the parking fields from  
24 the west and also from the east.

25 MS. GONCHAR: And that is -- that the -- to

1 accommodate the tenants?

2 MR. PROCANIK: Yeah. Yes. It's to limit  
3 access to only authorized personnel. I believe they're  
4 both wholly in Clifton, with the exception of maybe a  
5 couple of feet of curbing.

6 MR. DIAZ: Yeah, if I may, Meryl, it's Gene  
7 Diaz speaking again. The gates are being put in  
8 because -- to control parking, you know, Hackensack  
9 does charge its students for parking; and as a result,  
10 there has been some attempt by students to avoid their  
11 parking charge by parking in other lots of the  
12 building. And we're protecting that right to ensure  
13 the appropriate parking counts for this building by  
14 installing fob key type gates, just the same way we  
15 have it in the 100-200 garage.

16 MS. GONCHAR: And that's really all of our  
17 presentation. Those are the changes from what we have  
18 previously shown you. And as far as the percentages,  
19 we are approximately at what we would have been before,  
20 but without the pilot plant contributing to the parking  
21 demand. And then the -- obviously, the subdivision  
22 being the other item; but again, that is designed to  
23 meet the standards of the redevelopment plan.

24 MAYOR TUCCI: Okay. Thank you.

25 MS. GONCHAR: So we believe that we've

1 remained consistent, and we'd ask the commissioners to  
2 find so that we can proceed to the planning board for  
3 approval.

4 MR. GENITEMPO: Commissioners, does anyone  
5 have any questions of Meryl or --

6 MAYOR TUCCI: That's exactly where I was  
7 going. Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: I have a couple  
9 questions, Meryl.

10 MS. GONCHAR: Uh-huh.

11 COMMISSIONER SCARPELLI: And Gene,  
12 congratulations on 200 Metro.

13 MR. DIAZ: Thank you, Commissioner. It's --  
14 you know, in the middle of a pandemic, with no state  
15 incentives, to have pulled this off, this is a real  
16 unicorn, and I think we should all take stock in the  
17 good fortune we've been able to get. And this is a  
18 company that we are just so enthusiastic about, given  
19 the pipeline of drugs, one of the most robust pipe --  
20 drug pipelines in the market.

21 And if you would have seen about three days  
22 before we finalized an agreement with them, the New  
23 York Times printed a publication that this is the first  
24 -- the company with the first Alzheimer's drug that  
25 will be released to market in expedited approval Phase



1 3 with the FDA right now.

2 So we're looking forward to a very long and  
3 hopefully growing relationship with Eisai  
4 Pharmaceuticals here at the campus. So thank you for  
5 all your front-end help with pilot and securing the  
6 approvals and getting this campus ready, that we could  
7 show it in the best light for these guys. So thank you  
8 all.

9 COMMISSIONER SCARPELLI: I do have a couple  
10 questions.

11 MAYOR TUCCI: Go ahead, Commissioner.

12 COMMISSIONER SCARPELLI: One, the buffer  
13 along the Montclair Avenue.

14 MS. GONCHAR: Uh-huh?

15 COMMISSIONER SCARPELLI: Do the -- will those  
16 -- I don't want to get into the specifics, but just one  
17 question on that. Will those pine trees remain, and  
18 additional landscaping be added, or is it just all new  
19 landscaping?

20 MS. GONCHAR: Rich, you worked on the -- you  
21 have the landscaping plan, so you can respond?

22 MR. PROCANIK: Yeah. So we limited the  
23 amount of trees we were looking to remove. There still  
24 are a few trees that do need to be removed, but it's  
25 our intent, or was our intent to maintain as many of

1 the existing trees as you see here. These grayed out  
2 symbols, these are the existing trees remaining and  
3 then we are planting some additional trees along the  
4 parking. Additionally, we are proposing a fence to  
5 provide additional screening along the property line.

6 COMMISSIONER SCARPELLI: Thank you. Just to  
7 be clear, are -- I know these are your existing parking  
8 spots -- (audio interference) --

9 MS. GONCHAR: Am I the only one who lost the  
10 mayor? Or the commissioner?

11 MR. PROCANIK: Yeah, it looks like the  
12 township went on mute.

13 MS. GONCHAR: Oh.

14 (Pause)

15 MAYOR TUCCI: Meryl, did you hear the  
16 commissioner's question?

17 MS. GONCHAR: No, you guys seem to have -- we  
18 lost you completely. If he could just repeat it?

19 COMMISSIONER SCARPELLI: No parking in the  
20 new garage of Hackensack is being utilized by  
21 111 Ideation Way?

22 MS. GONCHAR: Gene? Did we lose Gene?

23 MR. DIAZ: No, I'm here. No, there are --  
24 there is parking, additional parking, that we've  
25 secured pursuant to the prior agreement with

1 Hackensack, so that there is opportunities for  
2 Hackensack CDI Venture, as well, to park in that garage  
3 also.

4 COMMISSIONER SCARPELLI: And is 111 Ideation  
5 Way fully leased? Because when you were talking about  
6 y-mAbs, you said they only occupy a portion of the  
7 bottom floor.

8 MR. DIAZ: Yeah, so I should clarify that.  
9 Most recently, Modern Meadow signed an expansion of  
10 their lease, to take a portion of the basement space  
11 that -- where they're going to do some additional  
12 production-type work, that would have occurred in the  
13 pilot plant.

14 So they're going to do a very much more  
15 scaled down version of this, and a lot of this has to  
16 do with their evolving technology's been getting better  
17 and better, and they just don't need the kind of space  
18 that the pilot plant was going to provide to do what  
19 they're doing, to accomplish getting their product to  
20 market.

21 So, yeah, with the calculations that we did  
22 for the leases, and for the total parking that we need  
23 included, 23 spaces for the lower level, which includes  
24 y-mAbs, any of the space that's occupied by --  
25 occupiable by Modern Meadow, and the balance of the

1 space down there is actually storage, so it's not  
2 occupiable. It's actually rented to both Hackensack  
3 and Modern Meadow as either storage or glass washing  
4 and other common service spaces, like glass washing and  
5 sterilization.

6 So they're not occupied spaces. They're used  
7 by the tenants for purposes of laboratory functions,  
8 and they bring their bottles downstairs and their  
9 sterile test tubes and things, and they're washed and  
10 sterilized and taken care of and treated in the  
11 basement. So yes, so the building is, for all intents  
12 and purposes, 100 percent occupied.

13 COMMISSIONER SCARPELLI: And then my last  
14 question is, the subdivision. Are there any plans at  
15 this point for anything to be built on the subdivision?

16 MR. DIAZ: No. There's no plans. Obviously,  
17 we have a Phase 3 plan to discuss with you and the  
18 fellow commissioners, to figure out what is -- or what  
19 is or can be developed there in connection with the  
20 adjacent land.

21 COMMISSIONER SCARPELLI: That's what I --

22 MS. GONCHAR: Right. As I mentioned, it's  
23 zoned -- this has the zoning of Phase 2A. So it can't  
24 be merged with anything at the current time without  
25 creating a split lot -- a split zone lot, but we --

1 we're not proposing anything right now. Nothing is  
2 going before the planning board other than the  
3 subdivision as to that piece.

4 MAYOR TUCCI: Okay, thank you.

5 Commissioner Petracco?

6 COMMISSIONER PETRACCO: Then why subdivide it  
7 now, if you don't have any plan? What's the purpose of  
8 subdividing it?

9 MR. DIAZ: Well, I think --

10 MS. GONCHAR: Because we're -- go ahead.

11 MR. DIAZ: Because we're going before the  
12 planning board. So the idea is that we don't need that  
13 piece of land associated with the building, which  
14 increases taxes on the building, which increases taxes  
15 to the tenants. So the taxes still get paid to the  
16 town. In this instance, they get paid by Prism on the  
17 subdivided lot. But it's a way of helping  
18 economically, especially during these tough times with  
19 COVID, when these tenants are having a difficult time  
20 utilizing their spaces and still paying rent, and all  
21 of our tenants have been paying rent.

22 I think that's admirable, and I think it's  
23 important to consider. But this will assist the  
24 tenants by sort of lowering, even a little bit, the  
25 amount of money that they're paying with respect to the

1 full expenses and expenses on the building, and  
2 transferring that obligation over to Prism.

3 MS. GONCHAR: And actually, if we were to  
4 wait and do it at a subsequent time, in conjunction  
5 with another parcel, we would simply be pulling another  
6 whole lot under -- into the planning board application  
7 for no reason. So at this time, whatever happens with  
8 that lot, it moves independent and doesn't implicate  
9 the 111 parcel for any future application.

10 MAYOR TUCCI: Commissioner Evans?  
11 Commissioner Kelly?

12 COMMISSIONER KELLY: Nothing from me.

13 MAYOR TUCCI: Okay. Thank you very much.

14 Alan, I know you had mentioned that we could  
15 take a voice vote this evening, but I would prefer that  
16 you would prepare the appropriate paperwork and we  
17 approve it at our meeting next week.

18 MR. GENITEMPO: Sure, we can do that. And  
19 all we're going to be voting on is that it's consistent  
20 with the redevelopment plan, and we're going to send it  
21 to the planning board for further consideration, so --  
22 and we can discuss that with the next resolution.

23 MS. GONCHAR: Well, let me ask you your  
24 interpretation, then -- and I don't know if this is  
25 Alan or John, but the language of the redevelopment

1 plan is that we are not able to make application to the  
2 planning board, we can't submit, is the way it's stated  
3 in the redevelopment. As you know, we've been trying  
4 to move forward and get before the planning board.  
5 They, I believe, have room on their agenda for their  
6 September 2nd meeting.

7 MR. GENITEMPO: Meryl, we have meeting next  
8 week because of the storm. We only have a week before  
9 our next meeting, so we can do this in seven days.

10 MS. GONCHAR: Right. Hang on one second. I  
11 just want to -- I know this sounds bizarre, because  
12 this is the story of my life. Your meeting would be on  
13 the 18th? The -- I appreciate that, but the effect  
14 that -- we are just trying to get the application filed  
15 as soon as possible, because obviously the engineer and  
16 the planner need to review it in advance of that.

17 It gives us about -- you know, we may have to  
18 get our notice to the newspaper roughly on the same  
19 day, but that was our reason for pushing, is really  
20 because of the planning board agenda, because if we  
21 miss the September 2nd day, then we're into October.  
22 Unless they -- they don't usually have a second meeting  
23 in the month. So that was why we were requesting that  
24 it be acted on this evening, which allows us to get the  
25 application in this week, which is a little less --

1           MAYOR TUCCI: I'm sure --

2           MS. GONCHAR: -- rushed for the review.

3           MAYOR TUCCI: -- I'm sure we can work with  
4 the planning board on the timing of that. (Audio  
5 interference) I appreciate your concern, but I'm sure  
6 we can work that out. Okay. Thank you very much.

7           At this point in time, I will entertain a  
8 motion to go into executive.

9           COMMISSIONER PETRACCO: Move it.

10          COMMISSIONER SCARPELLI: Second.

11          THE CLERK: Whereas, Section 8 of the Open  
12 Public Meetings Act, Chapter 231, Public Law 1975,  
13 permits the exclusion of the public from a meeting in  
14 certain circumstances; and

15               Whereas, the public body is of the opinion  
16 that such circumstance exists;

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

20               Now, therefore, be it resolved by the Board  
21 of Commissioners of the Township of Nutley to move into  
22 closed executive session to discuss potential  
23 litigation. Be it further resolved that the time when  
24 such discussions may be disclosed to the public shall  
25 be when and as such disclosure may be made without



1 adversely affecting the Township of Nutley, pending  
2 and/or anticipated legal, personnel, contractual  
3 matters, and other matters within the exceptions  
4 provided for by statute.

5 Commissioner Kelly?

6 COMMISSIONER KELLY: Aye.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Commissioner Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

13 THE CLERK: Mayor Tucci.

14 MAYOR TUCCI: Aye. Thank you.

15 THE CLERK: Thank you. The time is 7:57.

16 (Off the record for Executive Session)

17 MAYOR TUCCI: Okay. We are back in open  
18 session. We have ordinances on tonight's agenda for  
19 introduction. First ordinance is Commissioner Kelly's  
20 ordinance. Commissioner.

21 COMMISSIONER KELLY: So this is just an  
22 amendment to the one I presented at the last meeting,  
23 just changing the part-time back to full-time. It's  
24 already a full-time position. We're going to leave it  
25 as a full-time position. So with that said, I move the

1 ordinance as written.

2 COMMISSIONER PETRACCO: Second.

3 THE CLERK: Commissioner Kelly?

4 COMMISSIONER KELLY: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye. And the public  
7 hearing on this would be August 18th. Is that correct,  
8 Commissioner?

9 COMMISSIONER KELLY: Yes.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 THE CLERK: Mayor Tucci.

15 MAYOR TUCCI: Aye. Thank you, Commissioner.

16 Next ordinance is Commissioner Scarpelli's.

17 COMMISSIONER SCARPELLI: Thank you, Mayor.

18 An ordinance to amend an ordinance codified in the code  
19 of the Township of Nutley, Chapter 228, entitled  
20 Vehicles and Traffic, particularly Article 13, Parking  
21 Meter Zones, Section 46, entitled Parking Meter Zones,  
22 to add to the locations set forth therein.

23 I move that this ordinance be passed to a  
24 second reading and advertised in the Nutley Sun,  
25 together with the notice required by law, and that

1 further consideration of said ordinance for final  
2 passage by the Board of Commissioners be held at its  
3 second reading on September 1st.

4 Just as a further explanation, this is just  
5 updating the ordinance to comply with what's being  
6 really done on -- on the street.

7 MAYOR TUCCI: Thank you, Commissioner.

8 THE CLERK: We need a second.

9 MAYOR TUCCI: We need a second?

10 COMMISSIONER PETRACCO: Second.

11 THE CLERK: Commissioner Kelly.

12 COMMISSIONER KELLY: Aye.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco.

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Commissioner Scarpelli?

18 COMMISSIONER SCARPELLI: Aye.

19 THE CLERK: Mayor Tucci.

20 MAYOR TUCCI: Aye. Thank you, Commissioner.

21 Commissioner Evans?

22 COMMISSIONER EVANS: Yes, I have an  
23 ordinance, Number 3451. It's to amend the salary  
24 ordinance in the Revenue and Finance Department for a  
25 change in title, only, not a change in any of the

1 salary -- any part of the salary range.

2 An ordinance to amend the salaries of certain  
3 officers and employees of the Township of Nutley,  
4 County of Essex, State of New Jersey, effective  
5 July 21, 2020. I move that this ordinance be passed to  
6 a second reading, and advertised in the Nutley Sun  
7 together with the notice required by law, and that  
8 further consideration of said ordinance for final  
9 passage by the Board of Commissioners be held at its  
10 second reading on September 1, 2020. So move.

11 COMMISSIONER KELLY: Second.

12 THE CLERK: Commissioner Kelly.

13 COMMISSIONER KELLY: Aye.

14 THE CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 THE CLERK: Mayor Tucci.

21 MAYOR TUCCI: Aye.

22 We also have one ordinance this evening on  
23 second reading. Does anyone want -- would like to be  
24 heard on this ordinance?

25 UNIDENTIFIED: (Audio interference)

1           MAYOR TUCCI:   Okay.  Then I'll turn it over  
2 to Commissioner Petracco.

3           COMMISSIONER PETRACCO:  Yes.  This is  
4 Ordinance Number 3444, an ordinance to amend an  
5 ordinance codified in the county -- the code of the  
6 Township of Nutley, Chapter 228, entitled Vehicles and  
7 Traffic, particularly Article 7, Special Zones and  
8 Areas, Section 29A, entitled Handicapped Parking, to  
9 add the location thereon.  I move that to public  
10 hearing, reopen the public hearing.

11           COMMISSIONER KELLY:  Second.

12           THE CLERK:  Commissioner Kelly.

13           COMMISSIONER KELLY:  Aye.

14           THE CLERK:  Commissioner Evans.

15           COMMISSIONER EVANS:  Aye.

16           THE CLERK:  Commissioner Petracco.

17           COMMISSIONER PETRACCO:  Aye.

18           THE CLERK:  Commissioner Scarpelli.

19           COMMISSIONER SCARPELLI:  Aye.

20           THE CLERK:  Mayor Tucci.

21           MAYOR TUCCI:  Aye.

22           COMMISSIONER PETRACCO:  Seeing no one, I move  
23 the ordinance.

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 Petracco.

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Commissioner Scarpelli.

7 COMMISSIONER SCARPELLI: Aye.

8 THE CLERK: Mayor Tucci.

9 MAYOR TUCCI: Aye.

10 COMMISSIONER PETRACCO: Thank you.

11 MAYOR TUCCI: Thank you, Commissioner.

12 We'll move to resolutions. Commissioner  
13 Kelly.

14 COMMISSIONER KELLY: Thank you, Mayor. This  
15 resolution, Number 173-20, I think is particularly  
16 important, given the state of the current health  
17 crisis.

18 Whereas, National Immunization Awareness  
19 Month is intended to highlight the importance of  
20 continuing to fight against infectious diseases through  
21 the use of vaccines; and

22 Whereas, in 1999, the CDC declared vaccines  
23 to be one of the 10 great public health achievements of  
24 the 20th Century; and

25 Whereas, the continued immunization efforts

1 of the Public Health System and institutions, as well  
2 as parents, families, doctors, nurses, and other health  
3 care professionals have significantly reduced the  
4 threat of many infectious diseases; and

5           Whereas, people need to receive immunizations  
6 throughout their lives, pregnant women in particular  
7 need to make sure they receive all necessary vaccines  
8 to protect their own health, and the health of their  
9 own -- of their infants, who are especially vulnerable  
10 during the first few months of life;

11           Whereas, vaccines are demonstrated to be an  
12 extremely safe method of preventing disease, as they  
13 are thoroughly tested before licensing and carefully  
14 monitored to ensure safety;

15           Whereas, vaccines are also a cost-effective  
16 way to prevent diseases, as they not only protect  
17 individuals, but also entire communities, by reducing  
18 and preventing the spread of infectious diseases; and

19           Whereas, there is significant false  
20 narratives and false information regarding the safety  
21 of vaccines, as a result it's paramount that true and  
22 factual science and information is shared and promoted  
23 to raise awareness, proven safety, and the vital role  
24 vaccines play in preventing diseases throughout our  
25 lives;

1           Now, therefore, be it resolved by the Board  
2 of Commissioners of the Township of Nutley, County of  
3 Essex, in the State of New Jersey, that the month of  
4 August be recognized as Immunization Awareness Month.

5           So moved.

6           COMMISSIONER EVANS:   Second.

7           THE CLERK:   Commissioner Kelly.

8           COMMISSIONER KELLY:   Aye.

9           THE CLERK:   Commissioner Evans.

10          COMMISSIONER EVANS:   Aye.

11          THE CLERK:   Commissioner Petracco.

12          COMMISSIONER PETRACCO:   Aye.

13          THE CLERK:   Commissioner Scarpelli.

14          COMMISSIONER SCARPELLI:   Aye.

15          THE CLERK:   Mayor Tucci.

16          MAYOR TUCCI:   Aye.

17          COMMISSIONER KELLY:   The next resolution I  
18 have is 174-20.  Unfortunately, this wasn't able to be  
19 read last week, which would have been more apropos, but  
20 late is better than never, so --

21                 Whereas, the United States Coast Guard is one  
22 of six branches of the United States Armed Forces; and

23                 Whereas, on August 4th, 1790, a bill which  
24 was drafted and submitted to Congress by Alexander  
25 Hamilton was passed, and signed into law by President



1 George Washington, that established a fleet of small  
2 but swift vessels, judiciously stationed at the  
3 entrances of our ports, to serve as useful sentinels of  
4 our laws; and

5           Whereas, for more than two centuries now, the  
6 United States Coast Guard has manned boats, tenders,  
7 tugs, cutters, and aircraft, answering the call of  
8 duty. Ever vigilant, the guardians of our waters  
9 remain Semper Paratus, Always Ready; and

10           Whereas, the brave patriots of the United  
11 States Coast Guard secure our borders from drug runners  
12 and terrorists, defend our country's interests around  
13 the world, rescue our citizens from stormy seas, and  
14 ensure the safe and efficient shipment of more than  
15 \$5.4 trillion of commerce annually; and

16           Whereas, as of 2018, 40,992 active duty  
17 personnel and 7,000 reservists serve in the Coast  
18 Guard, which is roughly the equivalent size of the  
19 force of the New York City Police Department, and are  
20 charged with protecting our 95,471 miles of coastline;

21           Whereas, the Township of Nutley is eternally  
22 grateful and thanks all the men and women who have  
23 served, or are serving in the United States Coast Guard  
24 for their sacrifice;

25           Whereas, the Board of Commissioners wishes to

1 honor and celebrate all who are serving or have served  
2 in the United States Coast Guard, particularly our  
3 residents, on the occasion of the 230th birthday of the  
4 United States Coast Guard;

5 Now, therefore, be it resolved by the Board  
6 of Commissioners of the Township of Nutley, County of  
7 Essex, in the State of New Jersey, that the 4th day of  
8 August is celebrated as the United States Coast Guard's  
9 230th birthday.

10 So moved.

11 COMMISSIONER EVANS: Second.

12 THE CLERK: Commissioner Kelly.

13 COMMISSIONER KELLY: Aye.

14 THE CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco.

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Scarpelli.

19 COMMISSIONER SCARPELLI: Aye.

20 THE CLERK: Mayor Tucci.

21 MAYOR TUCCI: Aye. Thank you, Commissioner.

22 Commissioner Evans?

23 COMMISSIONER EVANS: Thank you. My

24 resolution, Number 167-20. (Audio interference) to

25 refund overpayment of property taxes for 343 Bloomfield

1 Avenue, arising from a successful tax court judgment,  
2 in the total amount of \$11,937.78.

3 So move.

4 COMMISSIONER SCARPELLI: Second.

5 THE CLERK: Commissioner Kelly.

6 COMMISSIONER KELLY: Aye.

7 THE CLERK: Commissioner Evans.

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco.

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Commissioner Scarpelli.

12 COMMISSIONER SCARPELLI: Aye.

13 THE CLERK: Mayor Tucci.

14 MAYOR TUCCI: Aye.

15 COMMISSIONER EVANS: The -- my next  
16 resolution, 170-20, relates to the Tropical Storm  
17 Isaias. We've had significant property damage in town,  
18 a disruption of our electrical service and gas  
19 services, so we are waiving any permit fees that a  
20 resident might need in order to make sure that they get  
21 proper inspections on their property, as long as those  
22 permit fees aren't reimbursed by the insurance company.  
23 We don't want the residents to be out of pocket.

24 We're -- so this resolution authorizes the  
25 waiving of those permit fees for repairs and damages,

1 including gas and electrical service arising from the  
2 storm when insurance reimbursement is not available.

3 So move.

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 Petracco.

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Commissioner Scarpelli.

12 COMMISSIONER SCARPELLI: Aye.

13 THE CLERK: Mayor Tucci.

14 MAYOR TUCCI: Aye.

15 COMMISSIONER EVANS: And my final resolution,  
16 172-20, relates to, as I mentioned earlier, our  
17 Corrective Action Plan, which is required to be  
18 submitted under OMB Circular A133 and 98001. And that  
19 this -- by this resolution, we are authorizing the  
20 Township Clerk to submit the corrective action plan to  
21 the Director of Local Governmental Services.

22 So move.

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 Petracco.

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Commissioner Scarpelli.

6 COMMISSIONER SCARPELLI: Aye.

7 THE CLERK: Mayor Tucci.

8 MAYOR TUCCI: Aye.

9 COMMISSIONER EVANS: Thank you, Mayor.

10 MAYOR TUCCI: Thank you, Commissioner.

11 Commissioner Petracco?

12 COMMISSIONER PETRACCO: Yes.

13 Whereas, the Governor's Council on Alcohol  
14 and Drug Abuse established the Municipal Alliance for  
15 prevention of alcoholism and drug abuse in 1989 to  
16 education and engage residents, local governmental and  
17 law enforcement officials, schools, not-for-profit  
18 organizations, the faith community, parents, youth, and  
19 other allies in efforts to prevent alcoholism and drug  
20 abuse in the communities throughout New Jersey;

21 Whereas, the Township of Nutley, County of  
22 Essex, State of New Jersey, recognizes that the abuse  
23 of alcohol and drugs is a serious problem in society  
24 amongst persons of all ages, and therefore has  
25 established the Municipal Alliance Committee; and

1           Whereas, the Township of Nutley further  
2 recognizes that it's incumbent upon not only public  
3 officials, but upon entire communities to take action  
4 to prevent such abuses in their community; and

5           Whereas, the Township of Nutley has applied  
6 for funding to the Governor's Council on Alcoholism and  
7 Drug Abuse through the County of Essex;

8           Now, therefore, be it resolved by the  
9 Township of Nutley, County of Essex, State of New  
10 Jersey, to hereby recognize the following:

11           The Township of Nutley does hereby authorize  
12 submission of its strategic plan for the Nutley  
13 Municipal Alliance Grant for its fiscal year 2021, in  
14 the amount of DEDR \$6,525; Cash Match, \$1,631.25; In  
15 Kind, \$4,893.75. The Township of Nutley acknowledges  
16 the terms and conditions for administrating this  
17 Alliance Grant, including administrative compliance,  
18 and audit requirements.

19           I move the resolution.

20           COMMISSIONER SCARPELLI: 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 PETRACCO: Thank you, Mayor,  
7 that's all I have.

8 MAYOR TUCCI: Thank you, Commissioner.

9 Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Thank you, Mayor.

11 Be it resolved by the Board of Commissioners,  
12 Township of Nutley, in the County of Essex, State of  
13 New Jersey, that the Township Treasurer be and that she  
14 is hereby authorized to refund \$100 to the below listed  
15 for a refund of payment for a municipal parking permit;  
16 Patrick Devlin, 17 Overlook Terrace.

17 I move the resolution.

18 COMMISSIONER PETRACCO: Second.

19 THE CLERK: Commissioner Kelly.

20 COMMISSIONER KELLY: Aye.

21 THE CLERK: Commissioner Evans.

22 MAYOR TUCCI: Commissioner Evans?

23 COMMISSIONER EVANS: I'm sorry?

24 MAYOR TUCCI: You want to vote on

25 Commissioner Scarpelli's resolution?

1                   COMMISSIONER EVANS: Oh, yeah, okay, I'm  
2 sorry. Yes. Aye. I was speaking to counsel.

3                   THE CLERK: Commissioner Petracco.

4                   MAYOR TUCCI: So noted.

5                   COMMISSIONER PETRACCO: Aye.

6                   THE CLERK: Commissioner Scarpelli.

7                   COMMISSIONER SCARPELLI: Aye.

8                   THE CLERK: Mayor Tucci.

9                   MAYOR TUCCI: Aye.

10                  COMMISSIONER SCARPELLI: Whereas, Jarret  
11 McCarthy is employed by the Township of Nutley  
12 Department of Public Works;

13                  Whereas, Jarret McCarthy exhausted all of his  
14 available sick leave and other time due as of  
15 June 29th, 2020;

16                  Whereas, six employees of the Department of  
17 Public Works are desirous of transferring five days  
18 each of their accumulated sick leave for a total of 30  
19 days being transferred to Jarret McCarthy;

20                  Whereas, the aforementioned employees have  
21 provided their consent to said transfer in writing to  
22 the Township Clerk;

23                  Whereas, under the circumstances presented  
24 herein and in view of Jarret McCarthy's medical  
25 situation, and his service to the Department of Public



1 Works, the Board of Commissioners are desirous in  
2 accommodating this request;

3 Now, therefore, be it resolved by the Board  
4 of Commissioners, Township of Nutley, in the County of  
5 Essex, State of New Jersey, that the following  
6 employees be permitted to transfer days to Jarret  
7 McCarthy; Dominic Ferry, Mike Luzzi, Sr., Louis  
8 Pastena, Michael Pontoriero, Peter Russo, and Anthony  
9 Santasieri.

10 I move the resolution.

11 COMMISSIONER PETRACCO: Second.

12 THE CLERK: Commissioner Kelly.

13 COMMISSIONER KELLY: Aye.

14 THE CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco.

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Scarpelli.

19 COMMISSIONER SCARPELLI: Aye.

20 THE CLERK: Mayor Tucci.

21 MAYOR TUCCI: Aye.

22 COMMISSIONER SCARPELLI: That's all I have,  
23 Mayor.

24 MAYOR TUCCI: Thank you, Commissioner.

25 Whereas, the Law Firm of Inglesino, Webster,

1 Wyciskala & Taylor, 600 Parsippany Road, Parsippany,  
2 New Jersey, was awarded through Resolution 294-19 a  
3 non-fair and open contract as a professional service  
4 pursuant to the provisions of N.J.S.A. 19:44A20.5, to  
5 provide services to the Board of Commissioners as  
6 counsel for the Township of Nutley concerning  
7 compliance, procedural and general legal issues; and

8           Whereas, such services will exceed the  
9 contract amount of \$35,000, and the following change  
10 order is needed:

11           Change Order Number 1: Provide legal  
12 services not to exceed \$15,000.

13           Whereas, funds are available from  
14 Account 0-01-012-205, and have been certified by the  
15 Chief Financial Officer, said certification being  
16 attached to this resolution;

17           Now, therefore, be it resolved by the Board  
18 of Commissioners of the Township of Nutley, County of  
19 Essex, State of New Jersey, that Change Order Number 1  
20 in the amount of \$15,000 be and is hereby approved.

21           I move the resolution.

22           COMMISSIONER PETRACCO: Second.

23           THE CLERK: Commissioner Kelly.

24           COMMISSIONER KELLY: Aye.

25           THE CLERK: Commissioner Evans.

1 COMMISSIONER EVANS: Aye.

2 THE CLERK: Commissioner Petracco.

3 COMMISSIONER PETRACCO: Aye.

4 THE CLERK: Commissioner Scarpelli.

5 COMMISSIONER SCARPELLI: Aye.

6 THE CLERK: Mayor Tucci.

7 MAYOR TUCCI: Aye.

8 Be it resolved by the Board of Commissioners  
9 of the Township of Nutley, County of Essex, State of  
10 New Jersey, that the Treasurer be and she is hereby  
11 authorized to refund payments to recreation programs in  
12 the amounts listed below. These are all for the  
13 Franklin Spring Festival, which we are canceling.  
14 196 Garden Avenue, Belleville, New Jersey; 14 Squire  
15 Lane, Wayne, New Jersey; 251 High Street, Nutley, New  
16 Jersey; 251 High Street, Nutley, New Jersey, again, for  
17 a soccer clinic. 34 Chadwick Drive for spring  
18 lacrosse.

19 I move the resolution.

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 Whereas, the Township of Nutley is partial  
7 owner of DeMuro Park, which is located between Margaret  
8 Avenue and Wilson Street, hereinafter, DeMuro Park; and

9 Whereas, DeMuro Park is not necessarily for  
10 school purposes; and

11 Whereas, pursuant to N.J.S.A. 18A:20-8-2, and  
12 in accordance with that certain Shared Services  
13 Agreement by and between the parties dated August 16,  
14 1966, and amended on November 25th, 1969, the Board  
15 desires to enter into a lease and maintenance agreement  
16 for a period of 25 years, for the portion owned by the  
17 Board of Education, to allow the Township to construct  
18 certain improvements on DeMuro Park through Green Acres  
19 Farm (audio interference) their joint efforts, various  
20 recreation improvements and facilities may be  
21 constructed at DeMuro Park for both active and passive  
22 recreational purposes, consisting of site clearance,  
23 demolition, earth works, synthetic track, and system  
24 reconstruction, tennis court rehabilitation,  
25 long/triple jump pit renovation, discus and hammer

1 circle renovation, shot circle renovation, pole vault  
2 box renovation, signage and cleanup, and site  
3 restoration and other improvements;

4 Now, therefore, be it resolved that the  
5 Township of Nutley in the County of Essex, State of New  
6 Jersey, enter into a lease and maintenance agreement  
7 with the Board of Education for a period of 25 years,  
8 for the portion of DeMuro Park that is owned by the  
9 Board of Education.

10 Just for everyone's edification, this  
11 facility is owned half by the Township of Nutley, and  
12 half by the Township's Board of Education.

13 I move the resolution.

14 COMMISSIONER PETRACCO: Second.

15 THE CLERK: Commissioner Kelly.

16 COMMISSIONER KELLY: Aye.

17 THE CLERK: Commissioner Evans.

18 COMMISSIONER EVANS: Aye.

19 THE CLERK: Commissioner Petracco.

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Commissioner Scarpelli.

22 COMMISSIONER SCARPELLI: Aye.

23 THE CLERK: Mayor Tucci.

24 MAYOR TUCCI: Aye.

25 That concludes our business for this evening,

1 so I will now open the meeting up to public comment.

2 THE CLERK: All persons addressing the Board  
3 of Commissioners regarding community concerns should  
4 provide their name and address for the record. Unless  
5 further time is granted by the Board, each person shall  
6 limit their address to five minutes. All remarks to  
7 the Board and its individual members must be addressed  
8 to the Mayor. The Mayor may defer citizens' comments  
9 to the appropriate member of the Board.

10 MAYOR TUCCI: Sir, do you wish to comment?  
11 Hello, can you hear us?

12 MR. GARBER: Oh, yes, now I can. Thank you.  
13 Thank you very much, Commissioners. I'd like to call  
14 attention (audio interference) Black Lives (audio  
15 interference) occurred, I believe it was on June 29th  
16 in downtown Nutley, outside of Town Hall. There are a  
17 few matters I'd like to bring to your attention.

18 The first is, I would like to commend the  
19 police for what they did in moving the barriers to  
20 separate the protestors from the counter-protestors.  
21 It was a very wise, very quick move on their part that  
22 created a safe zone, and prevented the two sides from  
23 confronting each other. I thought that that was quick  
24 thinking. I was there as a witness, and I'd like to  
25 commend them on that.

1           I do have three things I would like to bring  
2 up on the other hand, that I would like to bring to  
3 your attention, and hopefully you can address. One is,  
4 I was very distressed to see police officers going into  
5 that No Man's Land with guns on their hips. I felt  
6 that it was really uncalled for; that it created  
7 tension; and that if being armed was important, that  
8 police could have been armed on the periphery, and that  
9 the policemen who were in -- who were sent into the  
10 center to bring down tensions between the two sides  
11 should have entered without arms. So I'd like to bring  
12 that to your attention.

13           The second thing is, I'd like to call to your  
14 attention the issue that I'm sure aware of, of the  
15 gentleman who posted a photo on Twitter, and was then  
16 -- there were -- then was then prosecuted. The case  
17 was overturned by the Essex County, I believe, saying  
18 that there wasn't sufficient evidence to prosecute him  
19 and a few other people who posted on Twitter.

20           I'm not going to call into question whether  
21 or not that prosecution should have happened. That's  
22 outside of anything I have knowledge of, but I do want  
23 to point out that the officer in question was wearing a  
24 Blue Lives Matter mask. In the case of being a neutral  
25 party, and somebody who should have been there, who

1 could have been perceived by either side as neutral,  
2 that wearing a mask of a political persuasion was  
3 inappropriate, and clearly set him as being anti-Black  
4 Lives Matter protestors. I don't know what Nutley's  
5 position is on it, but I do feel that Nutley ought to  
6 have a position, and require that policemen who are  
7 acting in service of the community be neutral arbiters  
8 of justice.

9           The third thing I'd like to point out is that  
10 the said officer had his badge covered up, and I'd like  
11 to find out, a question for the commissioners, is that  
12 Nutley's practice, to allow police officers to engage  
13 with the public with badges that are covered up,  
14 meaning that they can't be identified?

15           I don't know if you take -- if you do answer  
16 community questions at this point; but I think that, at  
17 the very least, that's some -- that officers should be  
18 disciplined for covering up a badge when he was in  
19 service to the community. Thank you.

20           MAYOR TUCCI: Okay. I'm sorry, can I have  
21 your name and address, please, just for the record? I  
22 might have missed that.

23           MR. GARBER: Yeah, sure. My name is Rob  
24 Garber, G-A-R-B as in boy, E-R. My address is 387  
25 Hillside Avenue in Nutley.



1           MAYOR TUCCI: Thank you. Commissioner  
2           Petracco, would you like to address some of these  
3           issues?

4           COMMISSIONER PETRACCO: Sure. It's funny you  
5           should ask me about the coverup of the badge, because  
6           on the way to the meeting, I thought I might get asked  
7           that, and I was curious to know, even though I  
8           attended, and I think the police did a great job that  
9           night, to keep the peace, and keep everybody, you know,  
10          safe, and that's why I went there, not -- and I talked  
11          to Chief (audio interference) he said that his badge  
12          was not covered up, or his name tag.

13          But as far as your other questions, sir, I  
14          would like to refer you to our Chief of Police, being  
15          he's in charge of the day-to-day operations. You could  
16          call him anytime. I believe he's in tomorrow. Just  
17          call the police station, and I'm sure he'll be glad to  
18          have a conversation with you. If you don't get  
19          anywhere with him, and you'd like to meet with me, I  
20          would be glad to do that.

21          MR. GARBER: Thank you. I appreciate it.

22          COMMISSIONER PETRACCO: You're very welcome.

23          MAYOR TUCCI: Thank you.

24          MS. ACKERMAN: Good evening, gentlemen. I'm  
25          sorry it's so dark here. Can you see me at all?

1           MAYOR TUCCI:  Yes.

2           MS. ACKERMAN:  Okay.  I would like to address  
3 the ordinance to dissolve the NVERS, Nutley Volunteer  
4 Emergency and Rescue Squad.

5           MAYOR TUCCI:  Excuse me.  Can we have your  
6 name and address, please?

7           MS. ACKERMAN:  Sure.  My name is Donna  
8 Ackerman.  I reside at 26 Tremont Place, Nutley, New  
9 Jersey.

10          MAYOR TUCCI:  Thank you.

11          MS. ACKERMAN:  Okay.  I just -- I don't  
12 understand how you're going to explain to the citizens  
13 of Nutley when you stop sending 911 calls to the Nutley  
14 Volunteer Rescue Squad, I will now refer to as "the  
15 squad."  How are you going to explain to them when  
16 these strange people and strange ambulances show up,  
17 and then they get a bill?  I don't know -- I'm not  
18 finished, so please don't answer that.

19                 So you're going to have mutual aid come from  
20 other towns, or contract an EMS company.  What I don't  
21 understand is, if you're going to create another  
22 ambulance service from the Township of Nutley, you  
23 understand that you're going to have to hire more  
24 staff, you're going to have to buy new ambulances, and  
25 this makes no sense.  But -- how are you going to

1 explain to the taxpayers that they're -- this is going  
2 to be on their backs?

3 MAYOR TUCCI: Ms. Ackerman, if I could  
4 interrupt for one moment, and I'm sure Commissioner  
5 Petracco would love to respond to some of your  
6 questions, but to the best of our knowledge, there has  
7 not been any final decision made, all right --

8 MS. ACKERMAN: Okay.

9 MAYOR TUCCI: -- and that authority rests  
10 with Commissioner Petracco, so I'll turn it over to him  
11 to respond.

12 MS. ACKERMAN: Thank you.

13 COMMISSIONER PETRACCO: I would just say that  
14 there isn't any finalized thing. We're still waiting  
15 for paperwork, and trying to resolve this matter. I  
16 did receive your email. I'm sorry I didn't respond to  
17 you yet; but truthfully, I know your father was very  
18 involved in there, and I had the utmost respect for  
19 him, as you know, and, you know, it's all about  
20 transparency and seeing what, you know, what the  
21 problems and issues are, if there is any.

22 So I keep saying it, over and over again for  
23 some reason, I don't understand why you're not getting  
24 the message, it's -- nobody wants to dissolve the  
25 squad. Nobody wants to ruin that tradition. And I

1 know you and I know each other for a long time and very  
2 well. I don't get what the problem is with this --  
3 being transparent.

4 And just to be clear, this isn't just about  
5 what I'm requesting. It's about what our Town Attorney  
6 is requesting.

7 Alan, can you comment on that?

8 MR. GENITEMPO: Sure. Ms. Ackerman, we've  
9 been asking for a general list of documents which I can  
10 provide publicly that we've been asking for, and  
11 frankly, were agreed to be provided. We even entered  
12 into a non-disclosure agreement, and then at the 23rd  
13 hour, they decided they weren't going to give us the  
14 documents.

15 I think to answer your question, if I may,  
16 Commissioner, is, what are we going to tell the  
17 taxpayers in three years, when there's no more money to  
18 run the squad because they're losing \$230,000 a year?

19 So those are the questions that the  
20 commissioner has the obligation, the responsibility to  
21 answer. And your questions may be all good ones, and  
22 I'm not suggesting that they're not. What I'm trying  
23 to say to you is, there are issues on both sides that  
24 have to be vetted, and we requested their transparency  
25 and their cooperation; and frankly, it's been nothing

1 but conditions and non-cooperation, and a complete lack  
2 of transparency. So hopefully it can be --

3 MS. ACKERMAN: Okay.

4 MR. GENITEMPO: -- hopefully --

5 MS. ACKERMAN: Can I interrupt just for one  
6 moment?

7 MR. GENITEMPO: Let me just say one thing.  
8 Let me just say one thing. Hopefully it can be worked  
9 out. The town has not taken any formal action to do  
10 anything, other than introduce the original ordinance.  
11 So we'd like to give the squad an opportunity to become  
12 transparent in the next few days, at which point, maybe  
13 a lot of these issues can be avoided. That's all I  
14 (audio interference) --

15 MS. ACKERMAN: I understand, but my  
16 understanding is there was a meeting between  
17 Commissioner Petracco and the Board of Trustees, and  
18 all documents were offered, declined, and he was still  
19 insisting on moving forward.

20 MR. GENITEMPO: Absolutely --

21 MS. ACKERMAN: Because that wasn't enough.

22 MR. GENITEMPO: -- not true. Ms. Ackerman,  
23 absolutely untrue, and I was at that meeting. That was  
24 a preliminary meeting, where we were talking about all  
25 the issues. I agreed to, and did provide to the

1 counsel for the squad the documents that we had,  
2 including the memorandum of agreement date -- or  
3 understanding, dating back to 2010, and the documents  
4 that we had possession of, and I gave them a list of  
5 the documents that we wanted after that meeting, and we  
6 -- there was no decision. There was no denial. There  
7 was no offer at that meeting. The answer was, well,  
8 we'll look at the documents. And after that, it's been  
9 nothing but stonewalling.

10 MS. ACKERMAN: Okay.

11 MR. GENITEMPO: I was at that meeting.

12 MS. ACKERMAN: I just -- I don't see how this  
13 is going to work. I really don't. I -- you're asking  
14 for documents. From what I'm told, you're offered the  
15 documents, and you're going to do this anyway. And I  
16 don't understand. Your document is from -- your  
17 Ordinance 60 is from 1953, and it addresses the Nutley  
18 First Aid Squad, which has not been a -- in existence  
19 since 1976. So it's kind of hard to see how that  
20 follows.

21 Also, their incorporation paperwork, that  
22 gives them the autonomy, does not include the Board of  
23 Commissioners, nor does it include the Director of  
24 Public Service.

25 MR. GENITEMPO: Ms. Ackerman, if you look at

1 the Articles of Incorporation as one thing. If you  
2 look at the bylaws of the squad, you will see in the  
3 bylaws -- and I don't know if you've read them, I have.  
4 A significant authority rests in the Commissioner of  
5 Public (audio interference) which is the law of the  
6 town. So that incorporation was in 1953, and just  
7 because someone's a corporation does not mean they  
8 cannot come under the authority or control or oversight  
9 of the Commissioner of Public Safety.

10 So I know they keep saying they're a separate  
11 corporation. I don't understand that. That's a  
12 fiction in this situation. They're a hybrid, and they  
13 exist because we helped them get 501(c)(3) non-profit  
14 designation. We helped them become able to bill. The  
15 town was subsidizing them up to that point in time, so  
16 -- and still continues to subsidize them on an annual  
17 basis. You may not be told that, but we provide the  
18 insurance, we provide the building, we provide the  
19 maintenance, we provide a lot of service without any  
20 reimbursement.

21 So the town has an absolute stake in the  
22 financial survival of the squad. And if they continue  
23 to do what they're doing, at least we can see from the  
24 990s they filed, they're not going to be in existence  
25 much longer, the way they're operating. So we need to

1 see the documents, to make sure everything is correct,  
2 and maybe even provide assistance down the road. But  
3 we can't continue without transparency.

4 MS. ACKERMAN: Okay, agreed. So now I have  
5 to ask, since, God rest their souls, Mr. and  
6 Mrs. Paulson have passed away, they were president and  
7 vice president. Since that time, what communication  
8 has there been from Commissioner Petracco to the First  
9 Aid Squad or the Rescue Squad, as to what he wants as a  
10 business plan; as to what documents he needs to see on  
11 a monthly, on a quarterly basis?

12 There's been no connection. In fact,  
13 Commissioner Petracco has not shown up to install  
14 officers in four years. They can't remember the last  
15 time he was in the building. And then, bam, they buy  
16 an ambulance, and all of a sudden, all these questions  
17 are raised. I'm sorry, my --

18 MR. GENITEMPO: Ms. Ackerman --

19 MS. ACKERMAN: -- eyebrows are raised.

20 MR. GENITEMPO: -- with all due respect, I  
21 think that frankly, they're feeding you a lot of  
22 misinformation. There has been communication between  
23 squad members and the commissioner over the years, but  
24 there was also a trust factor, a trust relationship.  
25 Now there is no trust, because the people running the



1 squad have no desire to allow the commissioner -- or  
2 Commissioner Petracco to review any of their financial  
3 documents. That's the plain fact. It doesn't matter  
4 what happened three or four, five years ago. The  
5 commissioner has been in touch with squad members, and  
6 he's being told that things are not running very well  
7 over there.

8 So there's two sides to every story. And I  
9 know you're getting their side. But frankly, if they  
10 give us the documents, maybe a lot of the concerns can  
11 be resolved, and that's quite simple. And we've had a  
12 non-disclosure agreement in place for them to exchange  
13 the documents. We agreed to that. So I don't  
14 understand where -- what their position is, frankly,  
15 other than to hide the documents from the township.  
16 I'm sorry.

17 MAYOR TUCCI: Okay. Thank you, Ms. Ackerman.

18 MS. ACKERMAN: You kind of went out there at  
19 the end. I'm sorry, I did not hear your comment at the  
20 end. I didn't hear the last 30 seconds.

21 MR. GENITEMPO: I said, I'm sorry, but that's  
22 at least my position on behalf of the commissioners. I  
23 admit -- I don't know if you heard that part.

24 MS. ACKERMAN: Okay, no, that kind of went  
25 kind of fuzzy, but I just -- so you're telling me that

1 they gave me false information, that there was not a  
2 meeting between the Board of Trustees, and Commissioner  
3 Petracco, or whoever else attended, and you said you  
4 attended, that the documents were not offered, that you  
5 were requested.

6 MR. GENITEMPO: That's --

7 MS. ACKERMAN: You're telling me that never  
8 occurred.

9 MR. GENITEMPO: There was a meeting, I said  
10 there was a meeting.

11 MS. ACKERMAN: No -- you -- I agree.

12 MR. GENITEMPO: (Audio interference) not offer  
13 the documents. They wanted to know what documents we  
14 wanted, and I told them that I would send them our  
15 documents, which I did the next day, and that -- and  
16 the list of things we were looking for, and when they  
17 got them, it was crickets. You ever heard that term,  
18 "crickets" on the other side --

19 MS. ACKERMAN: I --

20 MR. GENITEMPO: -- until we got a formal  
21 letter basically telling us, you're not getting  
22 anything. We're a completely separate entity, we don't  
23 owe you anything. You have no right to oversight.

24 But in your last attorney's letter, or their  
25 last attorney's letter, the attorney fully acknowledged

1 the Board, the Township's obligations --

2 MS. ACKERMAN: I lost you.

3 MR. GENITEMPO: Your attorney -- or the  
4 squad's attorney, fully acknowledged --

5 MS. ACKERMAN: Okay, I got you.

6 MR. GENITEMPO: -- the town's obligation for  
7 oversight of the squad in a letter he wrote to me. So  
8 I don't know how you could agree that we have oversight  
9 responsibility, yet refuse to give us the documents  
10 we're requesting to do our oversight. It can't be, oh,  
11 you can have one bank statement, and by the way -- this  
12 was the condition, Ms. Ackerman. Commissioner  
13 Petracco's the only one can see it, and he has to see  
14 it with two squad members present. Oh, and he can't  
15 take a copy of it. Oh, and by the way, the Fire Chief  
16 can't be there.

17 Now, do you think that's a good faith  
18 turnover of documents, or offer of documents to the  
19 commissioner? It was --

20 MS. ACKERMAN: Well, my first --

21 MR. GENITEMPO: -- frankly, it was insulting  
22 to argue that the commissioner has to have two  
23 representatives of the squad oversee him looking at the  
24 document, as if somehow he's going to roll it up and  
25 put it in his pocket. It's -- frankly, a ridiculous

1 insult, and just further shows the attitude of the  
2 board of the squad in not producing the documents.

3 And I have no problem giving you that letter,  
4 if you don't have a copy of it. And if you're not  
5 insulted by the squad's position, then I don't know  
6 what to say. But frankly, I was insulted, and it  
7 wasn't even about me. So I think there's a lot of  
8 issues there that just further make it clear that  
9 transparency is necessary. And you can't have a little  
10 bit of transparency. You can have all transparency, or  
11 no transparency.

12 MS. ACKERMAN: Well, from what I understand,  
13 the documents that were legally required to be turned  
14 over were turned over.

15 MR. GENITEMPO: What case are you citing to,  
16 Ms. Ackerman? What case law says that they don't have  
17 to give us those documents? I know --

18 MS. ACKERMAN: Would --

19 MR. GENITEMPO: -- they keep citing they  
20 don't have an obligation, a legal obligation; but  
21 frankly, you can say that all you want. I'm a lawyer.  
22 I have no -- know of no law that prevents them from  
23 turning over those documents to us. So that's all I'm  
24 trying to tell you. They can say all the things they  
25 want, misinformation, half-truths. That's the truth.

1           MAYOR TUCCI: Okay, let's wrap this up.

2           Ms. Ackerman, if you have any further  
3 questions, please contact Commissioner Petracco. I'm  
4 sure he'll be willing to share with you all the  
5 information that he has.

6           COMMISSIONER PETRACCO: I will be always  
7 available to meet with any resident. I'll make myself  
8 available, if you'd like to come see me, Donna.

9           MS. ACKERMAN: I appreciate that.

10          MAYOR TUCCI: Thank you. And thank you for  
11 your comments.

12          That's it? Okay. I will entertain a motion  
13 to go back into executive session. Contract  
14 negotiations --

15          COMMISSIONER SCARPELLI: So moved.

16          COMMISSIONER PETRACCO: Second.

17          MAYOR TUCCI: -- personnel?

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

22                 Whereas, the public body is of the opinion  
23 that such circumstance exists; and

24                 Whereas, the Board of Commissioners of the  
25 Township of Nutley in the County of Essex, State of New

1 Jersey, desires to proceed to closed executive session;  
2 Now, therefore, be it resolved by the Board  
3 of Commissioners of the Township of Nutley to move into  
4 closed executive session to discuss contract  
5 negotiations. Be it further resolved that the time  
6 when such discussions may be disclosed to the public  
7 shall be when and as such disclosure may be made  
8 without adversely affecting the Township of Nutley,  
9 pending and/or anticipated legal, personnel,  
10 contractual matters, and other matters within the  
11 exceptions provided for by statute.

12 THE CLERK: Commissioner Kelly.

13 COMMISSIONER KELLY: Aye.

14 THE CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco.

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Scarpelli.

19 COMMISSIONER SCARPELLI: Aye.

20 THE CLERK: Mayor Tucci.

21 MAYOR TUCCI: Aye.

22 THE CLERK: And the time is 9:50.

23 (Off the record for Executive Session)

24 MAYOR TUCCI: We're back on. Gentlemen, we're  
25

back on.

1 adjourn. COMMISSIONER SCARPELLI: I make a motion to

2 MAYOR TUCCI: Motion to adjourn. Can I get a

3 second? COMMISSIONER KELLY: Second.

4 THE CLERK: Commissioner Kelly?

5 COMMISSIONER KELLY: Aye.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 THE CLERK: Mayor Tucci?

13 MAYOR TUCCI: Aye. Thank you, everyone, and good

14 night.

15 THE CLERK: The time is 10: 59 PM.

(End of recording.)

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

17 I, Alicia Jarrett, do hereby certify that the

18 foregoing is a correct transcript from the electronic

19 sound recording provided for transcription and prepared

20 to the best of my professional skills and ability.

August 26, 2020

22 \_\_\_\_\_

23 Alicia Jarrett

24 AAERT Cert. No. 428

25 Certified Court Transcriptionist