

In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings

August 18, 2020

Public Session



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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 18, 2020

BOARD OF COMMISSIONERS:

- MAURO G. TUCCI, MAYOR
- JOHN V. KELLY III, COMMISSIONER
- JOSEPH P. SCARPELLI, COMMISSIONER
- THOMAS J. EVANS, COMMISSIONER
- ALPHONSE PETRACCO, COMMISSIONER

Also Present:

- DAVID PARIS, ESQ., ACTING TOWNSHIP ATTORNEY

1 (Recording begins)

2 THE CLERK: -- 1975 -- notice of this
3 meeting -- I'm just -- I'm going to read that over,
4 okay? Pursuant to the requirement of the Open Public
5 Meeting Act, Chapter 231, Public Law 1975, notice of
6 this meeting was published in the November 28th, 2019
7 issues of the Nutley Sun, the Herald News, and the Star
8 Ledger. In an effort to prevent further spread of
9 COVID-19 pandemic, the public meeting for the remainder
10 of the year 2020 have been changed to Zoom Webinar or
11 teleconference meeting until further notice. Notice of
12 the meeting revision was published in May 13, 2020
13 issue of the Star Ledger, May 2nd, 2020 issue of the
14 Herald News, and TapIntoNutley.

15 The public will be able to listen to the
16 Board of Commissioners meeting and participate during
17 the designated public comment portion of the meeting by
18 utilizing access through a URL link or dial-in number
19 provided on the township website.

20 Commissioner Kelly?

21 COMMISSIONER KELLY: Present.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Here.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Here.

Public Session

3

1 THE CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Here.

3 THE CLERK: Mayor Tucci.

4 MAYOR TUCCI: Here.

5 THE CLERK: All present, Mayor.

6 MAYOR TUCCI: Thank you. I see we have
7 minutes for July 21st, 2020.

8 COMMISSIONER PETRACCO: Move them.

9 THE CLERK: Yes.

10 COMMISSIONER SCARPELLI: Second.

11 THE CLERK: Thank you. 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. We also have
21 minutes from two executive sessions, one on July 21st,
22 2020 and August 11, 2020.

23 COMMISSIONER EVANS: Move it.

24 COMMISSIONER PETRACCO: 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: I will abstain on the July 21st
10 set of minutes, and I vote aye for the August 11th.

11 THE CLERK: And that's --

12 MAYOR TUCCI: Communications and
13 correspondence?

14 THE CLERK: We have no communications today.

15 MAYOR TUCCI: Thank you. I will now turn the
16 program over to Commissioner Kelly to read his
17 proclamation.

18 COMMISSIONER KELLY: Thank you, Mayor. This
19 is a proclamation for Women's Equality Day. Today
20 represents the 100th anniversary of the ratification of
21 the 19th Amendment. So we want to honor that
22 significant achievement in our history.

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

1 and

2 Whereas, women's equality is a core, civil
3 and human rights principle in the United States and
4 around the world. Across America, women are
5 contributing to our economy and our nation in
6 innovative and exciting ways, from businesses to
7 battlefields, women are vital to the prosperity and the
8 security of our country; and

9 Whereas, no human being should live in fear
10 or face persecution and violence arising from gender or
11 gender identity, and all are equal in dignity and in
12 right;

13 Whereas, the Township of Nutley celebrates
14 and encourages diversity, inclusion, and the rights of
15 all women within our community;

16 Whereas, exactly 100 years ago, on
17 August 18th, 1920, the 19th Amendment was ratified by
18 the requisite majority of states to become law;

19 Whereas, on August 26th, 1920, after years of
20 fighting to break down the barriers that stood between
21 them and the ballot box, American women won a victory
22 in the right to vote when it was signed into law;

23 Whereas, we celebrate the anniversary of this
24 victory that enables our mothers, sisters,
25 grandmothers, aunts, friends, and all women, regardless

1 of race, religion, ethnic origin, or color, to equally
2 participate in this civil liberty that was denied to
3 them for so long;

4 Whereas, we celebrate 100 years of this
5 historic moment, the Nutley Board of Commissioners are
6 committed to the belief that we are all entitled to
7 equal treatment, supporting policies that help all
8 women succeed and thrive, and we recognize that much
9 work still needs to be done in this area.

10 Now therefore be it resolved that the Board
11 of Commissioners hereby proclaims the 26th day of
12 August, 2020, as Women's Equality Day throughout the
13 Township of Nutley. So moved. Proclaimed.

14 MAYOR TUCCI: This is a proclamation,
15 Commissioner, so we don't need to move it, but on
16 behalf of the entire Board of Commissioners, I thank
17 you for sponsoring this proclamation on our behalf, and
18 it was a wonderful effort. Thank you. Okay, we will
19 now move to --

20 COMMISSIONER KELLY: Mayor, I --

21 MAYOR TUCCI: Oh, go right ahead.

22 COMMISSIONER KELLY: -- I just want to thank
23 Commissioner Evans because he did in fact help with
24 some of the language as well, so, I don't want to
25 shortchange his contributions, either.

Public Session

7

1 COMMISSIONER EVANS: Thank you, Commissioner.

2 MAYOR TUCCI: Thank you, Commissioner Evans.

3 We know you are a very fine detail person. So thank
4 you. Gentlemen, do you want to add anything? Okay.

5 COMMISSIONER EVANS: I think I just got
6 slammed.

7 MAYOR TUCCI: Reports. Public Safety?

8 COMMISSIONER PETRACCO: Yes, Mayor. We have
9 our monthly report for Public Safety, thank you.

10 MAYOR TUCCI: Commissioner Evans?

11 COMMISSIONER EVANS: Thank you, Mayor. I
12 have a Code Enforcement report for the month of July.

13 MAYOR TUCCI: Thank you. We'll move into
14 bills.

15 THE CLERK: Thank you, Mayor. Bill list for
16 August 18th, 2020. Department totals. Public Affairs,
17 \$124,572.95; Revenue and Finance, \$2,411,341.15; Public
18 Safety, \$33,843.54; Public Works, \$52,896.16; Parks and
19 Public Property, \$41,750.57; Water Utility, \$21,490.29.
20 Regular Total Payroll, \$783,633.13. Overtime Payroll
21 Total, \$40,384.61. COVID Overtime Payroll Total,
22 \$4,512.17. Total Payroll, \$828,529.91, for a grand
23 total of \$3,514,424.57.

24 COMMISSIONER EVANS: Move the bills.

25 COMMISSIONER PETRACCO: Second.

1 THE CLERK: Commissioner Kelly?

2 COMMISSIONER KELLY: Aye.

3 THE CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 THE CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 THE CLERK: Mayor Tucci.

10 MAYOR TUCCI: Aye.

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

12 MAYOR TUCCI: Thank you so much. This
13 evening, sitting in for our township attorney, Alan
14 Genitempo, who underwent a procedure, we have Judge
15 Paris with us. Welcome, Judge. Thank you for being
16 here. We will now entertain public comment on agenda
17 items only.

18 THE CLERK: All persons addressing the Board
19 of Commissioners regarding community concerns should
20 provide their name and address for the record. Unless
21 further time is granted by the Board, each person
22 should limit their address to three minutes. All
23 remarks to the Board and its individual members must be
24 addressed to the mayor.

25 MS. CANONICO: Good evening. My -- can you

1 hear me?

2 MAYOR TUCCI: Yes, we can.

3 MS. CANONICO: Good. My name is Janet
4 Canonico, and I live at 464 Bloomfield Avenue in
5 Nutley. I want to express my appreciation for the
6 proclamation regarding Women's Equality Day, and your
7 recognition of the significant milestone we're
8 celebrating today, namely the centennial of the
9 19th Amendment, ensuring women nationwide the right to
10 vote. Your approval of this proclamation confirms your
11 belief in what it states, so I request that each of you
12 look within the departments you lead and ask
13 yourselves, am I demonstrating in my leadership and
14 actions, my commitment to equality? If you took a
15 separate average of the salaries of men and the
16 salaries of women in your department, and compared
17 them, would you be proud of those numbers? Access and
18 opportunity are the basics in achieving equality. How
19 many women fighter -- firefighters, police officers,
20 building inspectors, parks workers, road department
21 employees, et cetera, are there? Who in your
22 department really makes the money? Men, or women? Who
23 leads your department, men or women? I accept in good
24 faith your intentions in this proclamation. I'm asking
25 that each of you translate this into action that

1 ensures fair representation within your departments.

2 Thank you.

3 MAYOR TUCCI: Thank you very much.

4 THE CLERK: No one else, Mayor.

5 MAYOR TUCCI: Seeing no other public comments
6 at this time, Board of Commissioner announcements?
7 Commissioner Evans?

8 COMMISSIONER EVANS: I'm good.

9 MAYOR TUCCI: Commissioner Kelly?

10 COMMISSIONER KELLY: None from me, thank you.

11 MAYOR TUCCI: Commissioner Scarpelli?

12 COMMISSIONER SCARPELLI: No.

13 MAYOR TUCCI: Commissioner Petracco? Okay,
14 and I have nothing also, so thank you. We will move
15 into ordinance introductions. The first ordinance we
16 have on this evening, this is -- I'm introducing this
17 on behalf of the entire Board of Commissioners. This
18 is an ordinance of the Board of Commissioners of the
19 Township of Nutley in the County of Essex, adopting the
20 Nutley HLR Phase 3 Redevelopment Plan. I move that
21 this ordinance be passed to a second reading, and
22 advertised in the Nutley Sun, together with the notice
23 required by law, and that further consideration of said
24 ordinance for final passage by the Board of
25 Commissioners be held at its second reading on --

1 MAYOR TUCCI: September 15th?

2 THE CLERK: September 15th.

3 MAYOR TUCCI: September 15th. I move the
4 ordinance.

5 COMMISSIONER PETRACCO: Second.

6 THE CLERK: Commissioner Kelly?

7 COMMISSIONER KELLY: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

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. Our next
16 ordinance is an ordinance on second reading. It's
17 Ordinance Number 3448, sponsored by Commissioner Kelly.
18 Does anyone want to be heard on this ordinance?

19 THE CLERK: There's no one.

20 MAYOR TUCCI: There's no one? Seeing none,
21 Commissioner Kelly, I'll turn it over to you.

22 COMMISSIONER KELLY: This is just an
23 ordinance just amending the salary ordinance. It's
24 pretty self-explanatory, descriptive.

25 MAYOR TUCCI: Okay, I'll entertain a motion

1 to close the public hearing.

2 THE CLERK: We -- yes, we need a motion to
3 close the hearing. Can you hear us? I'm sorry?

4 MAYOR TUCCI: Okay, we'll let them be heard.

5 THE CLERK: Okay.

6 MAYOR TUCCI: Good evening, Mr. Moore.

7 MR. MOORE: Mayor Tucci. Let him be heard.
8 Thank you, I appreciate that one. Rory Moore,
9 462 Chestnut Street. Could we get the salaries that
10 we're actually having this ordinance for? I did not
11 see them listed in the ordinance.

12 MAYOR TUCCI: Commissioner Kelly, would you
13 like to respond to Mr. Moore?

14 COMMISSIONER KELLY: What's the question?

15 MR. MOORE: I would like to know what
16 salaries are being adjusted. There's no listing of
17 them in the ordinance.

18 COMMISSIONER KELLY: I'm just changing the
19 range. The previous range was \$20,000 to \$25,000.
20 This range is \$5,000 to \$30,000.

21 MR. MOORE: For what?

22 COMMISSIONER KELLY: It gives us the ability
23 to negotiate and get more competitive rates.

24 MR. MOORE: For who? What is --

25 COMMISSIONER KELLY: This is --

1 MR. MOORE: What are the positions?

2 COMMISSIONER KELLY: This is the Public
3 Health Physician.

4 MR. MOORE: I'm trying to understand what
5 positions they are, secretary --

6 COMMISSIONER KELLY: Public Health Physician.

7 MAYOR TUCCI: There's only one position,
8 Mr. Moore.

9 MR. MOORE: Okay, that's what I wanted to
10 find out. It didn't appear that clear. Thank you for
11 clearing it up. Thank you.

12 MAYOR TUCCI: Okay. I believe I had a motion
13 to close the public hearing, I'll entertain a second.

14 COMMISSIONER EVANS: Second.

15 COMMISSIONER PETRACCO: Second.

16 THE CLERK: Commissioner Kelly?

17 COMMISSIONER KELLY: Aye.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 THE CLERK: Mayor Tucci.

25 MAYOR TUCCI: Aye. Thank you. Our next

1 ordinance on second reading this evening is Ordinance
2 Number --

3 COMMISSIONER EVANS: Move the ordinance.

4 MAYOR TUCCI: I'm sorry, you want to move the
5 ordinance?

6 COMMISSIONER KELLY: I move the ordinance.

7 COMMISSIONER EVANS: Second.

8 THE CLERK: Commissioner Kelly?

9 COMMISSIONER KELLY: Aye.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Mayor Tucci.

17 MAYOR TUCCI: Aye. Sorry about that,
18 Commissioner.

19 COMMISSIONER KELLY: No problem.

20 MAYOR TUCCI: Okay. Now we will move in to
21 Commissioner Petracco's Ordinance Number 3447. Does
22 anyone wish to be heard on this?

23 THE CLERK: There's no one there.

24 MAYOR TUCCI: There's no one there? I'll
25 entertain a motion to close the public hearing.

1 COMMISSIONER PETRACCO: Move it.

2 COMMISSIONER EVANS: Second.

3 THE CLERK: Commissioner Kelly?

4 COMMISSIONER KELLY: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 THE CLERK: Mayor Tucci.

12 MAYOR TUCCI: Aye.

13 COMMISSIONER PETRACCO: And this ordinance is
14 Number 3447, an ordinance to amend an ordinance
15 codified in the code of the Township of Nutley,
16 Chapter 228, entitled Vehicles and Traffic,
17 particularly Article 7. I move the ordinance by title.

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. Thank you, Commissioner.

4 We will now move into resolutions. Commissioner Kelly,
5 I see you have nothing this evening. Is that correct?

6 COMMISSIONER KELLY: Correct, Mayor.

7 MAYOR TUCCI: Thank you. Commissioner Evans?

8 COMMISSIONER EVANS: Yes, I have one
9 resolution this evening, Mayor, which is in here.
10 There it is. I just picked it up the wrong way. One
11 second. I got it.

12 Be it resolved by the Board of Commissioners
13 of the Township of Nutley, in the County of Essex,
14 State of New Jersey, that the Treasurer be and she is
15 hereby authorized to refund overpayment of tax charges
16 in the amount of \$2,490.15 for Block 404, Lot 7. So
17 move.

18 COMMISSIONER KELLY: Second.

19 COMMISSIONER SCARPELLI: Second.

20 THE CLERK: Commissioner Kelly?

21 COMMISSIONER KELLY: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 THE CLERK: Mayor Tucci.

4 MAYOR TUCCI: Aye.

5 COMMISSIONER EVANS: Thank you, Mayor.

6 MAYOR TUCCI: Thank you, Commissioner.

7 Commissioner Petracco?

8 COMMISSIONER PETRACCO: I have nothing else
9 this evening, Mayor.

10 MAYOR TUCCI: Thank you for being here,
11 Commissioner.

12 COMMISSIONER PETRACCO: My pleasure.

13 MAYOR TUCCI: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Thank you, Mayor.

15 Whereas, bids for the NJDOT Grant Avenue
16 Roadway Improvement Section 2, Myrtle Avenue to River
17 Road, were received and opened on Wednesday, July 29th,
18 2020; and

19 Whereas, Granada Construction Corp.,
20 147 Thomas Street, Newark, New Jersey, was the lowest
21 responsible bidder; and

22 Whereas, the base bid for the NJDOT Grant
23 Avenue Roadway Improvement Section 2, Myrtle Avenue to
24 River Road, is in the amount of \$552,507; and

25 Whereas, funds are available from Account

1 Number G-04-164-401 in the amount of \$406,964, and
2 Account Number G-04-158-401 in the amount of \$145,543
3 for a total bid amount of \$552,507.

4 Whereas, funds have been certified by the
5 Chief Financial Officer, said certification being
6 attached to this resolution.

7 Now therefore be it resolved by the Board of
8 Commissioners of the Township of Nutley, County of
9 Essex, State of New Jersey, that a contract be awarded
10 to Granada Construction, not to exceed \$552,507, and
11 that the Mayor and the Township Clerk are hereby
12 authorized to enter into and sign said contract for the
13 Township of Nutley. 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 COMMISSIONER SCARPELLI: That's all I have,

1 Mayor.

2 MAYOR TUCCI: Thank you, Commissioner. This
3 is a resolution that I present on behalf of the entire
4 Board of Commissioners.

5 Whereas, the Township of Nutley has a
6 continuing need to retain professional services of a
7 licensed planner, Topology, LLC, to provide
8 professional planning services related to the ongoing
9 redevelopment of the Hoffman/LaRoche properties in the
10 Township of Nutley; and

11 Whereas, this contract is awarded without
12 competitive bidding as a professional service, in
13 accordance with N.J.S.A. 19:44A-20.5 of the Local
14 Public Contracts Law because the contract is for a
15 service performed by a person or persons authorized by
16 law to practice a recognized profession that is
17 regulated by law; and

18 Whereas, after completing interviews of
19 several potential candidates, the Board of
20 Commissioners has determined that Topology, located at
21 60 Union Street, Newark, New Jersey, is best suited to
22 provide these services to the Township of Nutley; and

23 Whereas, Topology has completed and submitted
24 a business entity disclosure certification, which
25 certifies that they have not made any reportable

1 disqualifying contributions to a political or candidate
2 committee in the Township of Nutley in the previous one
3 year, and that the contract will prohibit them from
4 making any reportable contributions through the term of
5 the contract; and

6 Whereas, funds are available from Account
7 Number 0-01-226-205, subject to the adoption of the
8 2020 Municipal Budget, and will be certified by the
9 Chief Financial Officer, and/or will be reimbursed by
10 escrow accounts set up by each respective developer of
11 the property; and

12 Whereas, the anticipated term of this
13 contract is for 12 months, from July 3rd, 2020, through
14 July 2nd, 2021; and

15 Whereas, Topology, LLC, continues to provide
16 professional planning services at a blended rate of
17 \$150 an hour, not to exceed \$50,000;

18 Now, therefore, be it resolved the Board of
19 Commissioners of the Township of Nutley, in the County
20 of Essex, the State of New Jersey, does hereby
21 designate Topology, LLC, as the planner and enter into
22 an agreement/contract prepared by the Township Attorney
23 in an amount not to exceed \$50,000. I move the
24 resolution.

25 COMMISSIONER EVANS: Second.

1 THE CLERK: Commissioner Kelly?

2 COMMISSIONER KELLY: Aye.

3 THE CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 THE CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 THE CLERK: Mayor Tucci.

10 MAYOR TUCCI: Aye. This is another
11 resolution on behalf of the entire Board of
12 Commissioners.

13 Whereas, at the direction of the Township
14 Board of Commissioners, Maser Consulting, a
15 professional group, prepared a preliminary
16 investigation report entitled A Redevelopment Study of
17 Area Determination Of Need for the Hoffman/LaRoche Site
18 in Nutley and Clifton, in the Township of Nutley, Essex
19 County, New Jersey, dated February 5, 2015; and

20 Whereas, concerning the property as defined
21 in accordance with local redevelopment and housing law;
22 and

23 Whereas, on March 3rd, 2015, the Board of
24 Commissioners adopted a resolution declaring the block
25 so noted in this resolution as part of that; and

Whereas, the Board of Commissioners adopted a
1 redevelopment plan entitled Redevelopment Plan Nutley
2 HLR Phase I for a portion of the redevelopment area
3 comprised of the blocks as noted; and

4 Whereas, on September 17th, 2015,
5 Hoffman/LaRoche submitted an application with the
6 Planning Board, seeking preliminary final subdivision
7 approval, which subdivision as approved by the Planning
8 Board permits the subdivision of Phase I premises into
9 a total of four separately identifiable lots; and

10 Whereas, on August 7th, 2018, after
11 conducting the requisite hearings, the Board of
12 Commissioners via Ordinance 3392 adopted the plan
13 entitled Nutley Phase IIA Redevelopment Plan as amended;
14 and

15 Whereas, the Township and P.B. Nutclif
16 Master, LLC, who is the redeveloper, entered into a
17 redevelopment agreement dated March 5th, 2017, as
18 Amendment to Phase IIA Redevelopment Agreement,
19 covering the redevelopment of the Phase IIA project;
20 and

21 Whereas, as the date hereof, the redeveloper
22 has received preliminary and final major subdivision
23 approval pursuant to the Planning Board Resolution
24 PB-18-00003, adopted on September 19th, 2018;

25 Whereas, under Section 7.4A., approval

1 process of the redevelopment plan, the redeveloper
2 shall submit all plans to the Board of Commissioners
3 for review and authorization to proceed before the
4 Planning Board prior to submitting a site plan or
5 subdivision application to the Planning Board; and

6 Whereas, the redeveloper desires to seek
7 Planning Board approval to modify the off-street
8 parking number and configuration and landscaping
9 serving Building 101, now known as 111 Ideation Way,
10 from the previously viewed and authorized by the Board
11 of Commissioners for the subdivision of 111 Ideation
12 Way into two lots; and

13 Whereas, the redeveloper submitted and
14 presented the following to the Board of Commissioners
15 on August 11th, 2020: (a) a plan prepared by
16 GreenbergFarrow, dated through July 14th, 2020,
17 entitled "Previously/Revised Proposed site layout
18 comparison," consisting of one sheet, (b) a plan
19 prepared by the same group dated July 14th, 2020; and

20 Whereas, the Board of Commissioners, in
21 consultation with the Township professionals, has
22 reviewed the Consistency Review Materials, and have
23 determined that same are generally consistent with the
24 redevelopment plan and Phase IIA redevelopment
25 agreement; and

1 Whereas, subject to and conditioned upon the
2 redeveloper replenishing the escrow accounts under the
3 Phase IIA redevelopment agreement to \$40,000 and escrow
4 agreement Phase III 2020, dated February, 2020, by and
5 between the redeveloper and the Township of -- township
6 to \$50,000 prior to making any submission to the
7 Planning Board, the Board of Commissioners desires to
8 approve the Consistency Review Materials for the
9 purpose of permitting the redeveloper to submit a site
10 plan and/or subdivision application to the Planning
11 Board that is consistent with the Consistency Review
12 Materials.

13 Now therefore be it resolved that the Board
14 of Commissioners hereby authorize the redeveloper to
15 submit a site plan and/or subdivision application to
16 the Planning Board that is consistent with the
17 Consistency Review Materials, subject to, and
18 conditioned upon, the redeveloper replenishing the
19 escrow accounts under the Phase IIA redevelopment
20 agreement to \$40,000, and the escrow agreement to
21 Phase III 2020 dated February 2020 by and between the
22 redeveloper and the Township to \$50,000, prior to
23 making any such submission to the Planning Board.

24 Be it further resolved that a copy of this
25 resolution shall be published as required by law. I

1 move the resolution.

2 COMMISSIONER EVANS: Second.

3 THE CLERK: Commissioner Kelly?

4 COMMISSIONER KELLY: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 THE CLERK: Mayor Tucci.

12 MAYOR TUCCI: Aye. Thank you. This is also
13 a resolution that I'm presenting on behalf of the Board
14 of Commissioners.

15 Whereas, the Township of Nutley has a need
16 for the services of a Special Redevelopment Counsel for
17 redevelopment of the Diamond Springs site through a
18 non-fair and non-open contract as a professional
19 service pursuant to the provisions of N.J.S.A.
20 19:44A-20.5 and N.J.S.A. 20A:11-1 as amended; and

21 Whereas, John P. Inglesino of the Law Firm of
22 Inglesino, Webster, Wyciskala and Taylor, 600
23 Parsippany Road, Parsippany, New Jersey, has ably and
24 continuously provided various special development
25 counsel to the Township over the years; and

1 Whereas, John P. Inglesino of Inglesino,
2 Webster, Wyciskala, and Taylor, has submitted a 2020
3 fee schedule to provide such services at an hourly rate
4 of \$215 for legal services by attorneys, an hourly rate
5 of \$100 for services by paralegal or law clerk; and

6 Whereas, the contract will not exceed \$25,000
7 for the period September 1, 2020 through December 31st,
8 2020, and funds are available from Account Number 0-01-
9 012-205, which will be certified by the Chief Financial
10 Officer, said certification as subject to the adoption
11 of the 2020 Municipal Budget; and

12 Whereas, the Law Firm of Inglesino, Webster,
13 Wyciskala and Taylor has completed and submitted a
14 business entity disclosure certification, which
15 certifies that they have not made any reportable
16 disqualifying contributions to a political or candidate
17 committee in the Township of Nutley in the previous one
18 year that would violate N.J.S.A. 15:44A-20.5, or the
19 Township's Local Unit Pay to Play ordinance, or New
20 Jersey Election Law Enforcement Commission Disclosure
21 Requirements that the contract will bar John P.
22 Inglesino from making any reportable contributions
23 through the term of this contract.

24 Now therefore be it resolved that the Mayor
25 and the Board of Commissioners of the Township of

1 Nutley in the County of Essex, State of New Jersey,
2 contract for Special Development Counsel as follows;

3 That Mayor and Township Clerk are hereby
4 authorized and directed to execute, seal, and deliver a
5 contract for professional legal services with John P.
6 Inglesino of Inglesino, Webster, Wyciskala, and Taylor,
7 Parsippany, New Jersey, pursuant to a non-fair and
8 non-open process, in accordance with N.J.S.A. 19:44A-
9 20.5, for a term beginning September 1, 2020, through
10 December 31st, 2020, for the stated hourly rates, not
11 to exceed \$25,000;

12 B. A copy of this resolution, as well as the
13 contract and the business disclosure entity
14 certification, and business entity disclosure of
15 campaign contributions shall be placed on file with the
16 Clerk; and

17 C. A copy of the resolution shall be
18 published as required by law within 10 days of its
19 passage. I move the resolution.

20 COMMISSIONER SCARPELLI: Second it.

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. The next resolution is on
6 behalf of the entire Board of Commissioners.

7 Whereas, the Township of Nutley has the need
8 for the services of a Special Redevelopment Counsel for
9 downtown redevelopment of the downtown area, including
10 the Ciccolini site, through a non-fair and non-open
11 contract as a professional service, pursuant to the
12 provisions of N.J.S.A. 19:44-A20.5, and N.J.S.A.
13 20A:11-1 as amended; and

14 Whereas, John P. Inglesino of the Law Firm of
15 Inglesino, Webster, Wyciskala and Taylor, Parsippany,
16 New Jersey, has ably and continuously provided various
17 special development counsel to the Township over the
18 years; and

19 Whereas, John P. Inglesino of Inglesino,
20 Webster, Wyciskala and Taylor has submitted a 2020 fee
21 schedule to provide such services at an hourly rate of
22 \$215 for legal services by attorneys, and an hourly
23 rate of \$100 for services by paralegal or law clerks;
24 and

25 Whereas, the contract will not exceed \$25,000

1 for the period September 1, 2020 through December 31st,
2 2020, and funds are available from Account Number 0-01-
3 012-205, which will be certified by the Chief Financial
4 Officer, said certification is subject to adoption of
5 the 2020 Municipal Budget; and

6 Whereas, the firm of Inglesino, Webster,
7 Wyciskala and Taylor has completed and submitted a
8 business entity disclosure certification, which
9 certifies that they have not made any reportable
10 disqualifying contributions to a political or a
11 candidate committee in the Township of Nutley in the
12 previous one year that would violate N.J.S.A.
13 15:44A-20.5, or the Township's Local Unit Pay to Play
14 ordinance, or New Jersey Election Law Enforcement
15 Commission disclosure requirements, and that the
16 contract will bar John P. Inglesino from making any
17 reportable contributions through the term of the
18 contract.

19 Now therefore be it resolved that the Mayor
20 and the Board of Commissioners of the Township of
21 Nutley, County of Essex, State of New Jersey, contract
22 for a Special Development Counsel as follows;

23 A. The Mayor and Township Clerk are hereby
24 authorized and directed to execute, seal, and deliver a
25 contract for professional legal services with John P.

1 Inglesino of the law firm as so stated, of Parsippany
2 New Jersey, pursuant to a non-fair and open process in
3 accordance with N.J.S.A. 19:44A-20.5 for a term
4 beginning September 1, 2020 through December 31st, 2020
5 for the stated hourly rates, not to exceed \$25,000.

6 B. A copy of this resolution, as well as the
7 contract and the business disclosure entity
8 certification and business entity disclosure of
9 campaign contributions shall be placed on file with the
10 Clerk; and

11 C. A copy of the resolution shall be
12 published as required by law within 10 days of its
13 passage. I move the resolution.

14 COMMISSIONER EVANS: Second.

15 COMMISSIONER SCARPELLI: Second.

16 THE CLERK: Commissioner Kelly?

17 COMMISSIONER KELLY: Aye.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 THE CLERK: Mayor Tucci.

25 MAYOR TUCCI: Aye. I believe that completes

1 all of our business for this evening. We will now open
2 the meeting up to the public.

3 THE CLERK: Would you like me to read the
4 public comment, Mayor?

5 MAYOR TUCCI: Please.

6 THE CLERK: All persons addressing the Board
7 of Commissioners regarding community concerns should
8 state their name and address for the record. Unless
9 further time is granted by the Board, each person shall
10 limit their address to five minutes. All remarks to
11 the Board and its individual members must be addressed
12 to the Mayor.

13 MAYOR TUCCI: I see Mr. Moore's smiling face.

14 MR. MOORE: This is --

15 MAYOR TUCCI: Rory, would you like to address
16 us?

17 MR. MOORE: Rory Moore, 462 Chestnut Street.
18 Mayor Tucci, I have two questions. What was the
19 settlement on the Diamond Spring case?

20 MAYOR TUCCI: There has been no settlement.

21 MR. MOORE: It's -- then why is -- are we putting a
22 contract out for Inglesino for development? Did I
23 misunderstand that?

24 MAYOR TUCCI: This is to begin a process to
25 determine whether the site is either a need -- an area in

1 need of redevelopment or rehabilitation, Mr. Moore.

2 MR. MOORE: So there is absolutely no
3 settlement so far in the case itself?

4 MAYOR TUCCI: None that I am aware of, no,
5 sir.

6 MR. MOORE: Okay. There's another one --
7 it's a little cumbersome. I'm looking at May overtime,
8 and the COVID bills from May this year, which it's
9 quite a large amount of money. What are we going to do
10 to recapture some of that? Are we going to file the
11 bonds that the -- that the governor has said that we're
12 allowed to do for COVID recovery? Is that part of the
13 process? To recapture -- I believe it's about
14 \$5 million.

15 MAYOR TUCCI: I'm sorry. Five million
16 dollars?

17 MR. MOORE: In May. The bill list for May,
18 that I've noticed that there seems to be a lot of money
19 for COVID overtime, and I guess COVID expenses, and I
20 would like to know what the town is going to do to
21 recapture some of that money. I'm sure it's going to
22 impact the budget.

23 MAYOR TUCCI: A large portion of that money,
24 and I'll ask Commissioner Evans to give his explanation
25 of this, but a large part of that money did in fact

1 come from the County CARES Act, all right, to cover
2 those expenses. I'm not sure where you're getting
3 those amounts from, but Commissioner Evans, would you
4 like to comment?

5 COMMISSIONER EVANS: I'm not sure. We didn't
6 have \$5 million worth of overtime in May.

7 MR. MOORE: Well, it -- between overtime and
8 probably COVID expenses, it came pretty close to
9 \$5 million, as far as I can see. I could be wrong,
10 I'll admit to that, but just doing the rough draft --

11 COMMISSIONER EVANS: (Indiscernible) what I
12 would tell you is, I don't know what the amount is, I
13 don't have May in front of me, but COVID-related
14 expenses that the municipality is incurring are
15 reimbursable through two vehicles. One is through the
16 county, with the CARE Act money that was approved by
17 the federal government, and the other is through FEMA.
18 And that process is in place. We already have received
19 reimbursements, and that will continue.

20 MR. MOORE: Could you post the reimbursement?
21 How much did we actually receive in reimbursements?

22 COMMISSIONER EVANS: Would I post it? It's
23 not necessary to do that. If you just want to -- if
24 you'd like to know what it is --

25 MR. MOORE: Yes, I would.

1 COMMISSIONER EVANS: -- send a request.

2 MR. MOORE: Okay. I will take care of that.

3 Thank you.

4 MAYOR TUCCI: Thank you, Mr. Moore.

5 THE CLERK: There's no one else, Mayor.

6 MAYOR TUCCI: There is no one else? I'll
7 entertain a motion to adjourn.

8 COMMISSIONER PETRACCO: Move it.

9 COMMISSIONER SCARPELLI: Second.

10 THE CLERK: Commissioner Kelly?

11 COMMISSIONER KELLY: Aye.

12 THE CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 THE CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 THE CLERK: Commissioner Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 THE CLERK: Mayor Tucci.

19 MAYOR TUCCI: Aye.

20 THE CLERK: The time is 7:49.

21 MAYOR TUCCI: Thank you, everyone. Have a
22 good evening.

23 (End of recording)

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

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

September 1, 2020

Alicia Jarrett
AAERT Cert. No. 428
Certified Court Transcriptionist