

P R O C E E D I N G S

1
2 MADAM CLERK: Board of Commissioners public
3 meeting, Tuesday, March 20th, 2018. The time is now 7:03.

4 Pursuant to the requirements of the Open Public
5 Meeting Act, Chapter 231, Public Law 1975, a notice of this
6 meeting was published in the December 14th, 2017 issue of
7 the Nutley Sun, Herald News, and the Star Ledger. A copy of
8 this notice has been posted on the Nutley Town Hall bulletin
9 board, and a copy is on file in the municipal clerk's
10 office.

11 Commissioner Rogers?

12 COMMISSIONER ROGERS: Here.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Here.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Here.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Here.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Here.

21 MADAM CLERK: All present, Mayor.

22 MAYOR SCARPELLI: Thank you, Madam Clerk.

23 Commissioner Petracco, what do you have on the
24 agenda tonight?

25 COMMISSIONER PETRACCO: That's a good question.

1 (Pause)

2 COMMISSIONER PETRACCO: Let's see. I'm getting
3 there.

4 (Pause)

5 COMMISSIONER PETRACCO: I have -- I just have that
6 -- I think this is the Scarinci award for a non-fair and
7 open contract for labor counsel. That's all I have.

8 MAYOR SCARPELLI: Thank you, Commissioner.

9 Commissioner Evans?

10 COMMISSIONER EVANS: Thank you. I have a code
11 enforcement report for the month of February. We also have
12 passed (ph) the statutory filing requirement for the
13 municipal budget introduction. That's not adoption.

14 And I have as well an ordinance introduction for
15 the Cap Bank that would be over here.

16 And I have several resolutions for tax
17 overpayments, the usual thing. But there's one which we
18 have to file with o budget submission, which is, under my
19 area, No. 7418, which is a certification of compliance with
20 the U.S. Equal Employment Opportunity Commission's
21 enforcement guidance, consideration of arrest and conviction
22 record in employee decisions. The resolution is required to
23 be submitted if it's something that came up this year.

24 I know the Clerk circulated -- or Rose circulated
25 the guidance through all the commissioners, because we're

1 supposed to familiarize ourselves with it.

2 But, Alan, you might want to say something about
3 that.

4 MR. GENITEMPO: Sure. In a nutshell, what this
5 requirement is -- so that employers understand that a
6 person's criminal record can possibly be used against them
7 in a discriminatory manner, creating a disparate impact upon
8 them. So as recent case law has already dictated, you can't
9 really use a criminal record to prohibit someone from
10 getting a job. There are some exceptions, relative to if
11 you were going to be handling money and you've got some
12 convictions. Perhaps for that, but it's not an automatic
13 disqualifier.

14 And the whole idea that the EEOC is going to be
15 looking at hiring decisions to make sure that the
16 municipalities' employers are not using that as a reason to
17 discriminate or create a disparate impact upon a certain
18 group of people. And that's really a summary of the whole
19 thing.

20 MAYOR SCARPELLI: So someone convicted of
21 embezzlement can get a job collecting taxes in
22 revenue and finances?

23 MR. GENITEMPO: No, I'm saying there's an
24 exception to that.

25 COMMISSIONER PETRACCO: No, they can't do that,

1 but maybe work at Parks and Works.

2 MAYOR SCARPELLI: Oh.

3 COMMISSIONER PETRACCO: Is that what you're
4 saying?

5 (Laughter)

6 MAYOR SCARPELLI: Oh, all right. So they can take
7 the money that people pay to participate in the programs. I
8 seriously -- all right.

9 MR. GENITEMPO: That's it. So (indiscernible) --

10 MAYOR SCARPELLI: That's one of the most
11 ridiculous things I've ever heard, but it's the law. So
12 okay.

13 MR. GENITEMPO: It is the law.

14 MAYOR SCARPELLI: Another ridiculous law. Sorry.

15 COMMISSIONER ROGERS: Counselor, if there are
16 individuals who are involved with serious crimes, sex
17 offenses, et cetera, I mean, --

18 MR. GENITEMPO: Right.

19 COMMISSIONER ROGERS: -- I'm sure we'd be able to
20 -- would we be able to contest that? I mean, actually,
21 these are serious -- you know, child abuse, spousal abuse.

22 MR. GENITEMPO: Yeah, that's why there are exceptions
23 to every rule, and that's obviously one of them. And like
24 you said, someone embezzled, charged with funds being
25 issued. But they're looking generally at your hiring

1 procedures and practices.

2 If it automatically excludes some -- anybody that
3 has a criminal record, the EEOC is going to be looking at
4 you and saying wait, are you just doing this because of the
5 fact that they have a criminal record. Not the reason why.
6 And you need to be diligent on how you do that. And again,
7 any issues that come up you can always speak to me, and you
8 can talk to Joe (ph).

9 COMMISSIONER ROGERS: Thank you.

10 MAYOR SCARPELLI: Anything else, Commissioner?

11 COMMISSIONER EVANS: I have a need for a short
12 executive proposal (ph).

13 MAYOR SCARPELLI: Commissioner Rogers?

14 COMMISSIONER ROGERS: I'm fine, Mr. Mayor, thank
15 you.

16 MAYOR SCARPELLI: Go ahead.

17 COMMISSIONER ROGERS: Thank you. Thanks for
18 coming.

19 MAYOR SCARPELLI: Yes.

20 Commissioner Tucci?

21 COMMISSIONER TUCCI: Yes, I have five resolutions
22 congratulating the grand marshal and deputy grand marshal
23 and the honorees of the St. Patrick's Day Parade, who will
24 be here this evening.

25 So I will consolidate them, if that's okay, Town

1 Attorney?

2 MR. GENITEMPO: Of course.

3 COMMISSIONER TUCCI: Thank you.

4 I also have an award of contract to UGV
5 Construction to do some ADA alterations to the bathroom in
6 the police department across the street. This is was CDBG
7 funding and came in, I believe, just at the amount that we
8 got. So we were very fortunate.

9 COMMISSIONER PETRACCO: The bathroom's where?

10 COMMISSIONER TUCCI: Across the street.

11 COMMISSIONER PETRACCO: Okay.

12 COMMISSIONER TUCCI: Public Safety, police
13 department. They are in need.

14 COMMISSIONER PETRACCO: Yes.

15 COMMISSIONER TUCCI: I also have a joint
16 resolution that the mayor and I are putting forth
17 authorizing a 1-year extension of the agreement with
18 Teamsters Local 97 to continue and allow for a 2-percent
19 increase.

20 MADAM CLERK: Commissioner, I need (ph) for you to
21 read it into the record.

22 COMMISSIONER TUCCI: That's perfect. That's okay.
23 Thank you.

24 That's all I have.

25 MAYOR SCARPELLI: Thank you, Commissioner.

1 I have a public hearing on the rent control
2 ordinance that we've been over a couple times and two
3 resolutions, one for sealed bids for surplus equipment. And
4 the other is for approval of a raffle application for the
5 Knights of Columbus.

6 Madam Clerk?

7 MADAM CLERK: We just have the February minutes
8 for approval. And Holy Family has requested to do an off-
9 premise merchandise raffle on Sunday, July 15th . They
10 just need the approval to do that. And that's it.

11 MAYOR SCARPELLI: Counselor?

12 MR. GENITEMPO: We have a need for executive, I
13 need to get John Inglesino on the phone to bring us up to
14 date on the COAH litigation.

15 MAYOR SCARPELLI: All right.

16 So can I have a motion to go into executive for --

17 COMMISSIONER EVANS: Personnel.

18 MAYOR SCARPELLI: -- personnel and --

19 MR. GENITEMPO: Litigation.

20 MAYOR SCARPELLI: -- litigation.

21 COMMISSIONER TUCCI: Move it.

22 COMMISSIONER ROGERS: Second.

23 MADAM CLERK: Whereas, Section 8 of the Open
24 Public Meeting Act, Chapter 239, Public Law 1975, permits the
25 exclusion of the public from a meeting in certain circumstances;

and

1 Whereas, the public body is of the opinion that such
2 circumstances exists;

3 Whereas, the Board of Commissioners of the Township of
4 Nutley in the county of Essex, in the state of New Jersey, desires
5 to proceed to closed executive session;

6 Now, therefore, be it resolved, by the Board of
7 Commissioners of the Township of Nutley to move into closed
8 executive session to discuss personnel and litigation.

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 MADAM CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

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18 (Cross-talk)

19 (Audio ends in progress)

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TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

March 20, 2018

7:03 p.m.

BEFORE:

- Commissioner Steven L. Rogers
- Commissioner Mauro Tucci
- Commissioner Thomas J. Evans
- Commissioner Joseph E. Scarpelli
- Mayor Alphonse Petracco

ALSO PRESENT:

- Alan Genitempo, ESQ.

Transcribed by: Nicole Yawn

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P R O C E E D I N G S

MAYOR SCARPELLI: Everybody, please stand for the flag salute.

(Pledge of Allegiance)

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Yes, Mayor?

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Thank you.

Board of Commissioners public meeting, Tuesday, March 20th, 2018. The time is 8:06.

Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the December 14, 2017 issues of the Nutley Sun, the Herald News, and the Star Ledger. A copy of this notice has been posted on the Nutley Town Hall bulletin board, and a copy is on file in the municipal clerk's office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

1 MADAM CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Here.

3 We're going to go a little out of order with the
4 agenda, and we apologize for making you wait tonight.
5 Unfortunately, we had some business that we had to take
6 care.

7 So I'm going to turn it over to Commissioner
8 Tucci.

9 COMMISSIONER TUCCI: Thank you, Mayor.

10 Let me begin by saying the folks we are going to
11 be honoring this evening are another bumper crop, the
12 quality of the people that have been named by our Nutley
13 Irish unbelievably surpass previous years. And every year,
14 when we think okay, that's it, we've hit the top of the bar,
15 we go another step higher. So I want to first start by
16 thanking Tom McEnery and all the officers of the Nutley
17 Irish for all the good work that they do, for the wonderful
18 parade that they put on, and for their selection of
19 honorees, which are just unbelievable year-after-year. So
20 having said that, I'm going to make this as short as
21 possible, without shortchanging anyone and acknowledging
22 everyone's credentials and accomplishments.

23 WHEREAS, on Saturday, March 3rd, the Nutley Irish
24 American Association held its 40th Annual St. Patrick's Day
25 Parade to celebrate the legend and spirit of St. Patrick

1 through a fun, good old-fashioned parade and to promote an
2 atmosphere of benevolence, friendship, and community spirit;
3 and

4 WHEREAS, St. Patrick's Day honors the cultural
5 traditions of the Irish, but also the historic American
6 commitment to embrace the multi-faceted traditions of all
7 immigrant people who have come to our shores; and

8 WHEREAS, the Nutley Irish American Association
9 celebrated its Annual St. Patrick's Day Parade grand marshal
10 dinner on Friday, February 16th, 2018, at Nanina's in the
11 Park; and

12 WHEREAS, this year's grand marshal is Patrick
13 Colligan; and

14 WHEREAS, Patrick is one of six children of the
15 late Francis, Frank, and Thelma Colligan; and

16 WHEREAS, Patrick's childhood dream of becoming a
17 police officer came true in August 1992, when he joined the
18 Franklin Township Police Department. His dedicated service
19 was succeeded by well over a dozen awards, citations, and
20 commendations; and

21 WHEREAS, Patrick had the honor of becoming
22 president of the 33,000-member-strong New Jersey State PBA
23 on July 21, 2014, where he is continuing his life's work in
24 developing relationships with the New Jersey Legislature,
25 making a significant mark on the organization; and

1 WHEREAS, Patrick and his wife, Lynette, reside in
2 East Brunswick, where they are raising their three beautiful
3 children, Kayleigh, Connor, and Brenna.

4 Am I saying that correctly?

5 (No audible response)

6 COMMISSIONER TUCCI: Okay. I don't want to
7 mispronounce her name.

8 AND WHEREAS, Patrick is extremely proud of his
9 Irish heritage, he has been a member of the Central Jersey
10 Police Emerald Society since 1993 and served on the
11 executive board as vice president for 8 years.

12 WHEREAS, this year's deputy grand marshal is
13 Nutley's own Tammi Tribble; and

14 WHEREAS, Tammi is one of five proud children of
15 Kevin and Diane Cassidy; and

16 WHEREAS, Tammi moved to Nutley at the age of 13,
17 where she became active in many community events and
18 organizations, including Nutley'S Relay For Life Committee,
19 where she currently is serving as chairwoman. She is also
20 owner of Photo Arts Productions Photography Studio, creator
21 of the "Walking in Faith Fashion Show", a fundraiser created
22 in memory of her late husband, Wayne, caretaker to elderly
23 and an active member of the Rosary Society at St. Mary's
24 Church; and

25

1 WHEREAS, Tammi is the proud wife of the late Wayne
2 Tribble and mother to Ashley, who is the apple of her, eye,
3 understandably; and

4 WHEREAS, Tammi's endless charitable work and
5 fundraising efforts has made her a role model in our
6 community, raising cancer awareness as well as much-needed
7 funds for the American Cancer Society; and

8 WHEREAS, this year's parade queen is Tara Connor;
9 and

10 WHEREAS, Tara is a life-long resident of Nutley, a
11 2012 graduate of Nutley High School, and a 2016 graduate of
12 Muhlenberg College in Allentown, P A., graduating with a
13 Bachelors of Arts degree in English and a certificate for
14 secondary Education. She currently works as a middle school
15 teacher at the Academy of Saint Joseph of the Palisades in
16 West New York, NJ; and

17 WHEREAS, The Connor Family trace their roots back
18 to County Roscommon, Ireland. Tara's paternal grandmother,
19 Anna, Grannie, O'Grady was from Lung -- I'm going to mess
20 this one up. This is a tough one here. Ballaghaderreen?
21 Am I close?

22 UNIDENTIFIED SPEAKER: Ballaghaderreen.

23 COMMISSIONER TUCCI: That's close. Okay.

24 -- while her grandfather Dank, Grandpa, was from
25 Tibohine. They eventually emigrated from Ireland and

1 resided in Brooklyn, New York before settling down in North
2 Arlington. New Jersey; and

3 WHEREAS, the 2018 Member of the Year -- again, is
4 no stranger to us here -- is Ellen Bennett; and

5 WHEREAS, Ellen is one of three children and was
6 born and raised in Belleville by her loving parents, Anne
7 and Michael Bennett, who she attributes her love for her
8 Irish culture to; and

9 WHEREAS, Ellen is an active member of the NIAA,
10 volunteering at various events, including representing the
11 Nutley Irish American Team as captain; she is also an active
12 parishioner of Holy Family Church; and

13 WHEREAS, Ellen enjoyed Irish Step Dancing from the
14 age of 5 through college, competing in various competitions,
15 performing in parades, along with dancing on the stages at
16 both Radio City Music Hall and Carnegie Hall.

17 Very impressive.

18 AND WHEREAS, this year's Police Officer of the
19 Year -- again, no stranger to us here in Nutley -- is James,
20 Joe, O'Halloran; and

21 WHEREAS, Joe was born to the late Joseph, Butch,
22 and Vicki O'Halloran and is a fifth generation Irish
23 American; and

24 WHEREAS, Joe has resided in Nutley for over 50
25 years, where he has proudly served on the Nutley Police

1 Department from 1997 to 2014 in the Patrol Division, before
2 becoming the township's Traffic Safety Officer as well as
3 the first motorcycle officer in 20 years; and

4 WHEREAS, Joe is the proud father of 4 beautiful
5 children Samantha, Kelly, Joseph and Aidan and blessed to
6 have his mother and their grandmother, Vicki, to help and
7 provide guidance to the family; and

8 NOW, THEREFORE, BE IT RESOLVED that the Board of
9 Commissioners of the Township of Nutley, County of Essex,
10 State of New Jersey, join with the citizens of Nutley to
11 salute and congratulate all of our 2018 honorees.

12 I move this resolution.

13 (Applause)

14 MADAM CLERK: We need a second.

15 MAYOR SCARPELLI: Okay, we need a second.

16 MR. GENITEMPO: Second.

17 COMMISSIONER EVANS: Second.

18 MADAM CLERK: Thank you.

19 Commissioner Rogers?

20 COMMISSIONER ROGERS: All of you are wonderful
21 role models for young people to follow, and I thank you for
22 all the kind work that you've done over the years. And God
23 bless you.

24 And I vote yes.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: I vote aye.

2 And again, I am just so proud to be associated
3 with this organization and to help support this parade and
4 all the good work of the Nutley Irish. You guys are the
5 best.

6 Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 I, like Commissioner Tucci, am proud to be part of
10 the Nutley Irish Organization, but it goes beyond that,
11 because of your ongoing willingness to volunteer and to
12 support those, for whatever purpose and whatever need.

13 So absolutely, aye. And I'm happy to do it.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: I vote aye also. It's a
16 great organization, a great time. I have to be honest with
17 all of you. I don't remember much after the parade that
18 day, because there was -- so many people were out and there
19 was so -- it was just a lot of fun. And you guys really do
20 it the right way, and you give back to the community. So
21 God bless all of yous.

22 And I vote aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Congratulations to all the well-
25 deserving honorees. Congratulations on a great parade. It

1 really brings people out to our community, and our
2 businesses enjoy the fruits of your labor. So we thank you.

3 And I vote aye.

4 COMMISSIONER TUCCI: Can we all come up, please,
5 all of our honorees, for a photo?

6 (Pause)

7 (Applause)

8 MAYOR SCARPELLI: Mr. McEnergy?

9 MR. MCENERY: Hi, Mayor.

10 Hi, Commissioners.

11 As President of Nutley Irish, I wanted to say a
12 few words.

13 This parade couldn't go on if it wasn't for the
14 five of you, to tell you the truth. So far, we marched in
15 Nutley, Rutherford, Newark, West Orange. And every time we
16 walk behind that Nutley banner, I'm so proud because
17 everybody yells Nutley. They don't yell Nutley Irish. They
18 yell Nutley.

19 But we represent the town is our organization,
20 which we're also proud of. We've got over 350 members,
21 which are dedicated to the town. What we do -- we give back
22 to the community, just like we do -- all the money that
23 comes in goes to scholarships, back to other things. We
24 don't promote ourselves.

25 I'm not like here to promote ourselves, but we

1 give to a lot of organizations. And we don't take pictures
2 and everything like that. But I just want to thank the
3 trustees and everything for -- and the dignitaries of
4 everything they did.

5 And I really want to thank you five gentlemen for
6 everything, the support you give us through the year, not
7 just today, the year. You're always there for us, and I
8 want to thank you from the bottom of my heart. Okay?

9 We've been doing this a long time, and this is one
10 of the best parades in the state. And a lot of people tell
11 us that. And everybody comes back to Nutley that moved to
12 Tom's River, Brick. I met people that day.

13 They just come back for the parade, because they
14 love the town. They love the parade. So I want to thank
15 you again.

16 MAYOR SCARPELLI: You're welcome. And thank you.

17 COMMISSIONER TUCCI: Thank you.

18 (Applause)

19 COMMISSIONER TUCCI: Patrick?

20 MR. COLLIGAN: First of all, for a guy named
21 Tucci, you did pretty well on the Irish.

22 COMMISSIONER TUCCI: Pretty good, huh? I
23 practiced.

24 MR. COLLIGAN: I thought that was -- I applaud
25 you. Thank you.

1 I was given this honor, and I've got to tell you.
2 I know you have a great town. We know how good the police
3 department is, because I represent them. But I have a good
4 group of guys and girls over there.

5 But I just wanted to say the welcome mat came out
6 here in Nutley. You have one heck of a town here. I know
7 you're all proud of it, and I'm proud to stand with the
8 other dignitaries. I really felt welcome here. There
9 wasn't one minute coming into Nutley that I didn't feel
10 welcome and feel part of the community.

11 And I know that I have a sash that I know I have
12 to return for about the next 20 or 30 years, and I'll be
13 here. So thank you for the honor. Thank you for the
14 resolution tonight. We appreciate it. Thanks.

15 MAYOR SCARPELLI: Thank you.

16 COMMISSIONER TUCCI: Thank you, Pat.

17 (Applause)

18 MAYOR SCARPELLI: You guys are welcome to stay and
19 listen to the rest, or you can take a timeout.

20 COMMISSIONER TUCCI: Eh, this is a smart group.

21 COMMISSIONER PETRACCO: Yeah.

22 (Pause)

23 MAYOR SCARPELLI: Madam Clerk?

24 MADAM CLERK: Yes, Mayor.

25 MAYOR SCARPELLI: Minutes?

1 MADAM CLERK: Yes, we have Board of Commissioners
2 meeting minutes from February 20th, 2018.

3 Can I have a motion, please?

4 COMMISSIONER EVANS: Move it.

5 COMMISSIONER ROGERS: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 Correspondence?

17 MADAM CLERK: Yes, Mayor. The Knights of Columbus
18 Holy Family Council has submitted a letter requesting
19 permission to hold an off-premise merchandise raffle on
20 Sunday, July 5th, 2018 at 1:05 p.m. on their premises, 28
21 Brookline Avenue, in Nutley.

22 I need a motion, please.

23 COMMISSIONER ROGERS: Move it.

24 COMMISSIONER EVANS: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 MADAM CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 Reports?

11 Commissioner Evans?

12 COMMISSIONER EVANS: Yes, I have a Code
13 Enforcement Department report for February 2018.

14 MAYOR SCARPELLI: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Yes, we have a Department
16 of Public Safety report, with all our calls of service. A
17 lot of -- a lot of detailed information for the month of
18 February. Just to give everyone an idea, we went on -- our
19 police department went on 1,577 calls for service. Thank
20 you.

21 MAYOR SCARPELLI: Bills?

22 MADAM CLERK: Yes, Mayor. Bill list for March
23 20th, 2018 -- Public Affairs, \$81,015.09; Revenue and
24 Finance, \$6,632,289.01; Public Safety, \$18,653.58; Public
25 Works, \$41,113.54; Parks and Public Property, \$115,663.86;

1 Water Utility, \$326,685.10; Total payroll, \$842,525.37, for
2 a grand total of \$8,057,946.55.

3 COMMISSIONER EVANS: Move the bills.

4 COMMISSIONER PETRACCO: Second.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 MADAM CLERK: And that's it for bills, Mayor.

16 MAYOR SCARPELLI: Public comment on agenda items
17 only.

18 Madam Clerk?

19 MADAM CLERK: Yes, Mayor.

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

1 mayor. The mayor may defer citizens' comments to the
2 appropriate member of the board. Dialogue between citizens
3 and others addressing the board shall be allowed, unless the
4 mayor or presiding officer or the majority of the membership
5 of the board shall determine that the interests of decorum
6 and/or the expeditious conduct of municipal business are
7 being adversely affected by such dialogue.

8 MR. MOORE: Rory Moore (ph), 462 Chestnut Street.

9 Mr. Scarpelli, on the bill list, fifth item down,
10 each department paid 406 to illegal (ph) municipalities. Do
11 you know what that was for?

12 MAYOR SCARPELLI: Where is this, Mr. Moore?
13 Where?

14 MR. MOORE: The bill list, first page of the bill
15 list.

16 MAYOR SCARPELLI: Go ahead.

17 MR. MOORE: Fifth one down, all departments pay
18 \$406 for illegal municipalities.

19 (Pause)

20 COMMISSIONER EVANS: It's the dues.

21 COMMISSIONER ROGERS: I think that's our dues. We
22 all pay --

23 MAYOR SCARPELLI: It's the dues?

24 COMMISSIONER EVANS: The annual dues.

25 COMMISSIONER ROGERS: I think every department

1 pays that.

2 MAYOR SCARPELLI: Annual dues. It's across the
3 board.

4 COMMISSIONER ROGERS: Uh-huh.

5 MAYOR SCARPELLI: It's the dues.

6 MR. MOORE: Okay, that's the dues for the league
7 (ph) itself?

8 MAYOR SCARPELLI: Yes.

9 MR. MOORE: Okay, great. And I do have --
10 Mr. Evans, I do have two questions. I think, they're
11 appropriate. Your ordinance -- could you explain it,
12 please, 3382? If you could, just a little --

13 COMMISSIONER EVANS: Yeah, I can.

14 MR. MOORE: Could you explain that, please?

15 COMMISSIONER EVANS: Absolutely.

16 MR. MOORE: Briefly, (indiscernible)?

17 COMMISSIONER EVANS: Absolutely. When we
18 introduce that ordinance, I was going to explain it, but
19 I'll do it here now.

20 MR. MOORE: Oh, okay, that's --

21 COMMISSIONER EVANS: But I'd be happy to do it
22 right now.

23 MR. MOORE: You don't have to do it again.

24 COMMISSIONER EVANS: No, you're asking a question.
25 I'd be happy to answer it.

1 We are, by statute, allowed to create a Cap Bank.
2 It's a memorandum entry. It's not -- it's actually -- there
3 is no funds attached to it. It is allowed to stay in effect
4 for two years. So when we are in a position, as we are this
5 year, where we don't need to use all of our appropriation
6 dollars, right, to, in effect, to the maximum limit.

7 The difference -- we're allowed to bank that, so
8 that, in a subsequent year, if we need it, we can -- we can
9 use that to -- for obligations. If an extraordinary item
10 came up and it changed our appropriation, we would still be
11 within statute, if that happened. We are not in that
12 situation.

13 So it becomes, in effect, a paper entry. And we
14 renew it every year, because it only lasts for two years.
15 So the two years -- this year, the 2018, we will renew it,
16 and 2016 will drop off the list. So it's just it's a matter
17 of having the bank, if, in the event, we one day need it.

18 MR. MOORE: Okay, thank you.

19 COMMISSIONER EVANS: It's conservative.

20 MR. MOORE: And there was one other. The
21 employment -- I know it came up as -- you're introducing it
22 as a resolution?

23 COMMISSIONER EVANS: Yes.

24 MR. MOORE: Could you explain that briefly,
25 please?

1 COMMISSIONER EVANS: Sure. DCA required that,
2 upon submittal of our budget this year, we needed to provide
3 a resolution of the governing body that basically affirms
4 that the governing body is aware of the rules associated
5 with assessing employment opportunity when an individual has
6 a criminal record. And so, we have to submit it. So it's
7 actually for the whole board, but it's in my area. But
8 that's just what it relates to. So there's guidance that we
9 have to follow.

10 MR. MOORE: Thank you.

11 MAYOR SCARPELLI: Would anybody else like to
12 address the Board of Commissioners on agenda items only?

13 MS. LANDRY: Penny Landry, 135 Lakeside Drive.
14 This is on the monthly revenue report.

15 (Buzzer going off)

16 MADAM CLERK: Sorry.

17 MS. LANDRY: There is a line item section called
18 Special Trust Fund. And the amount shown in the Special
19 Trust Fund is \$4,500. Could you explain what a Special
20 Trust Fund is?

21 COMMISSIONER EVANS: I'm not sure which one you
22 are referring to.

23 MS. LANDRY: Monthly revenue report February 2018.
24 It's the three items, or (ph) escrow deposits, planning
25 escrow deposits.

1 COMMISSIONER EVANS: Sure.

2 MS. LANDRY: And one of particular interest --

3 COMMISSIONER EVANS: Yes, when an applicant files
4 before the --

5 MS. LANDRY: Can I just ask my particular
6 question?

7 COMMISSIONER EVANS: Oh, sure.

8 MS. LANDRY: It says COAH, Council on Affordable
9 Housing, Trust, \$3,000. Could you tell me what the source
10 of that \$3,000 is?

11 COMMISSIONER EVANS: What the exact -- who paid
12 the \$3,000? I don't have that information with me. But
13 under the COAH laws, right now, if someone is to actually do
14 residential development, there is a fee that's charged
15 that's -- it's 1.5 percent.

16 MS. LANDRY: How much percent?

17 COMMISSIONER EVANS: 1.5 percent.

18 MS. LANDRY: 1.5 percent of what?

19 COMMISSIONER EVANS: Right, the assessed value.

20 MS. LANDRY: Of the assessed value? And so, in
21 February 2018, what development was that?

22 COMMISSIONER EVANS: It's \$3,000. It's very
23 small, and it could be an individual house, right? Not an
24 apartment building or something large.

25 MS. LANDRY: Okay. So you're saying we collect

1 1.5 percent as a fee on residential developments?

2 COMMISSIONER EVANS: Correct, yes.

3 MS. LANDRY: So there was a new house built in --

4 COMMISSIONER EVANS: Could be. I don't have the
5 details of that.

6 MS. LANDRY: You don't have the details?

7 COMMISSIONER EVANS: But in principle, COAH fees
8 are collected when development occurs for residential
9 development in the amount of 1.5 percent.

10 MS. LANDRY: Okay.

11 COMMISSIONER EVANS: I don't have the specifics of
12 that 3,000 with me tonight.

13 MS. LANDRY: So would you know how much is in the
14 entire COAH fund right now from this collection of 1.5
15 percent?

16 COMMISSIONER EVANS: Sure. I don't have the exact
17 amount, but it's in --

18 MS. LANDRY: Could you guess?

19 COMMISSIONER EVANS: It's in excess of \$400,000.

20 MS. LANDRY: So we have \$400,000 in a COAH trust
21 account? And how is that money disbursed, that \$400,000?

22 COMMISSIONER EVANS: Sure, there's things that it
23 can be used for. So one of those areas that it can be used
24 for is to, in effect, fund to cover the costs for
25 litigation. So as a city, we are -- and the township, we

1 are involved in litigation with regard to COAH in terms of
2 what our fair share housing requirement is. And we've been
3 in litigation for that.

4 So one, it could cover up to 20 percent of the
5 amount, the fees, all right, for that. The rest of the
6 money stays. And normally, under COAH, you would have five
7 years to disburse the money, using a -- establishing a
8 criteria. And the money could be used up to \$10,000 per --
9 like a family in need. So to do structural improvement,
10 like a new roof or a new furnace, we could distribute the
11 money that way.

12 Because COAH has been frozen and it's in the
13 courts and with litigation, we're still waiting to
14 understand what could be used -- how we could distribute
15 those funds. But it would go through a very formal process.

16 MS. LANDRY: Okay. So that is up to \$10,000 per
17 application?

18 COMMISSIONER EVANS: Right, when we're able to
19 take applications. But as of right now, we're not -- and
20 we're not allowed.

21 MS. LANDRY: And you met in executive session
22 tonight to get an update on the COAH litigation; am I
23 correct?

24 COMMISSIONER EVANS: Yes.

25 MS. LANDRY: Okay. And when will the citizens be

1 informed of the status of the litigation?

2 COMMISSIONER EVANS: That's -- Alan?

3 MR. GENITEMPO: When we're in a position to reveal
4 any potential settlement or conclusion. Up to now, we can't
5 reveal any of the details.

6 MS. LANDRY: Okay. So a potential settlement, you
7 think, might be forthcoming?

8 MR. GENITEMPO: That's possible.

9 MS. LANDRY: Possible?

10 MR. GENITEMPO: But we're not there yet.

11 MS. LANDRY: We're not there yet? Okay, thank
12 you.

13 MAYOR SCARPELLI: Would anybody else like to
14 address the Board of Commissioners on agenda items only?

15 Seeing none, we'll go to Board of Commissioner
16 announcements.

17 Commissioners?

18 Commissioner Tucci?

19 COMMISSIONER TUCCI: I just have one announcement,
20 Mayor.

21 I'd just like to thank my Parks Department -- I
22 know it sounds a little self-serving. And I don't usually
23 do it. But for all the storms combined, so far, we have
24 responded to over 104 calls relative to storm damage. And I
25 believe the only cleanup that we have left is some trees

1 that have been falling and some damage in our parks. So I'd
2 like to thank my entire Parks Department for the effort put
3 forth in keeping our roads open and keeping o people safe.

4 MAYOR SCARPELLI: Hopefully, we don't need them
5 again tonight.

6 COMMISSIONER TUCCI: Hopefully, not. Take out the
7 rosary beads.

8 MAYOR SCARPELLI: Would anybody else --
9 Commissioner?

10 COMMISSIONER PETRACCO: I have a little
11 announcement to make, too. I just wanted to update
12 everyone. Today I met with the state police cyber units
13 today about, you know, how we can manage through all of the
14 Internet, any threats. And I just wanted to mention their
15 names. Trooper Brad Baylor (ph) was there, along with
16 Christopher Kaye (ph).

17 It was an unbelievable experience, and there's a
18 lot to learn there. And there's a lot to do to prevent
19 things from happening. So it was an interesting afternoon,
20 and I just wanted to, you know, give them a big thank you
21 from our commission meeting.

22 MAYOR SCARPELLI: Thank you, Commissioner.

23 COMMISSIONER EVANS: I'm happy about that. I was
24 happy to be able to set that up.

25 COMMISSIONER PETRACCO: Yeah, it was great.

1 COMMISSIONER EVANS: I'm glad -- I'm glad that
2 happened. Really excited about that.

3 Mayor?

4 MAYOR SCARPELLI: Any other announcements?

5 COMMISSIONER EVANS: Just a simple follow-up. I
6 planned to do the same thing as Commissioner Tucci.

7 The last storm, where the governor announced a
8 state of emergency at 8 o'clock Tuesday night, before the
9 storm came. I just wanted to thank, again, my team, because
10 the next morning, when you have a state of emergency, you
11 know, non-essential employees can be home. But town hall
12 was open, because our employees came in for that.

13 And so, we acknowledge the police. We acknowledge
14 the DPW for their efforts. But I think, you know, we are
15 fortunate in that we have many dedicated employees in town.

16 COMMISSIONER ROGERS: And the Parks.

17 COMMISSIONER EVANS: You did.

18 MAYOR SCARPELLI: All right.

19 COMMISSIONER EVANS: All right, all right.

20 MAYOR SCARPELLI: Let's go to ordinance
21 introductions.

22 Commissioner Evans?

23 COMMISSIONER EVANS: Thank you.

24 I have Ordinance No. 3382, which relates to our
25 Cap Bank, which I just recently explained. I move that this

1 ordinance be passed to a second reading and advertised in
2 the Nutley Sun, together with the notice required by law and
3 that further consideration of said ordinance for final
4 passage by the Board of Commissioners be held at its second
5 reading, on February 20th, 2018.

6 So move.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Oh, I'm sorry. April 17th.
14 I'm sorry. Just to correct the date. I read the wrong
15 line.

16 Aye.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 All right, public hearings.

22 This is Ordinance No. 3380, an ordinance to amend
23 an ordinance codified in the Code of the Township of Nutley,
24 Chapter 532 entitled Rent Control, particularly Article I,
25 Rent Control Procedures, Section 5 and 6.

1 Would anybody like to be heard on Ordinance No.
2 3380?

3 (Pause)

4 MS. LANDRY: Penny Landry, 135 Lakeside Drive.
5 The ordinance calls for an owner or a -- "and a landlord to
6 make an application to the Rent Leveling Board for increased
7 rents in an apartment building based on economic hardship
8 relating to that building, if the landlord is qualified
9 under Subsection (a)(2), where the landlord is unable to
10 realize a 7 percent return on investment." So this
11 ordinance says that, if -- I just want to be clear. If the
12 owner of an apartment building is unable to have a 7 percent
13 return on their investment, then they can increase the rent,
14 but it doesn't really say how much they can increase the
15 rent, or at least I missed that.

16 Could someone explain how much they are able to
17 increase the rent, if they are not making a 7 percent return
18 on their investment, and what number do we use as their
19 investment? Is it the cost of the building? What is that
20 number return on investment based on?

21 COMMISSIONER TUCCI: Go to Page 2.

22 MAYOR SCARPELLI: Page 2?

23 COMMISSIONER TUCCI: Number 8.

24 (Pause)

25 MAYOR SCARPELLI: Number 8 on Page 2 tells them

1 how much they can exceed. "Shall not exceed 15 percent."

2 MS. LANDRY: Okay. What was it again?

3 MAYOR SCARPELLI: Yeah. 15 percent.

4 MS. LANDRY: So they can increase rents by 15
5 percent, --

6 MAYOR SCARPELLI: If they're having --

7 MS. LANDRY: -- after 12 months --

8 MAYOR SCARPELLI: And they have to bring it to the
9 Rent Leveling Board for approval.

10 MS. LANDRY: Okay. So they go to the Rent
11 Leveling Board, and they say I have less than a 7 percent
12 return on my investment, and I would like to raise my rents
13 15 percent. And then who makes that decision?

14 MAYOR SCARPELLI: The Rent Leveling Board.

15 MS. LANDRY: The Rent Leveling Board? And does
16 the Rent Leveling Board have a chairman?

17 MAYOR SCARPELLI: Yes.

18 MS. LANDRY: And who is that?

19 MAYOR SARPELLI: Jim Kuchta.

20 MS. LANDRY: Jim Kuchta is the chairman?

21 MAYOR SCARPELLI: Yes.

22 MS. LANDRY: And who is the attorney?

23 MAYOR SCARPELLI: Joe Hannon.

24 MS. LANDRY: Joe Hannon? And what is the basis
25 for return on investment? Is it the cost of the building?

1 What is it?

2 MAYOR SCARPELLI: Mr. Genitempo, you have any
3 answer to that?

4 MR. GENITEMPO: Mr. Mayor, I really don't know.
5 This is just an amendment just to give the Rent Leveling
6 Board more authority to conduct a hearing and to inquire
7 from the landlord and to make the landlord provide the
8 information that they need to make that judgment. There's
9 no criteria. It's going to be -- I'm not aware of the
10 criteria. But the Rent Leveling Board has the authority to
11 have that hearing and determine whether the landlord is in
12 need of a hardship increase.

13 And this ordinance was really cleaned up to give
14 them more authority to do that. So that's not changed --
15 that's not --

16 MS. LANDRY: There is --

17 MR. GENITEMPO: That part was not changed from the
18 original ordinance. Really, some of the enforcement and the
19 notification and the hearing issues were changed to make it
20 more -- give the Rent Leveling Board more authority to
21 handle that.

22 MS. LANDRY: Okay.

23 MR. GENITEMPO: So the part that we're talking
24 about was not changed.

25 MS. LANDRY: But the part -- was the part changed

1 about the 15 percent increase? Is that a change?

2 MR. GENITEMPO: No, that did not change.

3 MS. LANDRY: That's the same?

4 MR. GENITEMPO: Yeah, that did not change.

5 MS. LANDRY: And then, the --

6 MR. GENITEMPO: All right, let me just say I don't
7 believe that changed. It's been a while since we made these
8 amendments, but I don't believe that was changed at all.

9 MS. LANDRY: Okay. So given that there seems to
10 be some question about what changed or what didn't change, I
11 would like to make a request as part of this hearing that
12 the five commissioners become fully versed in what did
13 change or what stayed the same.

14 MR. GENITEMPO: I don't think that's necessary,
15 because we worked off of a version that was also redlined to
16 show them the changes.

17 MS. LANDRY: Can I finish making my request,
18 please?

19 MR. GENITEMPO: Certainly.

20 MS. LANDRY: Thank you. That the Board of
21 Commissioners thoroughly study this and understand what
22 changes were made or what stays the same before voting on
23 it. Thank you.

24 MR. GENITEMPO: All right.

25 May I, Mayor? Mr. Mayor?

1 MAYOR SCARPELLI: Sure.

2 MR. GENITEMPO: This was -- this was some -- we
3 did this some time ago, if you may remember. And we made
4 several changes that were redlined so the commissioners
5 could follow the changes. We had Mr. Hannon and Mr. Kuchta
6 to come and explain to the commissioners what the changes
7 were and why they were -- what they were needed for.

8 This was just -- we kind of neglected to actually
9 put this up for a vote, so I believe -- and again, of
10 course, I defer to the commissioners. But this has been
11 vetted by the commissioners and read, and they suggested
12 changes to it, actually, that ended up in the -- in the
13 ordinance. So I just want that to be on the record as to
14 what took place. You may not remember.

15 We deal -- we deal with a lot of ordinances. So
16 this one we spent a lot of time on, about a year ago, I
17 would think, perhaps it was. So anyway, I just wanted to
18 bring that to your attention.

19 MAYOR SCARPELLI: Anybody else like to be heard on
20 Ordinance No. 3380?

21 Seeing none, move to close the public hearing.

22 COMMISSIONER ROGERS: Second.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: I abstain.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 Move the ordinance.

9 COMMISSIONER TUCCI: Second.

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: I abstain.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 Budget introduction?

21 Commissioner Evans?

22 COMMISSIONER EVANS: Thank you, Mayor.

23 Tonight we have to meet our statutory requirement

24 to introduce our budget for 2018. This is an introduction.

25 Because our state aid hasn't been finalized yet, we will not

1 be able to adopt a budget, consistent with last year, closer
2 to the June timeframe. Once the state gets closer to
3 reconciling their budget, we will be able to get
4 authorization to adopt ours.

5 It is not something that we are holding off on
6 waiting for because we've made -- we will be making
7 application for transitional aid. It is a requirement that
8 we have to wait for the state's approval before we can adopt
9 our budget.

10 As you know -- and we've talked about this before
11 for some of you -- that the commissioners were working very
12 hard in this fall to begin to look for areas where we can
13 reduce our spending and to control our overall costs. That
14 was -- and reality is how do we absorb revenue loss.

15 Last year, we were able to delay an increase in
16 our taxes in the November tax bills by identifying a series
17 of cuts to our budget last year once we were notified late
18 in the year that our state aid was going to be lower than
19 what we were told. So we had to absorb in November \$1
20 million in order to avoid an adjusted bill in the November
21 timeframe. Recognizing that that's only one-time revenue,
22 we have to look to this year to figure out how do we absorb
23 that fully.

24 So the commissioners, which collectively have been
25 unanimous in terms of trying to figure out how we save money

1 and absorb that. At this point in time, from an
2 appropriations standpoint, our budget introduction, we have
3 a \$64,000 increase in appropriations. So when you look at
4 the pluses and minuses overall, we've been able to keep
5 appropriations substantially flat.

6 The areas where we have a problem is on the
7 revenue side. We don't have the revenue to replace the
8 revenue that were able to be used last year. And that's
9 highly dependent upon -- solving that is highly dependent
10 upon how we resolve our state aid with the state of New
11 Jersey in terms of our transitional aid.

12 We were in a better position, given the work that
13 the commissioners did, to actually have lower -- further
14 reductions in our appropriations. But three major things
15 occurred, and two of those were bills that we received. So
16 we were planning on the fact that our sewer bill would not
17 increase, because of what we were -- we were told earlier.
18 But when the bill came through, that bill was \$187,000
19 higher than what was anticipated. So we have to account for
20 that in 2018's budget process.

21 The second element of our challenge was that we
22 received our pension bill from the state of New Jersey,
23 which reflected a \$389,000 increase in the cost of pensions.
24 So --

25 (Pause)

1 COMMISSIONER EVANS: Are we okay?

2 MAYOR SCARPELLI: Yep.

3 COMMISSIONER EVANS: Okay.

4 The last thing that impacted us, from an
5 appropriation side, was the fact is that, in our water
6 utility, we had actually lower revenues, so lower water
7 consumption, than what we historically have, requiring an
8 adjustment that the operating budget has to absorb right now
9 until we can evaluate what the trend of that will be -- for
10 \$343,000. So lower revenues in the water utility related to
11 consumption, a higher sewer bill, and a higher pension bill.
12 All total, that's \$919,000, of which we were fully prepared
13 to absorb. But those bills came in, and there's no
14 opportunity to absorb those right now.

15 The last piece relates to the fact that, while our
16 aid was cut to \$3.6 million, down from \$5.5 million,
17 statutorily, we can only anticipate 85 percent of the aid we
18 received the previous year. So since we received \$3.6
19 million and we can only anticipate 85 percent, there's a 15
20 percent shortfall in revenue or \$551,000. If you look at
21 those four items, it represents right now, on introduction,
22 the increase in the tax levy to the taxpayer right now,
23 which is \$1,466,451. Because this is not the adoption and
24 it's only introduction, we have to continue to find ways to
25 absorb these costs and resolve them.

1 So that's where we are tonight. So it's a
2 progress report. The commissioners are going to continue to
3 work through how we absorb these costs, if we can. And
4 again, we will not adopt our budget until later in the late
5 May, June timeframe, pending approval with the state of New
6 Jersey.

7 So with that, I will read the municipal budget of
8 the Township of Nutley, county of Essex for the fiscal year
9 2018.

10 BE IT RESOLVED, that the following statements of
11 revenue and appropriations shall constitute the municipal
12 budget for 2018;

13 BE IT FURTHER RESOLVED, that said budget be
14 published in the Nutley Sun in the issue of April 5th. The
15 governing body of the Township of Nutley does hereby approve
16 the following as the budget for 2018.

17 So move.

18 COMMISSIONER TUCCI: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Yes, on introduction.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Yes, on introduction.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Yes, on introduction.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 That's it, Commissioner?

5 COMMISSIONER EVANS: Thank you, Mayor.

6 MAYOR SCARPELLI: All right.

7 Let's go to resolutions.

8 Commissioner Tucci?

9 COMMISSIONER TUCCI: Yes, thank you, Mayor.

10 WHEREAS, bids for the remodel and ADA compliance
11 of the first floor restroom of the Nutley Public Safety
12 Building, at 228 Chestnut, were received and opened on
13 February 25th, 2018; and

14 WHEREAS, UGV Construction, 45 Harris Street,
15 Haledon, New Jersey, was the lowest responsible bidder at
16 \$45,100.00; and

17 WHEREAS, funds are available from CDBG Funding
18 Year 2017, from account number T19-909-901, in the amount
19 49,000 for the total project, and have been certified by the
20 chief financial officer, said certification being attached
21 to this resolution;

22 NOW, THEREFORE, BE IT RESOLVED by the Board of
23 Commissioners of the Township of Nutley, county of Essex,
24 state of New Jersey, that a contract for the remodel and ADA
25

1 compliance of the first floor restroom of the Nutley Public
2 Safety Building, be awarded to UGV Construction.

3 I move the resolution.

4 COMMISSIONER EVANS: Second.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER TUCCI: This next resolution I
16 introduce on behalf of myself and Mayor Scarpelli, and it
17 reads as follows.

18 WHEREAS, the duly authorized representatives from
19 the Township of Nutley in good faith have negotiated a
20 three-year collective bargaining agreement with the
21 Teamsters Local 97; and

22 WHEREAS, the municipal employees they represent
23 concerning wages, hours, terms and other conditions of
24 employment for the term January 1, 2013 through December
25 31st 2015; and

1 WHEREAS, the agreement has been lawfully and
2 properly ratified by the Teamsters Local 97 and Nutley's
3 authorized representatives and approved by the Board of
4 Commissioners; and

5 WHEREAS, said agreement was previously extended
6 through December 31st, 2016;

7 WHEREAS, the Teamsters Local 97 seek to further
8 extend the terms of such agreement for an additional year to
9 December 31st, 2017; and

10 WHEREAS, the Teamsters Local 97 and the Board of
11 Commissioners have approved and find it in the best interest
12 of the Township that the above mentioned amendment to the
13 agreement be executed;

14 NOW, THEREFORE, BE IT RESOLVED that the Board of
15 Commissioners of the Township of Nutley, county of Essex,
16 State of New Jersey hereby authorizes extension of said
17 agreement.

18 I move the resolution.

19 MAYOR SCARPELLI: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 COMMISSIONER TUCCI: That's all I have, Mayor.

6 MAYOR SCARPELLI: Commissioner Evans?

7 COMMISSIONER EVANS: Thank you, Mayor.

8 I have several resolutions. The first resolution
9 has a lot of words in it. It simply is authorizing NW
10 Financial Group to do the compliance review, which is not to
11 exceed \$1,500 related to our outstanding bond applications.

12 WHEREAS, the Township of Nutley, in the county of
13 Essex, New Jersey has previously issued its bonds, bond
14 anticipation notes and other debt obligations; and

15 WHEREAS, in connection with the issuance of
16 certain bonds and for purposes of assisting underwriters to
17 comply with Rule 15c-12 under the Securities Exchange
18 Commission Act of 1934, the township has covenanted and
19 entered into one or more undertakings or agreements to
20 provide continuing disclosure to the public marketplace; and

21 WHEREAS, the continuing disclosure obligation
22 requires the township to file certain financial information
23 and notice of certain events in specified places and at
24 specified times; and

25

1 WHEREAS, the Township is desirous of retaining a
2 professional firm that specializes in continuing disclosure
3 matters to make the necessary filings at the specified
4 places and specified times as part of the Township's
5 continuing disclosure obligation;

6 WHEREAS, funds are available in Account No. 8-01-
7 208-205, subject to adoption of our budget, and has been
8 certified by the chief financial officer, said certification
9 being attached to this resolution;

10 NOW, THEREFORE, BE IT RESOLVED, by the Board of
11 Commissioners of the Township of Nutley as follows.

12 The Mayor and township are hereby authorized and
13 directed to execute an agreement with NW Financial Group in
14 Hudson Place in Hoboken for services, professional audit
15 services for a total amount not to exceed \$1,500, in
16 accordance with a proposal dated March 9th, 2018.

17 This contract is awarded without competitive
18 bidding as a professional service in accordance with
19 N.J.S.A. 40all-5(1) (a) of the Local Public Contracts Law
20 because the contract is for a service performed by a person
21 authorized by law to practice a recognized profession that
22 is regulated by law.

23 Notice of this action shall be printed once in the
24 Nutley Sun, the legal newspaper of the Township of Nutley.

25 So move.

1 COMMISSIONER TUCCI: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 COMMISSIONER EVANS: As previously mentioned with
13 our budget submission, we're required to submit a record of
14 this resolution.

15 WHEREAS, N.J .S.A. 40A:4-5 as amended by P.L.
16 2017, c. 183, requires the governing body of each
17 municipality and county to certify that their local unit's
18 hiring practices comply with the United States Equal
19 Employment Opportunity Commission's Enforcement Guidance on
20 the Consideration of Arrest and Conviction Records in the
21 Employment Decisions Under Title VII of the Civil Rights Act
22 of before submitting its approved annual budget to the
23 Division of Local Governmental Services.

24 WHEREAS, members of the governing body have
25 familiarized themselves with the contents of the above-

1 referenced enforcement guidance and with their local unit's
2 hiring practices as they pertain to consideration of an
3 individual's criminal history, as evidenced by the group's
4 affidavit form of the governing body attached hereto;

5 NOW, THEREFORE, BE IT RESOLVED that the Board of
6 Commissioners of the Township of Nutley, hereby states that
7 it has complied with N.J.S.A. 40A:4-5, as amended by
8 certifying that the local unit's hiring practices comply
9 with the above-referenced enforcement guidance and hereby
10 directs the clerk to cause to be maintained and available
11 for inspection a certified copy of this resolution and the
12 required affidavit to show evidence of said compliance.

13 So move.

14 COMMISSIONER TUCCI: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25

1 COMMISSIONER EVANS: WHEREAS, the IRS has provided
2 guidance regarding the deductibility of prepaid 2018 taxes.

3 This resolution relates to the fact that, right
4 around the end of the year, taxpayers came in and some paid
5 a portion of the year for 2018. Some paid a half a year,
6 and some paid the entire year. Subsequent to those last
7 days of the year, the IRS has come out with guidance that
8 basically has said only the taxes that were previously
9 billed will be deductible on the 2018 tax returns. So if
10 someone has paid for the entire year and they would want a
11 return of that money, this is an authorizing resolution that
12 would allow that to happen.

13 SO WHEREAS, the IRS has provided guidance
14 regarding the deductibility of prepaid 2018 taxes;

15 WHEREAS, third and fourth quarter 2018 taxes have
16 not been levied; and

17 WHEREAS, the township wishes to permit refunding
18 payments made toward unbilled third and fourth quarter 2018
19 property taxes;

20 NOW, THEREFORE, BE IT RESOLVED, by the Board of
21 Commissioners, of the Township of Nutley, that a refund of
22 third and fourth quarter 2018 property taxes will be
23 permitted on the basis that said payments are in excess of
24 the tax or assessment levied at this time, under the
25 following conditions:

1 One, the refund will only be considered upon
2 written request of the taxpayer. Two, if a mortgage company
3 has made payment on a quarter that has already been paid by
4 the property owner, the refund shall be made to the mortgage
5 company.

6 So move.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER EVANS: BE IT RESOLVED, by the Board
19 of Commissioners of the Township of Nutley, in the County of
20 Essex, State of New Jersey, that the Treasurer be and she is
21 hereby authorized to refund overpayments of the tax charges
22 in the amount of \$19,266.50 for the following blocks and
23 lots contained herein.

24 So move.

25 COMMISSIONER TUCCI: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 COMMISSIONER EVANS: BE IT RESOLVED, by the Board
12 of Commissioners of the Township of Nutley, in the County of
13 Essex, State of New Jersey, that the Treasurer be and she is
14 hereby authorized to refund overpayment of the property
15 taxes in the amount of \$2,396.37 for Block 6504, Lot 9, due
16 to successful tax court judgment.

17 So move.

18 COMMISSIONER TUCCI: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 COMMISSIONER EVANS: BE IT RESOLVED, by the Board
5 of Commissioners of the Township of Nutley, in the County of
6 Essex, State of New Jersey, that the Treasurer be and she is
7 hereby authorized to refund overpayments of property tax in
8 excess of the tax or assessed levied -- this relates to my
9 previous resolution -- in the amount of \$8,529.32 for Block
10 4002, Lot 9.

11 So move.

12 COMMISSIONER TUCCI: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 MADAM CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 WHEREAS, the Township of Nutley has been
24 authorized to enter into contracts with NJSTART Contract
25 Vendors in 2018 by Resolution 295-17; and

1 WHEREAS, Leslie Digital Imaging LLC, in Cranbury,
2 New Jersey, South River Road -- excuse me, Cranbury South
3 River Road, Number 4 Jamesburg, New Jersey has been awarded
4 New Jersey State Contract #A404462/G-2075 for the term of
5 the contract ending January 11th, 2019; and

6 NOW, THEREFORE, BE IT RESOLVED, that the Board of
7 Commissioners of the Township of Nutley authorizes the
8 Purchasing Agent to purchase from Leslie Digital Imaging
9 LLC, utilizing the NJSTART contracts for the remainder of
10 the contract term.

11 So move.

12 COMMISSIONER TUCCI: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 MADAM CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 COMMISSIONER EVANS: Thank you, Mayor.

24 MAYOR SCARPELLI: Commissioner Petracco?

25

1 COMMISSIONER PETRACCO: WHEREAS, the Township of
2 Nutley Department of Public Safety has a need to acquire the
3 services of a Labor Counsel as a non-fair and open contract
4 pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5
5 as appropriate; and

6 WHEREAS, the Director of Public Safety has
7 determined and certified in writing that the value of the
8 acquisition will exceed \$17,500; and

9 WHEREAS, the anticipated term of the contract is
10 January 1st, 2018 through December 31st, 2018 and may be
11 extended as approved by this governing body; and

12 WHEREAS, the law offices of Scarinci and
13 Hollenbeck, LLC, has submitted a proposal indicating they
14 provide labor counsel at a rate of \$150 per hour; and

15 WHEREAS, the firm Scarinci and Hollenbeck has
16 completed a Business Entity Disclosure Certification which
17 certifies that the firm has not made any reportable
18 contributions to a political or candidate's committee in the
19 Township of Nutley in the previous one year, and that the
20 contract will prohibit the firm of Scarinci and Hollenbeck
21 from making any reportable contributions through the term of
22 the contract; and

23 WHEREAS, funds are available from account 8-01-
24 012-205 not to exceed 50,000 and will be appropriated in the
25 2018 Budget, and have been certified by the Chief Financial

1 Officer, said certification being attached to this
2 resolution;

3 NOW, THEREFORE, BE IT RESOLVED that the Board of
4 Commissioners of the Township of Nutley authorizes a
5 contract with the firm of Scarinci and Hollenbeck as
6 described herein; and

7 BE IT FURTHER RESOLVED that the Business
8 Disclosure Entity Certification and the Determination of
9 Value be placed on file with this resolution; and

10 BE IT FURTHER RESOLVED that a notice of this
11 action shall be printed in the Nutley Sun in accordance with
12 the Local Public Contracts Law.

13 I move the resolution.

14 COMMISSIONER ROGERS: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 COMMISSIONER PETRACCO: That's all I have.

1 MAYOR SCARPELLI: Thank you, Commissioner.

2 BE IT RESOLVED by the Board of Commissioners of
3 the Township of Nutley, County of Essex, New Jersey, that
4 the Township Clerk is hereby authorized to advertise for
5 sealed bids for surplus equipment that is no longer in use
6 by the township. The equipment/vehicles as listed:

7 BE IT FURTHER RESOLVED that the equipment is to be
8 sold as is and where is and bids are to be received on
9 Wednesday, April 18th, 2018 at 3:00 p.m. prevailing time in
10 the commission chambers, Township Hall, 1 Kennedy Drive,
11 Nutley, New Jersey, at which time they will be publicly
12 opened and read.

13 I move the resolution.

14 COMMISSIONER ROGERS: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25

1 WHEREAS, a raffle application has been received
2 from the following organization; and Knights of Columbus
3 14712, Holy Family Council, License No. 15-18, off-premise
4 merchandise raffle to be held on Sunday, July 15th, 2018;

5 WHEREAS, the application has been reviewed and
6 approved by the Municipal Clerk and the Police Department;

7 NOW, THEREFORE BE IT RESOLVED by the Board of
8 Commissioners of the Township of Nutley, County of Essex,
9 State of New Jersey that the aforementioned license is
10 approved and the Municipal Clerk is authorized to issue the
11 raffle license.

12 I move the resolution.

13 COMMISSIONER TUCCI: Second.

14 MADAM CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.,

24 That concludes the business portion of our
25 meeting.

1 Madam Clerk?

2 MADAM CLERK: Yes, Mayor.

3 All persons addressing the Board of Commissioners
4 regarding community concerns should approach the microphone
5 and provide their name and address for the record. Unless
6 further time is granted by the board, each person shall
7 limit their address to five minutes. All remarks to the
8 board and its individual members must be addressed to the
9 mayor. The mayor may defer citizens' comments to the
10 appropriate member of the board. Dialogue between citizens
11 and others addressing the board shall be allowed, unless the
12 mayor or presiding officer or the majority of the membership
13 of the board shall determine that the interests of decorum
14 and/or the expeditious conduct of municipal business are
15 being adversely affected by such dialogue.

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

17 Mr. Scarpelli, I have three questions, one for
18 Mr. Evans and two for Mr. Petracco.

19 Mr. Evans, recent open response -- we sent Madam
20 Clerk to a sexual harassment class. Is that going to be
21 commonplace? Is everybody going to attend that? Will that
22 generate sexual harassment awareness in the township?

23 COMMISSIONER EVANS: The Clerk attended a class.
24 Is that what you're saying?

25 MR. MOORE: According to open response, she

1 attended a sexual harassment class.

2 COMMISSIONER EVANS: Okay.

3 MR. MOORE: And I was curious she was the only one
4 that I saw on it. Is there a reason that just one person
5 attended?

6 COMMISSIONER EVANS: We have to, as a board, have
7 to discuss what policies or training we would want our
8 employees to attend. That hasn't happened yet.

9 MR. MOORE: Well, as of now, do we still -- we
10 don't have an employee handbook yet, do we?

11 MR. GENITEMPO: We have an employee handbook. We
12 have training every two years with supervisors and managers.
13 The Clerk has special training that she has to receive that
14 to keep her license and certification. But we do have a
15 handbook.

16 We're actually updating it now again, and we do
17 have training every two years required by the MEL (ph) for
18 all of our supervisors and managers. That's probably going
19 to take place again this year, because we -- I think it was
20 two years ago that we actually did it last.

21 There is no requirement for the full employees of
22 the township to be trained.

23 MR. MOORE: And just -- I just employees. That
24 was all.

25 MR. GENITEMPO: And there's many different ways of

1 training employees or people about sexual harassment. But,
2 you know, we have a very straightforward -- if somebody has
3 a complaint, they can bring it to their supervisor or to the
4 Clerk. We haven't had anything, that I can remember, in
5 years, at least since I've been township attorney. But we
6 do maintain mandatory training every two years for
7 supervisors to learn how to handle complaints that are
8 brought, if they are brought in their department.

9 MR. MOORE: So I can get a copy of this handbook
10 through OPRA?

11 MR. GENITEMPO: Yeah, sure, of course.

12 MR. MOORE: Okay. The last time I checked, it
13 wasn't

14 MR. GENITEMPO: No, we have one. We are working
15 on a new one. That one is not ready.

16 MR. MOORE: And you --

17 MR. GENITEMPO: We've always had one, Mr. Moore. I
18 prepared it probably originally 20 years ago for the town.

19 MR. MOORE: Okay. And I can OPRA the current one?

20 MR. GENITEMPO: You can't OPRA the current one,
21 because it's in draft form. When it's done, the
22 commissioners will review it, and then it will be determined
23 whether they're going to accept it or not.

24 MR. MOORE: How long would that be?

25 MR. GENITEMPO: I'll have it to you tomorrow. I

1 don't know.

2 (Laughter)

3 MR. GENITEMPO: I'm sure you'll send me an OPRA
4 every day until we give it to you. So --

5 MR. MOORE: Mr. Petracco, I hear we had an
6 incident with our fire truck. Can you explain that to us,
7 please?

8 COMMISSIONER PETRACCO: We did. We had a minor
9 accident, where the driver of the fire truck -- it's kind of
10 unclear in the police report if the car hit the fire truck
11 or the fire truck hit the car. But there was no damage to
12 report of the fire truck, and there was minimal damage to
13 the car.

14 MR. MOORE: Who was driving the truck at the time?

15 COMMISSIONER PETRACCO: Are we allowed to say
16 that, Counsel?

17 MR. GENITEMPO: I wouldn't say who the individual
18 employee is.

19 COMMISSIONER PETRACCO: Okay.

20 MR. GENITEMPO: They have a right to be noticed if
21 they're going to be discussed in public, and I --

22 COMMISSIONER PETRACCO: Under Rice (ph).

23 MR. GENITEMPO: Under the Rice Law, I would not
24 name any employee.

25 MR. MOORE: Okay. That's okay. It'll be -- it'll

1 be in the police report, correct?

2 COMMISSIONER PETRACCO: Yes.

3 MR. MOORE: And on your Resolution 7918, you
4 raised it from 17,500 to 50,000. What is the account for?
5 What is their --

6 COMMISSIONER PETRACCO: That's just the ceiling on
7 that is 50,000, because it will exceed 17,500. Scarinci and
8 Hollenbeck -- they do all our labor law or negotiations of a
9 contract. We have the FMBA coming up for negotiations as
10 well this year. Any labor disputes or anything like that.
11 So we raised -- it wasn't -- it wasn't the 50,000. It was
12 the hourly rate from 1.25 to 1.50.

13 MR. MOORE: And you anticipate using that much for
14 one year?

15 COMMISSIONER PETRACCO: I hope I don't use any of
16 it, to be honest with you. But it seems like every year,
17 you know, with the way the world is, you know, you always
18 have some sort of dispute that we need legal counsel on.

19 MR. MOORE: Thank you.

20 COMMISSIONER PETRACCO: You're welcome.

21 MAYOR SCARPELLI: Would anybody else like to
22 address the Board of Commissioners this evening.

23 MS. ROSSI: Good evening. Tammy Rossi (ph), 28
24 Colonial Terrace. I was at the joint meeting a few weeks
25 ago, and a citizen had brought up the definition for density

1 for mixed use in Nutley. And it brought to the attention of
2 the audience that, since 2008, the Zoning Board has been
3 requesting guidance on this definition because the zoning
4 book itself has two different definitions, one in the front,
5 one in the back.

6 What we were also made aware of, since that time,
7 2008, -- now, this is over a span of 10 years -- there have
8 been multiple workshops listed or mentioned in meeting
9 minutes regarding this definition for density of mixed use.
10 And there was a consultant hired to recommend those
11 definitions.

12 We also learned that the Planning Board had
13 approved it. But when it came time for the Board of
14 Commissioners to be made aware, not all of our commissioners
15 were informed of this, and it was held up.

16 And so, my question is -- Mayor Scarpelli, you
17 said it would only be a few more weeks before you came up
18 with this definition for density of mixed use. So did that
19 get put on the agenda?

20 MAYOR SCARPELLI: So let me -- let me update you,
21 Ms. Rossi. The Code Department and the subcommittee of the
22 Planning Board have met. A workshop meeting is scheduled
23 for tomorrow, weather-dependent -- the regular Planning
24 Board meeting -- to discuss it among the entire board. I
25 anticipate that some sort of recommendation will come out of

1 that meeting and be sent to the Board of Commissioners.

2 MS. ROSSI: Okay. Is there a timeframe that you
3 could provide when this --

4 MAYOR SCARPELLI: Well, it depends on if that
5 meeting happens tomorrow, which is questionable.

6 MS. ROSSI: Oh.

7 MAYOR SCARPELLI:

8 MS. ROSSI: Okay. That's fair.

9 I have one more question very quickly. Also
10 (indiscernible), Mayor Scarpelli, you mentioned that we were
11 already at our 3 million gallon allocation of consumption
12 per day assigned by the Interstate Valley Water Commission.
13 Just this evening, we were told that our water consumption
14 has gone down. I'm just wondering how that's possible, in
15 light of the apartments that have been going up in town and
16 the increase of the use (ph) of water.

17 MAYOR SCARPELLI: So the numbers don't lie,
18 Ms. Rossi. For last year, from what we can analyze from
19 last year, we may have had a little wetter summer than
20 normal. So people didn't have to water their lawns as much
21 or fill up their swimming pools. And we had a decrease in
22 consumption that we normally don't have.

23 MS. ROSSI: Okay. Thank you very much.

24 MAYOR SCARPELLI: You're welcome.

25 Anybody else like to address the Board of

1 Commissioners this evening?

2 MR. ODRIA: Michael Odria, 133 High Street.

3 Mayor Scarpelli, Commissioner Evans mentioned
4 before that -- I'm assuming -- I'm thinking that our
5 property taxes are going to get higher because of two
6 reasons. You said that there's going to be new retirees, I
7 guess. Our pensions are going to go up \$396,000 more that
8 we have to pay.

9 COMMISSIONER EVANS: I didn't say that.

10 MR. ODRIA: So what -- what was the increase in
11 pensions you were talking about?

12 COMMISSIONER EVANS: The pension is a state
13 pension, and we, as a municipality, are notified.

14 Mayor, it's okay.

15 We are notified what -- based upon our number of
16 employees and what the requirement for funding is to the
17 state pension. We're notified by the state of what that
18 dollar amount is, just like it's a bill.

19 MR. ODRIA: And we have to pay it, right?

20 COMMISSIONER EVANS: We have to pay it.

21 MR. ODRIA: The homeowners. So that's higher over
22 last year; am I correct?

23 COMMISSIONER EVANS: It's a \$389,000 increase over
24 last year, and, yes, we all have to pay it.

25 MR. ODRIA: Okay. And you mentioned the water.

1 COMMISSIONER EVANS: Correct.

2 MR. ODRIA: There's going to be an increase
3 because we're not using as much water as we're supposed to,
4 that we're going to have to pay another \$350,000, combined
5 as a town, correct?

6 COMMISSIONER EVANS: Yes, the water utility --
7 right? There's a separate water utility that operates that
8 sends you your water bill.

9 MR. ODRIA: Yes.

10 COMMISSIONER EVANS: It's not part of your
11 property tax bill. The water utility had a shortfall
12 because of lower -- primarily because of lower revenues.
13 And, as the mayor just mentioned, there's a lot of factors
14 that go into determining water. It's not just apartment
15 consumption. There's a lot of factors that will, in effect,
16 create an increase or a decrease. So this year we had a --
17 we had a decrease.

18 We have not, as a board, introduced a water
19 ordinance to increase the water rate or look at fees. The
20 only option we have right now -- because we learned this
21 late last week -- is to include an appropriation in the
22 operating budget right now to cover that shortfall, which is
23 required by statute. Between now and adopting the budget,
24 there may be more information, an investigation in that,
25 that could change that number.

1 MR. ODRIA: That's something that the homeowners
2 of this town will have to pay, correct?

3 COMMISSIONER EVANS: As part of their -- if we
4 don't increase the water rate, it'll be part of the property
5 tax bill. But if there's an adjustment on the water side,
6 for whatever reason or however, that will be determined.
7 Because it hasn't been determined yet, it would be part of
8 the water bill.

9 MR. ODRIA: You know, I could only imagine it
10 would be like a lot of homeowners moving out so there's less
11 water being moved. Other than what he said, the mayor said,
12 about, you know, the rain and all that.

13 COMMISSIONER EVANS: Yeah, it's interesting that
14 speculation about people are moving out. Because people are
15 moving in.

16 MR. ODRIA: But people are moving out.

17 COMMISSIONER EVANS: Sure, they are.

18 MR. ODRIA: The old -- the people that have been
19 here for years have been wanting to move out. That brings
20 me to the other subject. Since you are more experienced
21 than the majority of the people in this town and, I guess,
22 on this -- well, I'm sure you guys are -- the gentlemen here
23 are experienced -- that these increases in bills, all these
24 pensions -- you would have known last year that this would
25 have been passed off on -- passed off on us.

1 So, yeah, what I'm trying to get at is within
2 knowing what might be coming in the future as a possibility
3 -- I noticed last year, you gave some of our first
4 responders a nice wage increase through arbitration,
5 obviously. And arbitration is killing us homeowners,
6 because we've got to pay that bill. And I wish the people
7 here would defend us from that any way possible.

8 And this brings me to my other question.

9 I understand, Mr. Mayor, Commissioner Rogers, very
10 adamant about term limits. And I, as a homeowner in this
11 town, as a citizen of Nutley, New Jersey and this country, I
12 would like to know, for you other four gentlemen before me,
13 how you feel about term limits. Are you for term limits or
14 not for term limits for yourselves?

15 Would anyone like to answer, other than
16 Mr. Rogers, because I already know his answer.
17 Commissioner Rogers.

18 MAYOR SCARPELLI: I think -- I'll answer. I think
19 term limits are, in my opinion, they're by the voters. And
20 the voters vote -- if the voters don't like you any more,
21 they vote you out. That's how you get term limits.

22 MR. ODRIA: Okay, so that means -- well, you -- I
23 understand what he's saying.

24 But I guess the other three gentlemen don't want
25 to answer it. That's fine. Thank you.

1 By the way, I am for term limits. And if I ever
2 ran, I would be for term limits on myself, period.

3 MAYOR SCARPELLI: Would anybody else like to
4 address the Board of Commissioners this evening?

5 MS. LANDRY: Penny Landry, 136 Lakeside Drive.
6 The joint meeting of the Planning Board, Zoning Board, Board
7 of Commissioners, and Board of Ed. that was held a couple of
8 weeks ago, and another citizen said there was a timeline
9 that was presented. I took the timeline and I emailed it to
10 our Zoning Board members and requested, in the email, that
11 they respond, if they had received the email or not. Well,
12 I didn't get a response from anyone, so I attended the
13 Zoning Board meeting last night. And I asked the members of
14 the Zoning Board if they had received emails to their
15 nutleynj.org email addresses that were listed on the
16 township website. This was the Zoning Board meeting
17 3/19/18.

18 Attorney McGovern was kind enough and respectful
19 enough to answer my question, and here was her response. "I
20 doubt that any of the members of the Board did receive your
21 email, because up until a month ago, I didn't even know that
22 the board members had email addresses. That was done
23 without telling anybody." When the board members found out
24 about this, they said, "I have an email in town? I didn't
25 know that."

1 She continued, "I don't know what's going to
2 happen with that," meaning email addresses for the Zoning
3 Board. "They have not been given a password or any
4 instruction about these emails. I have my email address and
5 my access because it was set up three years ago. I can tell
6 you that these board members have never been given access to
7 their township emails."

8 My question is we created email addresses for
9 Planning and Zoning Board members. We did not inform these
10 Planning and Zoning Board members that they had been -- hey
11 had email addresses through the township set up for
12 themselves. Okay? According -- at least for the Zoning
13 Board. I did also send the same email to the Planning Board
14 requesting that they respond, if they received it. And I
15 got no responses.

16 So my question is you created emails for two
17 boards. We took the time to list those emails on our
18 township Website. And certain citizens might have gone to
19 that Website, just picked up an email address and said oh, I
20 think I'll ask the chairman of the Planning Board this. I
21 think I'll ask the Zoning Board member this.

22 Well, that was a futile effort, because they
23 didn't know they had the email addresses. Where did the
24 emails go? And a citizen who sent an email got no response.
25 So they think wow, that's not very responsive or respectful

1 to a citizen to not answer their email. So they thought
2 less than kindly about a Planning and Zoning Board member
3 that they had reached out to while that Planning or Zoning
4 Board member had never even been informed they had an email
5 address or how to check it, if some citizen did take the
6 time to reach out to them.

7 So to me, this shows there's a lapse somewhere in
8 what we do in order to improve communications and how it's
9 executed. So my question is who is the person in the I.T.
10 Department who is responsible -- as you said, they have
11 managers and supervisors who we send through training who we
12 pay a salary to. So who is the person in the I.T.
13 Department who was responsible for creating processes and
14 procedures regarding emails and then communicating those
15 processes and procedures to those people who have been
16 assigned emails?

17 MR. GENITEMPO: Mr. Mayor, may I answer for a
18 moment?

19 MAYOR SCARPELLI: Sure.

20 MR. GENITEMPO: The issue of the emails, which you
21 have been emailing myself and the Clerk and everyone else
22 about, is, frankly, --

23 MS. LANDRY: No, I have just emailed you and the
24 Clerk.

25 MR. GENITEMPO: I'm speaking now. Thank you.

1 MS. LANDRY: You said, "Everyone else."

2 MR. GENITEMPO: Thank you.

3 MS. LANDRY: Okay? Who else have I emailed?

4 MR. GENITEMPO: Thank you. This is my chance.
5 You asked the question. Let me answer it.

6 Frankly, I don't think those members should have
7 email addresses, because the members of the public should
8 not be reaching out to board members. They are quasi-
9 judicial members who vote on applications on only
10 information brought to them in the public. They should not
11 be -- my recommendation is they -- that those emails be
12 deleted and that any attempts to contact them would be
13 inappropriate by any members of the public regarding
14 applications or anything coming before their boards.

15 They sit up here. They watch what happens in
16 public. They watch the public record. Citizens can get up
17 and make comments at the public record, if they want the
18 board members to hear their points.

19 Emails to board members should have never
20 happened, and I have recommended that they be deleted. The
21 reason they don't know about them is because there was no
22 direct approval for them to have them. I think I.T. was
23 just being proactive in providing everyone with an email
24 address without there being an absolute approval by the
25 commissioners.

1 So my recommendation, because of their standing as
2 quasi-judicial members of these boards, --

3 MS. LANDRY: Right.

4 MR. GENITEMPO: -- that they do not have separate
5 emails, where members of the public can contact them. Any
6 inquiry to the board can be made through Mr. Kozyra or Diana
7 McGovern. And if they feel it's appropriate for that
8 information to be disseminated amongst their committee, then
9 they absolutely have the right to do that. But I really
10 feel very strongly -- and I haven't addressed the full
11 commission on this -- that those email addresses should not
12 have been issued and should not be issued.

13 So I don't know if that 100 percent answers your
14 question, but -- you know, it is a -- I saw your emails
15 about it, and it directed me to speak to Ms. McGovern and
16 speak to some members of the commission. So that's the
17 answer that I would like to put on the record, because I
18 feel strongly that you can't have members of the public
19 reaching out to board members. Because if a board member
20 has to make a vote and only one read the email and maybe
21 there's important information in it and the rest don't have
22 it. Then the applicant is not getting a fair shake.

23 And so, I really think that any commentary to the
24 board should be made at the public session. We know that
25 there's commentary, and that's position as township

1 attorney. Thank you.

2 MS. LANDRY: I happen to agree with you. However,
3 my --

4 MR. GENITEMPO: I saw you shaking your head yes.
5 I thought you would.

6 MS. LANDRY: Yeah, my concern is that someone took
7 it upon themselves to communicate, however many -- it was 14
8 emails to the citizens of Nutley having them think that
9 those were active email addresses and a way to communicate.
10 The question I asked --

11 MR. GENITEMPO: Just the more proof that we're not
12 perfect. More proof.

13 MS. LANDRY: The question that I asked is who is
14 the person who makes the decision as the supervisor, as to
15 creating email addresses for township employees or board
16 members, and puts them up on the Website. Who is that
17 person?

18 MR. GENITEMPO: I have no idea, and all I could
19 say --

20 MS. LANDRY: You do not know who is --

21 MR. GENITEMPO: All I can tell you is that this is
22 not a topic of information that deserves five minutes of
23 investigation into that issue, because it's a non-issue.
24 And if we're worried about some I.T. representative being
25 proactive and probably thinking they were doing the right

1 thing, I think it's a waste of time to even worry about who
2 did it.

3 We need to worry about the real issues, and that's
4 making sure that the applications are properly heard, that
5 the board members get the right information, and it's
6 disseminated through the proper people. I'm not disagreeing
7 with you.

8 MS. LANDRY: Well, to get to that point, one of
9 our commissioners --

10 MR. GENITEMPO: But what do you want us to do,
11 Penny? Penny?

12 MS. LANDRY: -- communicated at the --

13 MR. GENITEMPO: If we find out who it is, what do
14 you want us to do? What do you want us to do?

15 MS. LANDRY: One of our -- because it's the same
16 person who also put up the township's complete map of all
17 the security points on a Linked In page, and nothing
18 happened to him, either. Okay?

19 MR. GENITEMPO: Okay.

20 MS. LANDRY: So here's the last question I have.
21 Because one of our commissioners, at the joint meeting, said
22 that he did not receive the email with the recommendations
23 that were made by the Planning Board and sent to the Board
24 of Commissioners. So my question is what is the township
25 policy regarding board members of the Zoning Board and the

1 Planning Board and the Board of Commissioners using personal
2 email addresses for township business and communications.

3 MR. GENITEMPO: There is no specific policy. The
4 commissioners have township email addresses. You know that.
5 You send them emails. There is no particular policy about
6 that.

7 Don't forget the Zoning Board members are not
8 elected officials. They are volunteers appointed. It's a
9 different situation with them. All the emails to the
10 commissioners -- and again, I know what email you're
11 referring to.

12 You know, we get hundreds of emails weekly. I
13 can't answer the question as to why one commissioner may not
14 have seen it. It's possible just didn't see it. But
15 there's no specific policy, but most of -- most, if not 100
16 percent, of our emails that are business-related are sent to
17 the commissioners at their Nutley addresses, their Nutley
18 Township Commissioner addresses. So can't answer that
19 question, because who knows.

20 MS. LANDRY: Don't have a policy. So that way, --

21 MAYOR SCARPELLI: Thank you, Ms. Landry.

22 MS. LANDRY: Thank you.

23 MAYOR SCARPELLI: Time's up.

24 Would anybody else like to address the Board of
25 Commissioners this evening?

1 MS. RZEMPOLUCH: Blaire Rzempoluch, 150 Ridge Road.
2 During the recent joint meeting between the commissioners,
3 Board of Ed., Zoning Board, and the Planning Board, there
4 was reference to potentially a higher number of turnover in
5 homes that might be leading to some of the overcrowding
6 issues in our schools. And I think the reference was 300
7 homes they have turned over and people potentially -- the
8 kids were moving in. Is there an average that we look at
9 over a certain amount of time, and is that 300 number or
10 whatever number was quoted by Commissioner Evans -- is that
11 typical or atypical of what we might see in a typical year
12 in Nutley of homes turning over?

13 COMMISSIONER EVANS: Yeah, I haven't researched
14 that. I was just aware of the fact that last year, there
15 was over 300 homes that had turned over. Normally, today we
16 have less than 100 homes on the market for sale.
17 Historically, the average is about 138 homes on the market
18 at any given time. So there is a churn. I haven't actually
19 tracked it to get a historical trend.

20 The School Board, when they did their analysis,
21 used a demographer, who anticipated, you know, what the
22 turnover could be over a forward-looking ten-year period.
23 And I think there's an expert that actually has that data,
24 which is at the School Board.

25 MS. RZEMPOLUCH: Thank you.

1 MAYOR SCARPELLI: Would anybody else like to
2 address the Board of Commissioners this evening?

3 MR. ODRIA: I'm sorry. 133 High Street. Michael
4 Odria.

5 And since we're all talking about the Planning and
6 Zoning Board, something occurred to me, because I don't have
7 the answer. And I don't. But I'd like to be a
8 clarification -- I'd like to have some clarification.

9 I noticed, Mayor, Mr. Mayor, you're on the
10 Planning Board, correct?

11 MAYOR SCARPELLI: Correct.

12 MR. ODRIA: And Commissioner Evans is on the
13 Planning Board, correct?

14 MAYOR SCARPELLI: Correct.

15 MR. ODRIA: Is that like normal policy to have the
16 mayor and another commissioner on the Planning Board at the
17 same time?

18 MAYOR SCARPELLI: It's actually required.

19 MR. ODRIA: It is required?

20 MAYOR SCARPELLI: It's a mayor or his designee and
21 one elder elected official.

22 MR. ODRIA: And how long has that been required?

23 I'm --

24 MAYOR SCARPELLI: By state statute.

25 MR. ODRIA: No, by state? So like 20, 30 years or

1 something like that?

2 MAYOR SCARPELLI: Mr. Genitempo?

3 MR. GENITEMPO: I have no idea.

4 MR. MOORE: 1947.

5 MR. GENITEMPO: Mr. Moore knows. 1947. I'll
6 accept that.

7 MR. ODRIA: Okay. All right, because I just
8 thought it was kind of -- it hit me the last time I was at
9 the Planning Board meeting --

10 MAYOR SCARPELLI: It's by statute.

11 MR. ODRIA: It just -- it just hit me. Because I
12 thought there would be like a little bit of a -- I just
13 didn't think it seemed right. Like there could have been a
14 conflict of interest like approving apartments.

15 MAYOR SCARPELLI: So also a township employee must
16 be on the board.

17 MR. ODRIA: Okay, but you're more important than
18 that. You're --

19 MAYOR SCARPELLI: Well, I'm just giving you --

20 MR. ODRIA: You're the commissioners.

21 MAYOR SCARPELLI: -- another example of what's
22 required.

23 MR. ODRIA: Okay, okay.

24 COMMISSIONER EVANS: Mayor, I just wanted to
25 clarify something.

1 I think it says one other elected official, not
2 one other elder elected official.

3 MAYOR SCARPELLI: Did I say elder?

4 MADAM CLERK: Uh-huh.

5 (Laughter)

6 COMMISSIONER EVANS: So I just want to clarify
7 that, because I'm not the oldest.

8 MAYOR SCARPELLI: It's getting late.

9 MR. ODRIA: Okay. Thank you for answering.

10 MAYOR SCARPELLI: Would anybody else like to
11 address the Board of Commissioners?

12 MS. RUBINO: Joan Rubino, 48 North Road. I would
13 like to know why these meetings are not televised. All the
14 other towns in the area they're on TV.

15 MAYOR SCARPELLI: I'm not going to -- but I think
16 that we have a piece of equipment that may be down, as far
17 as related to transmitting to the TV. But all are -- all
18 are recorded, and they're upon the Website. So --

19 MS. RUBINO: Well, I think it would be a nice idea
20 to televise them. And why is the equipment down? I mean,
21 what is the problem? It can't be resolved?

22 MAYOR SCARPELLI: I don't have -- I don't have
23 that answer. I think -- I think the -- I think the -- it's
24 been ordered, but it takes time.

25 COMMISSIONER TUCCI: Mayor, if I might?

1 MAYOR SCARPELLI: Yeah.

2 COMMISSIONER TUCCI: It's a piece of equipment on
3 the Board of Ed. side. Because years ago, when the public
4 access channel was turned over to the Board of Ed., all
5 right, along with all of that equipment, it just stayed
6 there. All right? And there's a piece of equipment that is
7 in disrepair that needs to be replaced. And my understanding
8 is is that they're in the process of doing that.

9 MS. RUBINO: Thank you.

10 COMMISSIONER TUCCI: But prior to that piece going
11 down, everything was, in fact, put up on the public access
12 channel.

13 MS. RUBINO: All right. The gentleman mentioned
14 term limits.

15 And we know how you feel, Mr. Scarpelli.
16 Would you be willing to ask the others how they feel about
17 term limits?

18 MAYOR SCARPELLI: That's up to them, if they want
19 to respond.

20 MS. RUBINO: Is anybody willing to respond?

21 COMMISSIONER TUCCI: I'll respond, yeah.
22 Personally, I agree with the mayor. I think the voters
23 determine term limits. I mean, our history is very rich. We
24 go back with folks like Carmen Orechio , Harry

25

1 Chenoweth , John Lucy , Frank Cocchiola , I mean, and on and
2 on and on. And these folks served with distinction and
3 honor for many years, and I guess, until such time as the
4 voting public feels that their commissioners are not serving
5 their interests, then at that point, they need to institute
6 term limits on them.

7 MS. RUBINO: How about leaving it up to the
8 voters? Is there any way that you could put that on the
9 ballot and let the voters decide if we want term limits or
10 not?

11 COMMISSIONER ROGERS: That I wouldn't know.

12 Mr. Genitempo, do you have an answer to that
13 question?

14 MR. GENITEMPO: You'd have to -- I think you could
15 put anything you want out. But I think you'd have to have
16 the public providing --

17 MADAM CLERK: Public questions.

18 MR. GENITEMPO: Thank you. Thank you very much.
19 Petition with a certain number of signatures, of which I'm
20 not sure of the number.

21 MS. RUBINO: Will we ever find out what the number
22 is?

23 MR. GENITEMPO: How many? Good.

24 So you're getting a lot of answers in the crowd
25 tonight.

1 MS. RUBINO: Thank you very much.

2 MR. GENITEMPO: You're welcome.

3 MAYOR SCARPELLI: Would anybody else like to
4 address the Board of Commissioners this evening?

5 Seeing none, --

6 COMMISSIONER ROGERS: I make a motion that we
7 close tonight's session.

8 COMMISSIONER PETRACCO: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Thank you.

18 Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 Stay safe, everyone.

21 MADAM CLERK: The time is 9:32.

22 (Whereupon, these proceedings were concluded at 9:32
23 PM)

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

I, Nicole Yawn certify that the foregoing transcript is a true and accurate record of the proceedings.

A handwritten signature in cursive script that reads "Nicole Yawn". The signature is written in black ink and is positioned above the printed name.

Nicole Yawn

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