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TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

September 23, 2015
7:06 p.m.

BEFORE:

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

ALSO APPEARING:

- Eleni Pettas, Municipal Clerk
- Alan Genitempo, Counsel to the board

Job No. NJ2146871

Transcribed by: Nicole Yawn

1 P R O C E E D I N G S

2 MAYOR PETRACCO: Could everyone please stand for
3 the flag salute? Everyone, please stand for the flag
4 salute.

5 (Pledge of Allegiance)

6 MAYOR PETRACCO: Madam Clerk?

7 MADAM CLERK: Yes, Mayor.

8 Board of commissioners special meeting Wednesday,
9 September 23rd, 2015. The time is now 7:06.

10 Pursuant to the requirement of the Open Public
11 Meeting Act, Chapter 231, notice of this meeting was
12 published in the September 18th, 2015 issue of the Herald
13 News. A copy of this notice has been posted in the Nutley
14 Town Hall bulletin board, and a copy is on file in the
15 municipal clerk's office.

16 Commissioner Rogers?

17 COMMISSIONER ROGERS: Here.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Here.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Here.

22 MADAM CLERK: Commissioner Scarpelli?

23 MR. SCARPELLI: Here.

24 MADAM CLERK: Mayor Petracco?

25 MAYOR PETRACCO: Here.

1 MADAM CLERK: All present, Mayor.

2 MAYOR PETRACCO: Thank you.

3 Okay. We'll move right on to these resolutions.
4 The first resolution we have is number 277-15.

5 Counsel, will you just give a little, brief --

6 MR. GENITEMPO: I could explain it, Mayor.

7 This is a resolution -- if you may recall, (off-
8 mic) resolution authorizing a Dr. Robert Burchell, through
9 Rutgers, to do a fair and expert report regarding our COAH
10 obligations and the litigation. Dr. Burchell became sick
11 and was not able to continue as an expert. And we felt the
12 recommendation has been made by counsel to Econsult
13 Solutions, a company that does the same type of analysis.
14 (Off-mic) not only on behalf of Nutley, but other towns
15 (off-mic) not going to have to pay any more money. Our
16 retainer has covered it, but we need a resolution (off-mic)
17 to adopt a resolution to approve hiring them.

18 So this resolution (off-mic) quite lengthy (off-
19 mic) covers that particular fact. And this would authorize
20 us to enter into that agreement.

21 MAYOR PETRACCO: Thank you, Counsel.

22 Okay. I move resolution number 277-15.

23 COMMISSIONER TUCCI: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Mayor Petracco?

8 MAYOR PETRACCO: Aye.

9 We're at 278-15, Counsel?

10 MR. GENITEMPO: Yeah, this is to amend the
11 previous (off-mic) regarding the same issues. (Off-mic).

12 MAYOR PETRACCO: Thank you.

13 I move resolution number 278-15.

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 Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 MADAM CLERK: Mayor Petracco?

24 MAYOR PETRACCO: Aye.

25 Now we're on 279-15, Counsel?

1 MR. GENITEMPO: Your Honor, this -- Your Honor.

2 MAYOR PETRACCO: You have a right to first
3 (indiscernible).

4 MR. GENITEMPO: Your Honor. Sorry, Your Honor.
5 (Laughter)

6 MR. GENITEMPO: You're going to make me call you
7 that all the time now, aren't you?

8 (Laughter)

9 MR. GENITEMPO: This resolution is to (off-mic)
10 designate a (off-mic) to assist (off-mic) report and
11 regarding our fair share housing obligation (off-mic)
12 formally adopted. It's not to exceed \$20,000. It's a
13 professional service and (off-mic).

14 MAYOR PETRACCO: Okay. We move resolution --

15 COMMISSIONER EVANS: Mayor, may I make just a
16 comment before we do?

17 The funds come out of the COAH account. It
18 doesn't (off-mic) balance for (off-mic) fashion as part of
19 that (off-mic) financing agreement.

20 MAYOR PETRACCO: That's a good point. Thank you.
21 I move resolution 279-15.

22 COMMISSIONER TUCCI: Second.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Mayor Petracco?

7 MAYOR PETRACCO: Aye.

8 Just for the record, there's copies of the full
9 resolution. And if anybody needs to see them, we usually do
10 read the full resolution. But just to save some time
11 tonight, we're going to move forward on it that way in that
12 fashion.

13 Tonight we are going to go into an executive
14 session right now.

15 Counsel, do you want to just give a brief
16 description?

17 MR. GENITEMPO: (Off-mic) it's basically three
18 topics, ongoing litigation, which is regarding Hoffman La
19 Roche (off-mic) property acquisition issues (off-mic).

20 MAYOR PETRACCO: Okay.

21 And we need a motion?

22 COMMISSIONER SCARPELLI: Move that we go into
23 executive for ongoing litigation, property acquisition, and
24 contractual negotiations.

25 COMMISSIONER ROGERS: Second.

1 MADAM CLERK: Can I read the resolution?

2 MR. GENITEMPO: Pardon me?

3 MADAM CLERK: I'm going to read the resolution.

4 MR. GENITEMPO: Yes, please.

5 MADAM CLERK: WHEREAS, Section 8 of the Open
6 Public Meeting Act, Chapter 231 permits the exclusion of the
7 public meeting in certain circumstances; and

8 WHEREAS, the public body is of the opinion that
9 such circumstances exist; and

10 WHEREAS, the board of commissioners of the
11 township of Nutley, in the county of Essex, in the state of
12 New Jersey desire to proceed to closed executive session;

13 AND, NOW, THEREFORE, BE IT RESOLVED by the board
14 of commissioners, township of Nutley move into closed
15 executive session to discuss ongoing litigation with Hoffman
16 La Roche, property acquisition, contractual negotiations.

17 BE IT FURTHER RESOLVED that the time when such
18 discussion may be disclosed to the public shall be when and
19 as such disclosure may be made without adversely affecting
20 the township of Nutley pending and/or anticipated legal
21 personnel, contractual matters, and other matters within the
22 exceptions provided for by statute.

23 Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Aye.

6 MADAM CLERK: Mayor Petracco?

7 MAYOR PETRACCO: Aye.

8 Thank you.

9 MADAM CLERK: Time is now 7:12.

10 (Pause)

11 MAYOR PETRACCO: Madam Clerk, are we recording?

12 MADAM CLERK: Yes.

13 MAYOR PETRACCO: Just for the record, sir, why
14 don't you just state your name and address for the record,
15 just to keep it official?

16 He'll just be a second.

17 MR. LEAR: Ron Lear (ph), from the Carneum (ph)
18 server. I had asked His Honor if he would care -- as the
19 dedicated Yankee fan, if he would care to say anything about
20 the demise of Yogi Berra. Thank you.

21 MAYOR PETRACCO: Ron, I'm so glad you came and
22 brought that to our attention. This morning -- I'm not a
23 person that really wakes up too early, but I happened to get
24 up at 5:00 this morning. That was the first thing I saw,
25 and I didn't know Yogi Berra's health was failing. And I

1 was really sad to see that, because, one, I know
2 Commissioner Scarpelli and I was in high school -- were you
3 with Dale Berra, Joe?

4 COMMISSIONER SCARPELLI: I played against Dale
5 Berra, yeah.

6 MAYOR PETRACCO: Yeah, I thought so.

7 Joe -- Commissioner Scarpelli's a little older
8 than me. So I could remember going to the football game and
9 seeing Yogi Berra in our stands right here at the oval. And
10 he was a true class act, because all the kids went up to him
11 and asked him for his autograph. And, you know, he really
12 did it willingly.

13 So it's really an unfortunate loss to all of us,
14 but talk about an old baseball guy and legend. What a
15 gentleman and a class act that he was. And also, maybe the
16 other commissioners know that they all saw him
17 (indiscernible) a bowling alley right in Clifton right next
18 door to us. So we're -- oh, I think we're all Yankee fans
19 here. I know I am. And he's really a class act.

20 And he'll be missed, Ron. But thanks so much for
21 coming tonight and bringing that to our attention.

22 (Entered into closed executive session at 7:14 PM)

23 MAYOR PETRACCO: Madam Clerk, it is now 10:55 P.M.

24 MADAM CLERK: We need a motion to adjourn.

25 MAYOR PETRACCO: Before we adjourn, is there

1 anyone here this evening that would like to address the
2 board of commissioners in their public portion of our
3 meeting?

4 Seeing no one, --

5 COMMISSIONER SCARPELLI: Move to adjourn.

6 COMMISSIONER ROGERS: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 MADAM CLERK: Mayor Petracco?

16 MAYOR PETRACCO: Aye.

17 Good night.

18 MADAM CLERK: The time is 10:55.

19 (Whereupon, these proceedings were concluded at 10:55
20 PM)

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



Nicole Yawn

AGENDA

TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS SPECIAL/PUBLIC MEETING

WEDNESDAY, SEPTEMBER 23, 2015
7:00P.M.

PLEDGE OF ALLEGIANCE:

SUNSHINE NOTICE:

Pursuant to the requirements of the Open Public Meeting Act (Chapter 231, P.L.1975), notice of this meeting was published in the September 18, 2015 issue of The Herald News. 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.

ROLL CALL:

Commissioner Rogers
Commissioner Tucci
Commissioner Evans
Commissioner Scarpelli
Mayor Petracco

DISCUSSION:

- Ongoing Litigation with Hoffman La Roche
- Property Acquisition
- Contractual Negotiations

BOARD OF COMMISSIONERS RESOLUTIONS:

No. 277-15/Amend Municipal Shared Services Defense Agreement

No. 278-15/Authorize Modification to Retain Alternate Expert/Econsult Solutions, Inc.

No. 279-15/Amend Contract with Ricci Planning for Supplemental Professional Planning Services

ADJOURNMENT:

REMINDER:

The next Board of Commissioners meeting is scheduled for Tuesday, October 6, 2015 at 7:00 P.M., Nutley Town Hall, 3rd floor Commission Chambers.

Notice Pursuant to N.J.S.A 10:4-8(d)

This agenda for the next regular meeting of the Township of Nutley Board of Commissioners, and the resolutions on the agenda, reflect the agenda and proposed resolutions to the extent known at the time of posting, pursuant to N.J.S.A. 10:4-8(d). The agenda and resolutions are tentative. They are subject to amendment additions or deletions prior to the meeting. Any inquiries concerning the agenda and its contents should be directed to the Municipal Clerk's Office at (973) 284-4955.

(c) collectively work with experts or consultants that have been retained, including but not limited to Econsult, to conduct an analysis and report of the housing need for each region and the allocation of that need to the individual municipalities in the region;

(d) may elect, at the exclusive expense of any Member or group of Members, to rely upon and present such experts or consultants as a witness in the Litigation, including for any mediation, Alternative Dispute Resolution or other proceeding involving a determination of a Member's Affordable Housing Obligation;

2. Section 3 of the MMSDA titled "Retention of Burchell" is hereby amended and is titled as "Retention of Experts and/or Consultants." This section is amended to provide that the administrators of the MMSDA, shall retain such experts and/or consultants, including but not limited to Econsult, as may be necessary and to communicate with such experts and/or consultants in the method and manner as set forth.

3. Section 5, titled "Shared Costs" is hereby amended to provide that shared costs shall include payment to any expert or consultant, including but not limited to Econsult, and such other professionals, and/or common counsel, as shall be agreed upon by the Members in accordance with the terms and procedures of the MSSDA.

4. Section 6, titled "Expenses Not Covered by This Agreement" shall be amended to allow any member or group of Members of the MMSDA to retain Econsult or any other commonly retained expert and/or consultant for the purposes as set forth in the MSSDA; however, it shall be in accordance with the rate schedule as set forth in any agreement between the MSSDA and such expert and/or consultant; it shall not be based upon the rates as set forth for Dr. Burchell nor shall payment be made to Rutgers except to the extent that representatives of the MG may pay the remainder of the 70,000 in expense allocated for the provision of a final report in accordance with the underlying agreement and/or for the purposes of securing rights to information that otherwise would not be available. Any amounts in excess of the \$70,000 that may be needed to secure the right to use the underlying data that Rutgers has assembled may only be paid if authorized at a meeting held in accordance with paragraph 2 of the underlying agreement.

5. Section 7, titled "Liaison Counselor Committee" is hereby amended to allow Jeffrey R. Surenian, Esq. to pay an administrative assistant to administer this MSSDA and the consortium at a rate not to exceed \$70 per hour and to pay out of pocket expenses.

6. Section 11, titled "Common Interest" is amended by removing any reference to Dr. Burchell and shall refer to any expert and/or consultant, including but not limited to Econsult, that have been retained by the MSSDA.

7. Section 15, titled "Conflict of Interest" is amended by removing any reference to Dr. Burchell and shall refer to any expert and/or consultant, including but not limited to Econsult, that have been retained by the MSSDA.

8. Section 16, titled "Effective Date" is amended removing the reference to "Rutgers" and replacing it with "such experts and/or consultants, including but not limited to Econsult, that have been retained by the MSSDA.

9. Section 17, titled "Subsequent Agreement" , shall be amended to include paragraph 17 c as follows: Since the Agreement between Econsult and the MG may not have been finalized at the point of execution of this amendment, the designated attorney for the municipality shall have 10 business days from receipt of the Econsult Agreement by electronic mail to withdraw from the consortium and secure a rebate of the 2,000 paid minus the pro rata share of all costs and expenses incurred to the date of such withdrawal.

10. All other provisions in the MSSDA that refer to or may be interpreted to relate or refer to dealings with Rutgers or Burchell are removed and amended to provide that the MSSDA permits the retaining of such experts and/or consultants, including but not limited to Econsult, as may be agreed upon by the Members in accordance with the terms and provisions of the MSSDA. All other terms and provisions remain unchanged and in effect.

IN WITNESS WHEREOF, the Members hereto, which may be by and through their appointed counsel, enter into this Agreement. Each person signing this Agreement represents and warrants that he or she has been duly authorized to enter into this Agreement by the company or entity on whose behalf it is indicated that the person is signing.

ATTEST: Eleni Pettas 9/23/15
 Clerk

By: [Signature]
 Mayor

...

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held September 23, 2015

<i>Record of Vote</i>	<i>Commissioner Steven L. Rogers</i>	<i>Commissioner Mauro G. Tucci</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Joseph P. Scarpelli</i>	<i>Mayor Alphonse Petracco</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: The Board of Commissioners *Date:* September 23, 2015
Seconded by: Commissioner Mauro G. Tucci *No.* 278-15

WHEREAS, the Board of Commissioners of the Township of NUTLEY entered into the Municipal Shared Services Defense Agreement (“MSSDA”) for the purpose as set forth therein, which included retaining a common expert in the Declaratory Judgment action (“Litigation”) that was filed in accordance with In the Matter of the Adoption of N.J.A.C. 5:96 and 5:97 by the New Jersey Council on Affordable Housing, 221 N.J. 1 (2015) (“Decision”); and

WHEREAS, the MSSDA identified Dr. Robert Burchell, a distinguished professor at Rutgers University, as the expert to be retained; and

WHEREAS, Dr. Burchell became ill and has been unable to complete the obligations under the Research Agreement as set forth in the MSSDA; and

WHEREAS, as a result, Rutgers University has exercised its right to terminate the Research Agreement as permitted under its terms; and

WHEREAS, the MSSDA requires modification to allow the members to retain one or more alternative experts, consultants and/or other professionals for the Litigation; and

WHEREAS, an Amendment to the MSSDA (“Amendment”) has been prepared to effectuate the modification; an

WHEREAS, the Board of Commissioners of the Township of NUTLEY recognizes that the Litigation requires immediate action and may require further expedited actions by its counsel as determined to be necessary and appropriate; and

WHEREAS, the Board of Commissioners of the Township of NUTLEY has determined that it is in the best interests of the citizens of the Township of NUTLEY to approve the Amendment, and/or to affirm and ratify the Amendment, and to authorize their designated counsel to take actions on behalf of the municipality with regard to the multiplicity of issues raised and associated with the continued implementation of the MSSDA;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, as follows:

1. The terms and conditions of the Amendment to MSSDA attached hereto are hereby approved, and/or ratified and confirmed.
2. The Mayor and Township Clerk or Deputy Clerk, be and are hereby authorized to execute the aforesaid Amendment.
3. The Board of Commissioners of the Township of Nutley hereby authorizes Jeffrey R. Surenian, Esq., to execute an agreement on behalf of the Township of Nutley with Econsult Solutions, Inc.

The Board of Commissioners of the Township of Nutley hereby authorizes Jeffrey R. Surenian, Esq., to execute on behalf of the Township of Nutley with the approval of the Township of Nutley's designated counsel such other agreement(s) as are advisable to effectuate the purposes of the MSSDA as amended.

4. The Board of Commissioners of the Township of Nutley further authorizes its designated counsel to approve such other changes to the MSSDA as may be necessary to effectuate its purposes, and to take action on behalf of the municipality with regard to the multiplicity of issues raised and associated with the implementation of the MSSDA provided that the action will not require the municipality to appropriate and commit any additional funding for the MSSDA.

In the event such changes and actions require the municipality to appropriate and commit any additional funding for the MSSDA, the Township of Nutley shall only be responsible for such funding if it authorizes the same.

5. If additional monies are needed to effectuate the intent and purpose of the MSSDA, no such services shall be authorized by designated counsel without further action from the Township of Nutley.
6. This Resolution shall take effect immediately.

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held September 23, 2015

<i>Record of Vote</i>	<i>Commissioner Steven L. Rogers</i>	<i>Commissioner Mauro G. Tucci</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Joseph P. Scarpelli</i>	<i>Mayor Alphonse Petracco</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: The Board of Commissioners *Date:* September 23, 2015
Seconded by: Commissioner Mauro G. Tucci *No.* 279-15

WHEREAS, the Township of Nutley (the “Township”) has filed a Declaratory Judgment Action in the Superior Court of New Jersey, Essex County, in furtherance of the Supreme Court’s March 10, 2015 decision captioned In re Adoption of N.J.A.C. 5:96 & 5:97 by N.J. Council on Affordable Housing, 221 N.J. 1 (2015) (the “Supreme Court Decision”); and

WHEREAS, as set forth in the Supreme Court Decision, municipalities, including the Township, were directed to undertake and draft supplemental housing elements and fair share plans to address their current and future affordable housing obligations; and

WHEREAS, Paul Ricci, P.P., of RicciPlanning (“RicciPlanning”), the designated Planner for the Township, had previously been authorized to assist the Township’s designated affordable housing attorney in the preparation and filing of the Declaratory Judgment Action; and

WHEREAS, the Board of Commissioners of the Township of Nutley wishes to supplement the contract of RicciPlanning, and authorize RicciPlanning to: (i) prepare a supplemental housing element and fair share plan in accordance with the Supreme Court Decision; (ii) prepare a vacant land analysis and adjustment, as may be deemed necessary; (iii) amend the Township’s Spending Plan, if deemed necessary; (iv) attend meetings of the Board of Commissioners, Planning Board and relevant subcommittees, as may be formed; (v) such other action related to the prosecution and/or defense of the Township’s Declaratory Judgment Action; and

WHEREAS, RicciPlanning has submitted a proposal dated September 14, 2015 indicating that it will provide the supplemental planning services set forth above at a not-to-exceed amount of \$20,000, including attendance at meetings, and the Board of Commissioners considers this amount to be reasonable; and

WHEREAS, this amendment to the contract of RicciPlanning for supplemental professional planning services is not to exceed \$20,000.00, and funds are available from account **T-26-909-902** and have been certified by the chief financial officer, said certification being attached to this resolution.

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley amend the contract of RicciPlanning, as described herein; and

BE IT FURTHER RESOLVED that this resolution shall take effect immediately.

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held September 23, 2015

<i>Record of Vote</i>	<i>Commissioner Steven L. Rogers</i>	<i>Commissioner Mauro G. Tucci</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Joseph P. Scarpelli</i>	<i>Mayor Alphonse Petracco</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

AFFIDAVIT

The Local Finance Board is authorized by N.J.S.A. 52: 27BB-10 to adopt standard rules for municipal financial administration and N.J.S.A. 40A: 4-57 prohibits the expending of money, incurring of liability or the entering into; of any contract which by its terms involves the expenditure of money for any purpose for which no appropriation is provided, or in excess of the amount appropriated for such purpose. By virtue of the powers vested in the Local Finance Board by N.J.S.A. 52: 27BB-10 on October 20, 1975, the Local Finance Board adopted a procedure for the expenditure of public moneys by a municipality. This procedure became effective January 1, 1976.

In accordance with the rules and regulations adopted by the Local Finance Board with respect to the awarding of Contracts by the Municipal Governing Body, I do hereby certify that funds are available for the following purpose and this contract may be adopted.

Purpose: Professional Services-RicciPlanning-COAH Filing

Account: T-26-909-902

Fund: COAH Trust Fund

Amount: \$20,000.00

Date: September 23, 2015



Rosemary Costa
Treasurer, C.F.O.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Joseph P. Scarpelli *Date:* September 23, 2015
Seconded by: Commissioner Steven L. Rogers *No.* 280-2015

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the public body is of the opinion that such circumstance exists; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley move into closed executive session to discuss:

1. Ongoing Litigation with Hoffman La Roche
2. Property Acquisition
3. Contractual Negotiations

BE IT FURTHER RESOLVED, that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Township of Nutley pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by statute.

. . .

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the

Eleni Pettas

foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held September 23, 2015

<i>Record of Vote</i>	<i>Commissioner Steven L. Rogers</i>	<i>Commissioner Mauro G. Tucci</i>	<i>Commissioner Thomas J. Evans</i>	<i>Commissioner Joseph P. Scarpelli</i>	<i>Mayor Alphonse Petracco</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					