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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)	
PUBLIC MEETING)	TRANSCRIPT OF
)	PROCEEDINGS:
)	

December 29, 2016

BEFORE:

Commissioner Steven L. Rogers

Commissioner Mauro G. Tucci

Commissioner Thomas J. Evans

Commissioner Alphonse Petracco

Mayor Joseph P. Scarpelli

Township Clerk

Job No. VTNJ - 2517385

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P R O C E E D I N G S

MAYOR SCARPELLI: Everybody stand for the pledge.
(Pledge of Allegiance)

MAYOR SCARPELLI: Madam Clerk.

MADAM CLERK: Yes, Mayor.

Board of Commissioners Public Meeting Thursday,
December 29th, 2016. The time is now 2:05.

Pursuant to the requirements of the Open Public
Meeting Act, Chapter 231, Public Law, 1975, notice of this
meeting was published in the December 8th, 2016 issue of The
Nutley Sun.

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.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor.

1 And Commissioner Evans is via phone.

2 MAYOR SCARPELLI: Right.

3 We're going to take some things out of order on
4 the agenda today.

5 The first thing we're going to talk about is
6 communications.

7 Madam Clerk or Commissioner Evans, do you want to
8 talk about the award anticipation note?

9 COMMISSIONER EVANS: Yes. We did have a -- we did
10 have a sale of the note. I apologize for my laryngitis.

11 We were successful in that sale. I have asked Roe
12 to join to provide you with some details. So,
13 Roe, can you explain it?

14 (Inaudible)

15 Rosemary Costa: (Inaudible) and it did go into
16 (inaudible). It was (inaudible) it was .453 percent more
17 than the issue that we did in January but that is reflective
18 of the increase in prime rates that has been passing on.

19

20 So, the determination of award is (inaudible)
21 information purposes (inaudible).

22 COMMISSIONER TUCCI: Question, Mayor, if I might.

23 Why are the price numbers different coming down?

24 You have nine point -- nine million, one eighty --

25 UNIDENTIFIED SPEAKER: (Inaudible).

1 COMMISSIONER EVANS: (Inaudible) we don't have --

2 ROSEMARY COSTA: So, if you notice
3 (inaudible) with the note (inaudible) goes to (inaudible) a
4 total (inaudible).

5 COMMISSIONER TUCCI: Right.

6 ROSEMARY COSTA: (Inaudible).

7 COMMISSIONER EVANS: (Inaudible) 1.187 (inaudible).

8 COMMISSIONER PETRACCO: You have to probably switch
9 it.

10 ROSEMARY COSTA: (Inaudible) up after you take it to
11 the effective premium, that's where the rate, the net
12 interest cost is 1.187.

13 COMMISSIONER TUCCI: Okay. But the par is the
14 nine million one eighty-eight. Okay. Thank you.

15 ROSEMARY COSTA: One eighty-eight.

16 COMMISSIONER EVANS: (Inaudible) he's going to
17 (inaudible).

18 MAYOR SCARPELLI: Thank you, Commissioner.

19 Let's go to public comment agenda items only.

20 Madam Clerk.

21 MADAM CLERK: Yes, Mayor.

22 All persons addressing the Board of Commissioners
23 regarding community concerns should approach the microphone
24 and provide their name and address for the record.

25 Unless further time is granted by the Board, each

1 person shall limit their address to three minutes.

2 All remarks to the Board and its individual
3 members must be addressed to the Mayor. The Mayor may defer
4 citizens' comments to the appropriate member of the Board.

5 Dialogue between citizens and others addressing
6 the Board shall be allowed unless the Mayor or presiding
7 officer or the majority of the membership of the Board shall
8 determine that the interest of decorum and/or the
9 expeditious conduct of municipal business are being
10 adversely affected by such dialogue.

11 MAYOR SCARPELLI: Anybody address -- would like to
12 address the Board of Commissioners on agenda items only?

13 Seeing none, can I have a motion to close the
14 public portion of the agenda items?

15 COMMISSIONER TUCCI: Move it.

16 COMMISSIONER PETRACCO: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 Board of Commissioner announcements.

3 Any announcements Commissioners?

4 COMMISSIONER TUCCI: Oh, no Mayor, not from me.

5 MAYOR SCARPELLI: I'd like to wish everybody out
6 there a happy and healthy, most important healthy --

7 Let's --

8 COMMISSIONER PETRACCO: Yeah, I'll second that.

9 COMMISSIONER TUCCI: Second that.

10 MAYOR SCARPELLI: I'll second that. I'm --

11 COMMISSIONER TUCCI: Third that.

12 I think we -- I think we're unanimous on that.

13 MAYOR SCARPELLI: I would -- let's go to
14 Commissioner Evans and your Resolutions first; all right?
15 Commissioner Evans.

16 COMMISSIONER EVANS: Yes. Yes. Thank you.
17 The first thing I'd like to do can everyone hear me, please.

18 The first thing I'd like to do is rescind
19 Resolution No. 357-16 which is to cancel by previous
20 Resolution for all Section 20 expenses. So, by this
21 statement, 357-16 is hereby rescinded in its entirety.

22

23 So moved.

24 COMMISSIONER ROGERS: 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 COMMISSIONER EVANS: And I think what I'd like to
11 introduce an Ordinance which is Number 3351, an Ordinance
12 providing for the purchase of computer equipment,
13 peripherals and related services in and by the Township, in
14 the County of Essex.

15 Damn laryngitis.

16 I move that this Ordinance be passed to a second
17 reading and advertised in The Nutley Sun together with those
18 required by law and that further consideration for final
19 passage by the Board be held January 17th, 2017. So move.

20 COMMISSIONER TUCCI: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 COMMISSIONER EVANS: All right.

7 MAYOR SCARPELLI: Do you want to continue with
8 your Resolutions or do you want us to go to Commissioner
9 Rogers?

10 COMMISSIONER EVANS: If you'll come back to me. I
11 just need to clear some phlegm.

12 MAYOR SCARPELLI: Okay. Commissioner Rogers.

13 COMMISSIONER ROGERS: Resolution No. 361-16.

14 BE IT RESOLVED, by the Board of Commissioners of
15 the Township of Nutley, County of Essex, New Jersey, that in
16 accordance with the provision of R.S. 40A-58, the following
17 transfers or appropriations in the 2016 budget be and the
18 same are hereby authorized and approved; from Garbage and
19 Trash, \$9,000 to Department of Health, S&W, \$9,000, total
20 \$9,000. So move.

21 COMMISSIONER PETRACCO: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 Commissioner Evans, we're back to you.

8 COMMISSIONER EVANS: Thank you.

9 The rest of my Resolutions, I'll be reading by
10 title only.

11 351-16, authorize and approve appointment of Maser
12 Consulting to provide professional planning engineering and
13 related services for medical center phase of the HRL
14 Redevelopment not to exceed \$12,000.

15 So move.

16 MADAM CLERK: I need a second.

17 MAYOR SCARPELLI: Second.

18 MADAM CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: I abstain.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 COMMISSIONER EVANS: 352; enter (indiscernible)
4 entered a contract with Inglesino, Webster, Wyciskala &
5 Taylor to provide special development counsel with regard to
6 Hoffmann LaRoche at hourly rate \$215 and \$100 for paralegal
7 or law clerk, January 1 through December 31st, '17. So move.

8 COMMISSIONER TUCCI: 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: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 COMMISSIONER EVANS: 353; authorize to enter into
20 a contract with Piro, Zinna, Cifelli, Paris, Genitempo to
21 provide legal advice and service to the Code Enforcement
22 Department for land use policies and procedures amount to
23 fifteen five, January 1 through December 31st, 2017. So
24 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: I've got laryngitis and I
12 forgot my reading glasses.

13 354; authorized to enter into a contract with
14 Inglesino, the same firm, for litigation related to COAH;
15 hourly rate 215 for the attorney, \$100 for paralegal or law
16 clerk, January 1, '17 through December 31st, '17. So move.

17 COMMISSIONER TUCCI: Second.

18 MADAM CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 COMMISSIONER EVANS: 355; authorize to enter into
4 contract with Piro, Zinna, Cifelli and company for legal
5 services for municipal tax appeals; \$75,000, January 1, '17
6 through December 31st, '17. There's no change in this
7 amount. So move.

8 COMMISSIONER TUCCI: 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: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 COMMISSIONER EVANS: 356; authorize and approve
20 surplus vehicle sale to be disposed of in a manner compliant
21 with local, county and state law. So move.

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 Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 COMMISSIONER EVANS: 357 was already read.

9 358; authorize Pennoni Associates to update our
10 tax maps in anticipation of the pending revaluation, amount
11 not to exceed \$18,982. So move.

12 COMMISSIONER ROGERS: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: I just have a question. Does
17 this relate to the reval?

18 COMMISSIONER EVANS: Yes. (Indiscernible) part.
19 The tax maps are (indiscernible) out of date because of the
20 changes. They just need to be updated. That's the primary
21 reason. But it also supports the fact that we have a reval
22 possible (indiscernible).

23 COMMISSIONER TUCCI: That's fine. Thank you.

24 Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 COMMISSIONER EVANS: And the last Ordinance, 364
7 is a capital budget amendment for the purchase of equipment,
8 peripherals and services in the amount of \$100,000. This is
9 coming out of fully funded capital related to the Ordinance
10 introduction above.

11 Mauro, would you like to comment on this?

12 COMMISSIONER TUCCI: Yeah. This is a necessary
13 amendment to the capital because we are in dire need of a
14 server. The server continually goes down. It's primarily
15 for the police department but has capacity beyond that and
16 our IT Department, Jason's here, Sal is here. It -- this is
17 something that's going to make them sleep a little bit
18 better at night, all right? Because the way we're going
19 now, we may not make it to the beginning of the year.

20 COMMISSIONER EVANS: Yeah. The way technology is
21 advancing, compression and storage is very critical. This
22 allows us to take a step that should give us service
23 capacity for five years.

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: Thank you Mayor.

12 MAYOR SCARPELLI: Thank you, Commissioner.

13 Commissioner Petracco.

14 COMMISSIONER PETRACCO: BE IT RESOLVED by the
15 Board of Commissioners, in the Township of Nutley, County of
16 Essex, New Jersey that in accordance with provisions of R.S.
17 40A and 4-58, the following transfers of appropriations 2016
18 budget be and the same are herein authorized and approved:
19 municipal court O&E \$3,000 thousand dollars to municipal
20 (indiscernible) salary and wage; \$3,000
21 (inaudible).

22 COMMISSIONER ROGERS: 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. Excuse me, aye.

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 Thank you, Commissioner.

9 COMMISSIONER PETRACCO: Thank you.

10 MAYOR SCARPELLI: This is Resolution 359-16. This
11 is a Resolution of the Township Commissioners, the Township
12 of Nutley, authorizing the engagement of Inglesino, Webster,
13 Wyciskala & Taylor as counsel for the Township of Nutley
14 concerning litigation related to the redevelopment of the
15 former Hoffmann LaRoche campus and this is for the Bautista
16 litigation.

17 I move the Resolution.

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 Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 BE IT RESOLVED by the Board of Commissioners,
3 Township of Nutley, County of Essex, New Jersey that in
4 accordance with provisions of R.S. --

5 MADAM CLERK: Sorry, Mayor. I'm sorry. I said
6 Commissioner Scarpelli twice here.

7 Commissioner Petracco?

8 COMMISSIONER PETRACCO: (Indiscernible) get a vote?

9 MADAM CLERK: Yes. I'm sorry about that. I
10 didn't skip you.

11 COMMISSIONER PETRACCO: Aye.

12 COMMISSIONER TUCCI: You must have been on the
13 naughty list.

14 MADAM CLERK: I'm sorry.

15 MAYOR SCARPELLI: BE IT RESOLVED by the Board of
16 Commissioners of the Township of Nutley, County of Essex,
17 New Jersey that in accordance with provision R.S. 40A 4-58,
18 the following transfers of appropriation of the 2016 budget
19 be and the same are hereby authorized and approved:

20 From street lighting, \$20,000; Engineering salary
21 and wage, \$7,000; Weed and Leaf, salary and wage, a total of
22 \$37,000 to road repair, maintenance, other expenses,
23 \$37,000.

24 I move the Resolution.

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 That concludes the business portion of our
12 meeting.

13 Madam Clerk, read the notice.

14 MADAM CLERK: Yes, Mayor.

15 All persons addressing the Board of Commissioners
16 regarding community concerns should approach the microphone
17 and provide their name and address for the record. Unless
18 further time is granted by the Board, each person shall limit
19 their address to five minutes.

20 All remarks to the Board and its individual members
21 must be addressed to the Mayor. The Mayor may defer
22 citizens' comments to the appropriate member of the Board.

23 Dialogue between citizens and others addressing
24 the Board shall be allowed unless the Mayor or presiding
25 officer or the majority of the membership of the Board shall

determine that the interest of decorum and/or the
1 expeditious conduct of municipal business are being
2 adversely affected by such dialogue.

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

6 Seeing none, we're going to be going into
7 executive session to discuss (inaudible) and the -- then
8 we'll have to come back onto the record. There'll be no
9 action taken to close out the -- the (inaudible).

10 I need a motion to go into executive session.

11 COMMISSIONER ROGERS: So moved.

12 COMMISSIONER PETRACCO: Second.

13 MADAM CLERK: WHEREAS, as Section 8 of the Open Public
14 Meeting Act, Chapter 231, Public Law, 1975, permits the
15 exclusion of public from meetings in certain circumstances.

16 AND, WHEREAS, the public body is of the opinion
17 that such circumstances exist; and

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

22 NOW, THEREFORE, BE IT RESOLVED, by the Board of
23 Commissioners, Township of Nutley, move into closed
24 executive session to discuss potential litigation, property
25 acquisition and contract negotiations.

1 Is that right, Alan? Did I get them all? Yes.

2 BE IT FURTHER RESOLVED at a time when such
3 discussion may be disclosed to the public shall be when and
4 such disclosure may be made without it adversely affecting
5 the Township of Nutley pending and/or anticipated legal or
6 personnel, contractual matters and other matters within the
7 exceptions provided for by statute.

8 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 MADAM CLERK: And the time is 2:23.

19 MAYOR SCARPELLI: Happy new year everybody.

20 (Chorus of Happy New Year.)

21 (Proceeded to executive session)

22 (Back on record)

23 MAYOR SCARPELLI: Are you ready, Jen?

24 COMMISSIONER TUCCI: Yeah. Everybody

25 (inaudible).

1 MAYOR SCARPELLI: Madam Clerk, we're back on the
2 record.

3 MADAM CLERK: Yes. We need a motion to adjourn.

4 COMMISSIONER TUCCI: So move.

5 COMMISSIONER PETRACCO: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Evans? Absent.

11 Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 MADAM CLERK: And the time is 5:25.

16 (Whereupon, the meeting was adjourned.)

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

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I, Pamela A. Skaw, certify that the foregoing transcript is

a true and accurate record of the December 29, 2016

proceedings.


Pamela A. Skaw

Pamela A. Skaw

&	356 12:19	adjourn 21:3	asked 3:11
& 10:4 16:13	357 13:8	adjourned 21:16	associates 13:9
1	357-16 6:20,22	advancing 14:21	attorney 11:15
1 10:7,23 11:16	358 13:9	adversely 5:10	authorize 9:11
12:5	359-16 16:10	19:3	10:19 12:3,19
1.187 4:7	361-16 8:13	advertised 7:17	13:9
1.187. 4:12	364 14:6	advice 10:21	authorized 8:18
100 10:6 11:15	37,000 17:22,23	afternoon 19:6	11:13 15:18 17:19
100,000 14:8	4	agenda 3:4 4:19	authorizing 16:12
12,000 9:14	4-58 15:17 17:17	5:12,14	award 3:8,20
17 10:7 11:16,16	40a 8:16 15:17	allegiance 2:3	aye 5:18,20,22,24
12:5,6	17:17	allen 20:1	6:1 7:1,3,5,7,9,22
17th 7:19	453 3:16	allowed 5:6 18:24	7:24 8:1,3,5,23,25
18,982 13:11	5	allows 14:22	9:2,4,6,19,23,25
1975 2:9 19:14	58 8:16	alphonse 1:18	10:2,10,12,14,16
2	5:25 21:15	amendment 14:7	10:18 11:2,4,6,8
20 6:21	7	14:13	11:10,19,21,23,25
20,000 17:20	7,000 17:21	amount 10:22	12:2,10,12,14,16
2016 1:12 2:7,10	75,000 12:5	12:7 13:10 14:8	12:18,24 13:1,3,5
8:17 15:17 17:18	8	announcements	13:7,14,24 14:1,3
22:9	8 19:13	6:2	14:5 15:2,4,6,8,10
2017 7:19 10:23	8th 2:10	anticipated 20:4	15:24 16:1,3,3,5,7
215 10:6 11:15	9	anticipation 3:8	16:20,22,24 17:1
231 2:9 19:14	9,000 8:19,19,20	13:10	17:11 18:2,4,6,8
2517385 1:25	a	anybody 5:11 19:4	18:10 20:8,10,12
29 1:12 22:9	absent 21:10	apologize 3:10	20:14,16 21:7,9,12
29th 2:7	abstain 9:21	appeals 12:5	21:14
2:05 2:7	accurate 22:9	appointment 9:11	b
2:23 20:17	acquisition 19:25	approach 4:23	back 8:10 9:7 19:9
3	act 2:9 19:14	18:16	20:21 21:1
3,000 15:20	action 19:10	appropriate 5:4	bautista 16:15
31st 10:7,23 11:16	address 4:24 5:1	18:22	beginning 14:19
12:6	5:11,12 18:17,19	appropriation	better 14:18
3351 7:11	19:4	17:18	beyond 14:15
351-16 9:11	addressed 5:3	appropriations	bit 14:17
352 10:3	18:21	8:17 15:17	board 1:2 2:6,13
353 10:19	addressing 4:22	approve 9:11	4:22,25 5:2,4,6,7
354 11:13	5:5 18:15,23	12:19	5:12 6:2 7:19 8:14
355 12:3		approved 8:18	15:15 17:2,15
		15:18 17:19	18:15,18,20,22,24
			18:25 19:5,18,22

<p>body 19:16 brada 3:12 budget 8:17 14:7 15:18 17:18 bulletin 2:13 business 5:9 18:11 19:2</p>	<p>16:25 17:5,9,14 18:1,3,5,7,9,13,14 19:13 20:9,11,13 20:15,17 21:1,3,6 21:8,10,13,15 clerk's 2:14 close 5:13 19:10 closed 19:20,23 coa 11:14 code 10:21 come 8:10 19:9 coming 3:23 14:9 comment 4:19 14:11 comments 5:4 18:22 commissioner 1:16,17,17,18 2:15 2:16,17,18,19,20 2:21,22 3:1,7,9,22 4:1,5,7,8,13,16,18 5:15,16,17,18,19 5:20,21,22,23,24 6:2,4,8,9,14,15,16 6:24,25 7:1,2,3,4,5 7:6,7,10,20,21,22 7:23,24,25 8:1,2,3 8:6,8,10,12,13,21 8:22,23,24,25 9:1 9:2,3,4,7,8,18,19 9:20,21,22,23,24 9:25 10:3,9,10,11 10:12,13,14,15,16 10:19,25 11:1,2,3 11:4,5,6,7,8,11,17 11:18,19,20,21,22 11:23,24,25 12:3,8 12:9,10,11,12,13 12:14,15,16,19,22 12:23,24,25 13:1,2 13:3,4,5,8,12,13</p>	<p>13:14,15,16,18,23 13:25 14:1,2,3,6 14:12,20,25 15:1,2 15:3,4,5,6,7,8,11 15:12,13,14,15,22 15:23,24,25 16:1,2 16:3,4,5,8,9,18,19 16:20,21,22,23,24 16:25 17:6,7,8,11 17:12,25 18:1,2,3 18:4,5,6,7,8 19:12 20:7,8,9,10,11,12 20:13,14 21:4,5,6 21:7,8,9,10,11,12 commissioners 1:2 2:6 4:22 5:12 6:3 8:14 16:11 17:2 17:16 18:15 19:5 19:18,23 communications 3:6 community 4:23 18:16 company 12:4 compliant 12:20 compression 14:21 computer 7:12 concerning 16:14 concerns 4:23 18:16 concludes 18:11 conduct 5:9 19:2 consideration 7:18 consulting 9:12 continually 14:14 continue 8:7 contract 10:4,20 11:13 12:4 19:25 contractual 20:5</p>	<p>copy 2:12,13 cost 4:12 counsel 10:5 16:13 county 7:14 8:15 12:21 15:15 17:3 17:16 19:19 critical 14:21</p>
<p style="text-align: center;">c</p>			<p style="text-align: center;">d</p>
<p>c 2:1 22:1,1 campus 16:15 cancel 6:20 capacity 14:15,23 capital 14:7,9,13 center 9:13 certain 19:15 certify 22:6 change 12:6 changes 13:20 chapter 2:9 19:14 chorus 20:19 cifelli 10:20 12:4 circumstances 19:15,17 citizens 5:4,5 18:22,23 clear 8:11 clerk 1:19 2:4,5,17 2:19,21,23,25 3:7 4:20,21 5:17,19,21 5:23,25 6:25 7:2,4 7:6,8,21,23,25 8:2 8:4,22,24 9:1,3,5 9:16,18,20,22,24 10:1,7,9,11,13,15 10:17 11:1,3,5,7,9 11:16,18,20,22,24 12:1,9,11,13,15,17 12:23,25 13:2,4,6 13:13,15,25 14:2,4 15:1,3,5,7,9,23,25 16:2,4,6,19,21,23</p>			<p>d 2:1 damn 7:15 date 13:19 december 1:12 2:7 2:10 10:7,23 11:16 12:6 22:9 decorum 5:8 19:1 defer 5:3 18:21 department 8:19 10:22 14:15,16 desires 19:20 details 3:12 determination 3:20 determine 5:8 19:1 development 10:5 dialogue 5:5,10 18:23 19:3 different 3:23 dire 14:13 disclosed 20:2 disclosure 20:3 discuss 19:8,24 discussion 20:2 disposed 12:20 dollars 15:19</p>
			<p style="text-align: center;">e</p>
			<p>e 2:1,1 22:1 effective 4:11 eight 4:14,15</p>

<p>eighty 3:24 4:14 4:15 enforcement 10:21 engagement 16:12 engineering 9:12 17:20 enter 10:3,19 11:13 12:3 entered 10:4 entirety 6:22 equipment 7:12 14:7 essex 7:14 8:15 15:16 17:3,16 19:19 evans 1:17 2:19,20 3:1,7,9 4:1,7,16 5:21,22 6:8,14,15 6:16 7:4,5,10,25 8:1,6,10 9:1,2,7,8 9:22,23 10:3,13,14 10:19 11:5,6,11,22 11:23 12:3,13,14 12:19 13:2,3,8,18 13:25 14:1,6,20 15:5,6,11 16:2,3 16:23,24 18:5,6 20:11,12 21:10 evening 19:5 everybody 2:2 6:5 20:18,24 exceed 9:14 13:11 exceptions 20:6 exclusion 19:15 excuse 16:3 executive 19:8,11 19:20,24 20:20 exist 19:17 expeditious 5:9 19:2</p>	<p>expenses 6:21 17:22 explain 3:13</p> <hr/> <p>f</p> <p>f 22:1 fact 13:21 fifteen 10:23 file 2:13 final 7:18 fine 13:23 firm 11:14 first 3:5 6:14,17 6:19 five 10:23 14:23 following 8:16 15:17 17:18 foregoing 22:6 forgot 11:12 former 16:15 fully 14:9 funded 14:9 further 4:25 7:18 18:18 20:1</p> <hr/> <p>g</p> <p>g 1:17 2:1 garbage 8:18 genitempo 10:20 give 14:22 glasses 11:12 go 3:15 4:19 6:13 8:8 19:11 goes 4:3 14:14 going 3:3,5 4:16 14:17,18 19:7,7 granted 4:25 18:18 grossly 20:3</p>	<p>h</p> <p>hall 2:13 happy 6:6 20:18 20:19 health 8:19 healthy 6:6,6 hear 6:18 held 7:19 hoffman 10:5 16:15 hourly 10:6 11:15 hrl 9:13</p> <hr/> <p>i</p> <p>important 6:6 inaudible 3:14,15 3:16,16,20,21,25 4:1,3,3,3,4,6,7,7 4:10,16,17 15:19 15:21 19:8,10 20:25 increase 3:18 indiscernible 3:13 6:3,17,21 10:3 13:18,19,22 15:11 15:19,20 17:8 individual 5:2 18:20 information 3:21 inglesino 10:4 11:14 16:12 interest 4:12 5:8 19:1 introduce 7:11 introduction 14:10 issue 2:10 3:17 items 4:19 5:12,14</p>	<p>j</p> <p>j 1:17 january 3:17 7:19 10:7,23 11:16 12:5 jason's 14:16 jen 20:22 jersey 1:1 8:15 15:16 17:3,17 19:20 job 1:25 joseph 1:18 joy 3:12</p> <hr/> <p>l</p> <p>l 1:16 land 10:22 laroche 10:6 16:15 laryngitis 3:10 7:15 11:11 law 2:9 7:18 10:6 11:15 12:21 19:14 leaf 17:21 legal 10:21 12:4 20:4 lighting 17:20 limit 5:1 18:19 list 17:13 litigation 11:14 16:14,16 19:24 little 14:17 local 12:21</p> <hr/> <p>m</p> <p>madam 2:4,5,17 2:19,21,23,25 3:7 4:20,21 5:17,19,21 5:23,25 6:25 7:2,4 7:6,8,21,23,25 8:2 8:4,22,24 9:1,3,5 9:16,18,20,22,24 10:1,9,11,13,15,17</p>
--	---	---	--

<p>11:1,3,5,7,9,18,20 11:22,24 12:1,9,11 12:13,15,17,23,25 13:2,4,6,13,15,25 14:2,4 15:1,3,5,7,9 15:23,25 16:2,4,6 16:19,21,23,25 17:5,9,14 18:1,3,5 18:7,9,13,14 19:13 20:9,11,13,15,17 21:1,3,6,8,10,13 21:15 maintenance 17:22 majority 5:7 18:25 manner 12:20 maps 13:10,19 maser 9:11 matters 20:5,5 mauro 1:17 14:11 mayor 1:18 2:2,4 2:5,23,24,25 3:2 3:22 4:18,21 5:3,3 5:6,11,25 6:1,4,5 6:13 7:8,9 8:4,5,7 8:12 9:5,6,17 10:1 10:2,8,17,18 11:9 11:10 12:1,2,17,18 13:6,7 14:4,5 15:9 15:10,12 16:6,7,10 17:1,5,15 18:9,10 18:14,21,21,24 19:4 20:15,16,18 20:22 21:1,13,14 medical 9:13 meeting 1:5 2:6,9 2:10 18:12 19:14 21:16 meetings 19:15 member 5:4 18:22</p>	<p>members 5:3 18:21 membership 5:7 18:25 microphone 4:23 18:16 million 3:24 4:14 minutes 5:1 18:19 motion 5:13 19:11 21:3 move 5:15 7:16,19 8:20 9:15 10:7,24 11:16 12:7,21 13:11 14:24 16:17 17:24 19:23 21:4 moved 6:23 19:12 municipal 2:14 5:9 12:5 15:19,20 19:2</p>	<p>16:12,13 17:3,16 19:19,23 20:4</p> <p style="text-align: center;">o</p> <p>o 2:1 22:1 o&e 15:19 office 2:14 officer 5:7 18:25 oh 6:4 okay 4:13,14 8:12 open 2:8 19:13 opinion 19:16 order 3:3 ordinance 7:11,11 7:16 14:6,9</p> <p style="text-align: center;">P</p> <p>p 1:18 2:1 pamela 22:6,19 par 4:13 paralegal 10:6 11:15 paris 10:20 part 13:18 passage 7:19 passed 7:16 passing 3:19 pending 13:10 20:4 pennoni 13:9 percent 3:16 peripherals 7:13 14:8 permits 19:14 person 5:1 18:19 personnel 20:5 persons 4:22 18:15 petracco 1:18 2:21 2:22 4:8 5:23,24 7:6,7 8:2,3,21 9:3 9:4,24,25 10:15,16</p>	<p>11:7,8,24,25 12:15 12:16 13:4,5 14:2 14:3 15:7,8,13,14 16:4,5,9 17:7,8,11 18:7,8 20:13,14 21:11,12 ph 3:12 20:22 phase 9:13 phlegm 8:11 phone 3:1 piro 10:20 12:4 planning 9:12 please 6:18 pledge 2:2,3 point 3:24 police 14:15 policies 10:22 portion 5:14 18:11 posted 2:12 potential 19:24 premium 4:11 present 2:25 presiding 5:6 18:24 previous 6:20 price 3:23 primarily 14:14 primary 13:20 prime 3:18 probably 4:8 procedures 10:22 proceed 19:20 proceeded 20:20 proceedings 1:7 22:12 professional 9:12 property 19:24 provide 3:12 4:24 9:12 10:21 18:17 provided 20:6</p>
	<p style="text-align: center;">n</p> <p>n 2:1 22:1 name 4:24 18:17 naughty 17:13 necessary 14:12 need 8:11 9:16 13:20 14:13 19:11 21:3 negotiations 19:25 net 4:12 new 1:1 8:15 15:16 17:3,17 19:20 20:18,19 night 14:18 nine 3:24,24 4:14 note 3:8,10 4:3 notice 2:9,12 4:2 18:13 number 7:11 numbers 3:23 nutley 1:1 2:11,13 7:17 8:15 15:15</p>		

<p>providing 7:12 provision 8:16 17:17 provisions 15:16 17:4 public 1:5 2:6,8,9 4:19 5:14 19:13 19:14,15,16 20:2 published 2:10 purchase 7:12 14:7 purposes 3:21 pursuant 2:8</p>	<p>related 7:13 9:13 11:14 14:9 16:14 remarks 5:2 18:20 repair 17:22 required 7:18 requirements 2:8 rescind 6:19 rescinded 6:22 resolution 6:20,21 8:13 16:10,11,17 17:24 resolutions 6:14 8:8 9:9 resolved 8:14 15:14 17:2,15 19:22 20:1 rest 9:9 reval 13:17 reevaluation 13:10 right 3:2 4:5 6:14 8:6 14:18 20:1 road 17:22 rogers 1:16 2:15 2:16 3:22 4:5,13 5:15,17,18 6:24,25 7:1,20,21,22 8:9 8:12,13,22,23 9:18 9:19 10:9,10 11:1 11:2,18,19 12:9,10 12:23,24 13:12,13 13:14 15:1,2,23,24 16:19,20 18:1,2 20:7,8 21:4,6,7</p>	<p>scarpelli 1:18 2:2 2:4,23,24 3:2 4:18 5:11,25 6:1,5,13 7:8,9 8:4,5,7,12 9:5,6,17 10:1,2,8 10:17,18 11:9,10 12:1,2,17,18 13:6 13:7 14:4,5 15:9 15:10,12 16:6,7,10 16:25 17:1,6,15 18:9,10 19:4 20:15,16,18,22 21:1,13,14 second 5:16 6:8,9 6:10,24 7:16,20 8:21 9:16,17 10:8 10:25 11:17 12:8 12:22 13:12 14:25 15:22 16:18 17:25 21:5 section 19:13 seeing 5:13 19:7 server 14:14,14 service 10:21 14:22 services 7:13 9:13 12:5 14:8 session 19:8,11,20 19:24 20:20 signature 22:17 skaw 22:6,19 skip 17:10 sleep 14:17 sorry 17:5,5,9,14 speaker 3:15,25 4:2,6,10,15 6:10 6:11 20:24 special 10:5 stand 2:2 state 12:21 19:19</p>	<p>statement 6:22 statute 20:6 step 14:22 steven 1:16 storage 14:21 street 17:20 successful 3:11 sun 2:11 7:17 supports 13:21 surplus 12:20 switch 4:8</p>
<p>q</p>			<p>t</p>
<p>question 3:22 13:16</p>			<p>t 22:1,1 take 3:3 4:11 14:22 taken 19:10 talk 3:5,8 tax 12:5 13:10,19 taylor 10:5 16:13 technology 14:20 thank 4:14,18 6:16 9:8 13:23 15:12 16:8,9 thing 3:5 6:17,19 things 3:3 think 6:12,12 7:10 third 6:11 thomas 1:17 thousand 15:19 three 5:1 18:19 thursday 2:6 time 2:7 4:25 18:18 20:1,17 21:15 title 9:10 today 3:4 total 4:4 8:19 17:21 town 2:13 township 1:1,19 7:13 8:15 15:15</p>
<p>r</p>			
<p>r 2:1 22:1 r.s. 8:16 15:16 17:4,17 rate 4:11 10:6 11:15 rates 3:18 read 13:8 18:13 reading 7:17 9:9 11:12 ready 20:22 reason 13:21 reasonable 13:22 record 4:24 18:17 19:9 20:21 21:2 22:9 redevelopment 9:14 16:14 reflective 3:18 regard 10:5 regarding 4:23 18:16 relate 13:17</p>	<p>s</p>		
	<p>s 2:1 s&w 8:19 sal 14:16 salary 15:20 17:20 17:21 sale 3:10,11 12:20</p>		

<p>16:11,11,13 17:3 17:16 19:19,23 20:4 transcript 1:5 22:6 transfers 8:17 15:17 17:18 trash 8:19 true 22:9 tucci 1:17 2:17,18 5:16,19,20 6:4,9 7:2,3,23,24 8:24 8:25 9:20,21 10:11,12,25 11:3,4 11:17,20,21 12:8 12:11,12,22,25 13:1,15,16,23 14:12,25 15:3,4,22 15:25 16:1,18,21 16:22 17:12,25 18:3,4 19:12 20:9 20:10 21:5,8,9 twice 17:6</p>	<p>way 14:18,20 webster 10:4 16:12 weed 17:21 wish 6:5 wyciskala 10:4 16:13</p>
	y
	<p>yeah 6:8 14:12,20 20:24 year 14:19 20:18 20:19 years 14:23</p>
	z
	<p>zinna 10:20 12:4</p>
u	
<p>unanimous 6:12 unidentified 3:15 3:25 4:2,6,10,15 6:10,11 20:24 update 13:9 updated 13:20 use 10:22</p>	
v	
<p>vehicle 12:20 vote 17:8 vtnj 1:25</p>	
w	
<p>wage 15:20 17:21 17:21 want 3:7 8:7,8</p>	