TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

) )
PUBLIC MEETING ) TRANSCRIPT OF
) ) PROCEEDINGS:

) }

February 16, 2016

BEFORE:
Mayor Petracco
Commissioner Thomas J. Evans
Commissioner Mauro Tucci
Commissioner Steven Rogers
Commissioner Joseph P. Scarpelli
Township Clerk

Job No. VTNJ - 2242840
PROCEEDINGS

MAYOR PETRACCO: Madam Clerk

MADAM CLERK: Yes, Mayor. Board of Commissioners Public Meeting Tuesday, February 16th, 2016. The time is now 7:47.

Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law, 1975, notice of this meeting was published in the December 24th, 2015 issues of The Nutley Sun, The Star Ledger and 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.

Commissioner Rogers?
COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Here.

MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: Here.

Okay. We will move on to communications.

MADAM CLERK: Yes, Mayor.
Holy Family Church has submitted a social affair permit for their 25th Annual Italian Festival for Thursday, September 22nd through Sunday, September 25th, 2016.

I need a motion.

COMMISSIONER TUCCI: Move it.

MAYOR PETRACCO: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

MADAM CLERK: FSH Holding, LLC located at 238 Franklin Avenue has submitted an Extension of Premises for the Saint Patrick's Day Parade which will be held on Saturday, March 5th, 2016, with a rain date of Saturday, March 12th, 2016.

COMMISSIONER TUCCI: Move it.

MAYOR PETRACCO: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

What -- where -- what restaurant is that, Madam Clerk?

MADAM CLERK: That's the Franklin Steak House, Mayor.

MAYOR PETRACCO: Okay. Good.

COMMISSIONER SCARPELLI: Mayor, can we make sure that Captain Green looks at (inaudible)?

MAYOR PETRACCO: Absolutely. Okay.

Madam Clerk, have you received any phone calls from the other establishments and do they have time -- will they have time to be put on our next (inaudible)?

MADAM CLERK: Yes.

MAYOR PETRACCO: Okay. That's -- that's why I'm just looking here -- at this list and I see a few of them that (inaudible).

COMMISSIONER TUCCI: Elks, Knights of Columbus.

MADAM CLERK: Luna -- Luna already submitted an
application, February 2nd. We approved that one.


MADAM CLERK: They have not submitted an application as of yet.

MAYOR PETRACCO: Okay.

And then we have our Elks and our Knights of --

MADAM CLERK: And the Elks, yes. They got a -- they also got approved in our last meeting as well.

COMMISSIONER EVANS: So just a -- a point of clarification. If they want to do an Extension of Premises for (inaudible), we have a meeting March 1st?

MADAM CLERK: Correct.

COMMISSIONER EVANS: That would be if they were to submit applications (inaudible)?

MADAM CLERK: Yes because now all the applications are directly done right online. So it's quicker, the process is much quicker.

COMMISSIONER EVANS: They would -- they would need to go through the application process, all the inspections would have to be made (inaudible) vote of the Board?

MADAM CLERK: Absolutely. They would -- the code enforcement and the police department will look through the applications and then the governing body would vote on that.
application.

COMMISSIONER EVANS: Thank you.

MADAM CLERK: You're welcome.

MAYOR PETRACCO: Okay. Thank you.

We'll move on to the bills, please.

MADAM CLERK: Yes. We have bills for February 2nd, 2016 that needed to be revised. Commissioner Evans.

COMMISSIONER EVANS: Yes. The February list, we had two bills from Essex County and they -- they relate to the (inaudible) that we received from the County were revised after the bill list was (inaudible) a few items on the February bill list.

Number 15-04791 and 16-00268 were not paid on that February (inaudible) removed and they're included on tonight's bill list for February 16th in the revised amounts.

MADAM CLERK: We need a motion.

COMMISSIONER EVANS: Move it. U

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: Aye.
MADAM CLERK: And a bill list for Tuesday, February 16th, 2016.
Public Affairs, $178,270.58; Revenue and Finance, $7,065,666.33; Public Safety, $136,688.40; Public Works, $180,006.77; Parks and Public Property, $66,588.10; total payroll of $858,688.28; for a grand total of $8,485,908.46.
COMMISSIONER EVANS: Move the bills.
COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Mayor Petracco?
MADAM CLERK: You're welcome, Mayor.
MAYOR PETRACCO: Okay. We'll move on to Resolutions. I see Commissioner Rogers, you have one.
COMMISSIONER ROGERS: I have a Resolution (inaudible).

WHEREAS, N.J.S.A. 40A:61-1 (inaudible) Uniform Shared Services and Consolidation Act authorizes and empower local units to enter into (inaudible) regarding shared services; and

WHEREAS, the Township and the Board of Education recognize the value of inter-local cooperation as a way of reducing duplication and overlap of services; and

WHEREAS, the Township and the Board of Education have previously entered into such an Agreement in order to define the respective rights and obligations of the Township and the Board of Education regarding the employ of a physician/school physician to provide health services;

NOW, THEREFORE, BE IT RESOLVED, that the Township of Nutley and the Nutley Board of Education wish to extend the existing Shared Services Agreement for Physician/School Physician for the period September 1st, 2015 through August 31st, 2016 for which the Township will be compensated $7,000 to be paid in ten equal installments of $700.

(inaudible)

COMMISSIONER SCARPELLI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye. Thank you.

COMMISSIONER ROGERS: That's all, Mayor.

MAYOR PETRACCO: Commissioner Evans.

COMMISSIONER EVANS: Thank you, Mayor.

WHEREAS, the Township of Nutley has a need to acquire the services of a professional real estate appraiser to assist with real estate appraisals, tax appeals and tax court appearances and to complete (inaudible) to ensure the capture of added assessments arising from ongoing improvement activities in the Township of Nutley (inaudible) and open contract pursuant to the provisions of N.J.S.A. 19:44A20.4 (inaudible) appropriate; and

WHEREAS, the tax assessor has determined and certified in writing that the value of the aggregate services provided by the vendor for the year will exceed $17,500; and

WHEREAS, Hendricks Appraisal Company, LLC, 7 Hutton Avenue, West Orange, New Jersey has submitted a fee
schedule for providing such services, the total of which is not to exceed $60,000; and

WHEREAS, the (inaudible) twelve months from January 1, 2016 through December 31st, 2016; and

WHEREAS, Hendricks Appraisal Company has completed and submitted a Business Entity Disclosure Certificate which certifies that they have not made any reportable disqualifying contributions to a political (inaudible) in the Township of Nutley in the previous (inaudible) that the contract will prohibit them from making any reportable contributions (inaudible) contract; and

WHEREAS, funds are available from account 16 -- 601204205, subject to the adoption of the 2016 Municipal Budget and will be certified (inaudible).

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, County of Essex, (inaudible) authorizes the Mayor to enter into a contract with Hendricks Appraisal, LLC; and

BE IT FURTHER RESOLVED that the Business Disclosure Entity Certification and the Determination of Value be placed on file with this Resolution.

So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: WHEREAS, the Township of Nutley has determined that the property described on Schedule A which (inaudible) Neopost IJ 90 (inaudible) postage machine, serial number 367032 and incorporated herein is no longer needed for public use;

WHEREAS, the Local Unit Technology Pilot Program and Study Act, P.L. 201, c.30, authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service;

WHEREAS, the Township of Nutley intends to utilize (inaudible) auction services of propertyroom.com;

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services' Local Finance Notice 2008-9 (inaudible);

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley and County of Essex, State of New Jersey, that the Township is hereby authorized
to sell the surplus property as indicated in Schedule A at
an online auction website entitled propertyroom.com; the
terms and conditions of the agreement (inaudible)
propertyroom.com and the Township of Nutley are available to
propertyroom.com and in the (inaudible) office; a certified
copy of the -- of the Resolution shall be forwarded by the
Township Clerk to the following: the Division of Local
Government Services, the Chief of Police and the Chief
Financial Officer.

(inaudible).

COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: Aye.
COMMISSIONER EVANS: Thank you, Mayor.
MAYOR PETRACCO: Okay. That's all you have,
Commissioner?
COMMISSIONER EVANS: Yes.
MAYOR PETRACCO: Okay. Commissioner Scarpelli.

COMMISSIONER SCARPELLI: (Inaudible) Mayor, not tonight.

COMMISSIONER TUCCI: Just like Mr. Scarpelli, I also have nothing I'm contributing.

MAYOR PETRACCO: Thank you. Thank you so much.

I have a couple Resolutions.

WHEREAS, the Township of Nutley has recently been named (inaudible) -- okay.

WHEREAS, the Township of Nutley, Township of Nutley has recently been named as a third party defendant in litigation captioned at the Bautista (inaudible) Hoffman-LaRoche, Inc. (inaudible) Township of Nutley, Docket No. ESX-L008724-14; and

WHEREAS, accordingly, there exists the need by the Board of Commissioners of the Township of Nutley for legal counsel to represent the Township in said litigation, same to be appointed non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 by the Township; and

WHEREAS, the above needs are certain -- for certain specified professional services to be rendered and performed by a person or persons authorized by law to practice a recognized profession, whose practice is regulated by law within the meaning of N.J.S.A. 20A:11-1, as amended; and
WHEREAS, the performance of said professional service required knowledge of an advanced type in a field of learning acquired by the prolonged formal course of specialized training study, as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications; and

WHEREAS, funds are available for this purpose and Certificates of Availability has been filed by the Chief Financial Officer of the Township in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2; and

WHEREAS, John P. Inglesino of Inglesino, Webster, Wyciskala & Taylor, the firm has completed and submitted a Business Entity Disclosure Certification which certifies that he and the firm have not made any reportable contributions to a political candidate or candidate committee in the Township in the previous one year that would violate either N.J.S.A. 19:44A-20.5 or the Township's Local Unit Pay to Play Ordinance adopted by referendum, or any and all relevant Executive Orders, of the New Jersey Election Law Enforcement Commission disclosures requirements, and that the contract will bar John P. Inglesino of Inglesino, Webster, and Wyciskala & Taylor, LLC
from making any reportable contributions through the term of
the contract; and

WHEREAS, the Local Public Contracts Law, N.J.S.A.
40A:11-1, as amended, requires that this Resolution be
publicly advertised.

NOW, THEREFORE, BE IT RESOLVED, by the Board of
Commissioners of the Township of Nutley that in accordance
with the Local Public Contracts Law, hereby authorizes and
approves the award of the professional service contract to
John P. Inglesino, Esquire of the firm of Inglesino, LLC
pursuant to the non-fair and open process in accordance with
the provisions of N.J.S.A. 19:44A-20.5, as legal counsel in
accordance with the contract for professional services,
which shall provide the legal counsel or any attorney on
staff shall be paid an hourly rate of $250 for legal
services by attorneys and an hourly rate of $100 for services
performed by a paralegal or law clerk; and

FURTHER RESOLVED the Chief Financial Officer has
executed a Certification of Funds for the contract and that
sufficient funds are available for said contract;

FURTHER RESOLVED that the cost of the service will
not exceed $75,000 from the budget account number 6-01-012-
200 and is subject to the adoption of the 2016 Municipal
Budget; and
FURTHER RESOLVED that the Mayor and the Clerk are hereby authorized and directed to execute, seal and deliver said contract for professional services on behalf of and in the name of the Township; and

FURTHER RESOLVED that the Business Disclosure Entity Certification and Business Entity Disclosure of Campaign Contributions shall be placed on file with the Resolution; and

FURTHER RESOLVED that the copy of the Resolution shall be published as required by law within ten days of this passage.

I move the Resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.
This is -- the next Resolution I'm going to read, 53-16, is on behalf of the Board of Commissioners. We'll read it as a whole.

BE IT RESOLVED by the Board of Commissioners, in the Township of Nutley, County of Essex, State of New Jersey, that the attorneys to the Planning Board, Zoning Board of Adjustment, Rent Leveling Board and Economic Development Board be compensated at the discretion of the Mayor, via stipend for exploratory work or work performed above and beyond their normal and customary duties on their respective Boards for additional issues within the Township of Nutley;

BE IT FURTHER RESOLVED that the stipend will be in accordance with the government rate of $125 per hour.

I move the Resolution

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: Aye.

WHEREAS, the Township of Nutley Police Department wishes to apply for funding approximately $60,000 with the match of $156,384.42 for an appropriate project total cost $216,384.42 for a project under the 2016 State of New Jersey Safe and Secure Communities Grant Program; and

WHEREAS, the Nutley Board of Commissioners have reviewed accompanying applications and has approved said request;

WHEREAS, the project is a joint effort between the Department of Local -- of Law and Public Safety and Township of Nutley Police Department for the purpose described in the application;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners that: (1) as a matter of public policy, the Township of Nutley Police Department wishes to participate to the fullest extent possible with the Department of Law and Public Safety; (2) the Attorney General will receive funds on behalf of the applicant; (3) the Division of Criminal Justice shall be responsible for the receipt and review of the applications of said funds; (4) the Division of Criminal Justice shall initiate allocations to each applicant as authorized.

I move the Resolution.

COMMISSIONER TUCCIE: Second.
MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: Aye.

WHEREAS, raffle applications have been received from the following organization: Lions Club of Nutley, Off-Premise 50/50 Cash Raffle, Thursday, April 28th, 2016.

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

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that the aforementioned licenses are approved and the Municipal Clerk is authorized to issue the licenses.

I move the Resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: Aye.

Thank you. That concludes our business portion of the meeting. Madam Clerk, will you please read our five-minute rule?

MADAM CLERK: Yes, Mayor.

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

Unless further time is granted by the Board, each person shall limit their address to five minutes.

All remarks to the Board and its -- and its individual members must be addressed to the Mayor.

The Mayor may defer citizens' comments to the appropriate member of the Board.

Dialogue between citizens and others addressing the Board shall be allowed unless the Mayor or presiding officer of the majority of the membership of the Board shall determine that the interests of decorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.
MAYOR PETRACCO: Thank you, Madam Clerk. Is there anyone here this evening that would like to address the Board of Commissioners? Please state your name and address for the record.

MS. LANDRY: Penny Landry, 135 Lakeside Drive, regarding number 5316, passed tonight by resolution.

I'm -- I'm wondering if there's a typo because it lists an economic development board and, as far as I know, we have an Economic Development Advisory Committee. Is this a typo?

MAYOR PETRACCO: Counsel, would you please answer that question?

ALAN GENITEMPO, ESQ.: Yes. I think that is a typo. Thank you. We'll (inaudible).

MS. LANDRY: It is a typo?

UNIDENTIFIED SPEAKER: I believe so. That's the name (inaudible).

MS. LANDRY: Okay. Because it lists it at a board and, counsel, if I'm correct, if there is, in fact, an economic development board; is there or is there not an economic development board?

UNIDENTIFIED SPEAKER: No.

MS. LANDRY: There is not a board. Okay. There is an Economic Development Advisory Committee, correct?

COMMISSIONER EVANS: Correct.
MS. LANDRY: Okay. And I'd like to make my third request that minutes and meetings of the Economic Development Advisory Committee be put on the website and that the meetings be made open to the public for (inaudible) want to attend and that just to clarify that because this is not a board, then no legal monies will be spent -- money on legal fees will be spent by the committee, correct, Mr. Genitempo (ph)?

MR. GENITEMPO: As far as I know, there haven't been any (inaudible).

MS. LANDRY: Okay. All right. So we do not have an economic development board. Thank you.

MAYOR PETRACCO: Is there anyone else this evening that would like to address the Board of Commissioners?

Seeing no one.

COMMISSIONER SCARPELLI: Move to adjourn.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

Thank you.

MADAM CLERK: And the time is now 8:09.

(Whereupon, the meeting was adjourned.)
CERTIFICATION

I, Pamela A. Skaw, certify that the foregoing transcript is a true and accurate record of the February 16, 2016 proceedings.

[Signature]

Pamela A. Skaw
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AGENDA
TOWNSHIP OF NUTLEY
BOARD OF COMMISSIONERS
PUBLIC MEETING
TUESDAY, FEBRUARY 16, 2016/7:00P.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 December 24, 2015 issues of The Nutley Sun, The Star Ledger and 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 Steven L. Rogers
Commissioner Mauro G. Tucci
Commissioner Thomas J. Evans
Commissioner Joseph P. Scarpelli
Mayor Alphonse Petracco

MINUTES:

COMMUNICATIONS/CORRESPONDENCE:
- Holy Family Church has submitted a social affair permit for the 25th Annual Italian Festival for Thursday September 22, 2016 through Sunday, September 25, 2016
- FSH Holding LLC., 238 Franklin Avenue has submitted an Extension of Premises for Saint Patrick’s Day Parade for Saturday, March 5, 2016 with a rain date of Saturday, March 12, 2016

PROCLAMATION:

REPORTS:

BILLS:
Revised Bill List of February 2, 2016

ORDINANCE INTRODUCTIONS:

ORDINANCE PUBLIC HEARINGS:

RESOLUTIONS: (7)

Commissioner Rogers (1)
No. 56-16 / Shared Services Agreement with the Board of Education to Provide Health Services / Physician-School Physician / September 1, 2015 through August 31, 2016

Commissioner Tucci:
Commissioner Evans: (2)
No. 50-16 / Authorize Contract for Professional Real Estate Appraiser/Hendricks Appraisal Company, LLC, 7 Hutton Avenue, West Orange, New Jersey/January 1, 2016 to December 31, 2016/Not to Exceed $60,000.00
No. 51-16 / Authorize Sale of Surplus Personal Property via Propertyroom.com Online Auction Services/Neopost

Commissioner Scarpelli:

Mayor Petracco: (4)
No. 52-16 / Authorize Award of Contract for Professional Services with John P. Inglesino of Inglesino, Webster, Wyciskala & Taylor, LLC, 600 Parsippany Road Suite 204, Parsippany, New Jersey 07054 to represent the Township in Litigation matters at an hourly rate of $215.00 for legal counsel and $100.00 for Paralegal or Law Clerk / Not To Exceed $75,000.00
No. 53-16 / Stipend to Attorneys for Exploratory Work for Planning, Zoning, Rent Leveling and Economic Development Advisory Committee / At Mayor’s discretion at the Government Rate of $125.00 per hour
No. 54-16 / Authorize Participation with 2016 State of New Jersey Safe and Secure Communities Grant Program / Project Total Cost $216,384.42
No. 55-16 / Approve Raffle License / Lions Club of Nutley / Off-Premise 50/50 Cash Raffle / April 28, 2016

MEETING OPEN TO THE PUBLIC:

ADJOURNMENT:

REMINDER:
The next Board of Commissioners meeting is scheduled for Tuesday, March 1, 2016 at 7:00 P.M., Nutley Town Hall, 3rd Floor Commission Chambers.
WHEREAS, the Township of Nutley has a need to acquire the services of a professional real estate appraiser to assist with real estate appraisals, tax appeals and tax court appearances and to complete the necessary procedures to ensure the capture of added assessments arising from ongoing improvement activities in the Township of Nutley as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as appropriate; and

WHEREAS, the tax assessor has determined and certified in writing that the value of the aggregate services provided by the vendor for the year will exceed $17,500; and

WHEREAS, Hendricks Appraisal Company, LLC, 7 Hutton Avenue, West Orange, NJ 07052 has submitted a fee schedule for providing such services, the total of which is not to exceed $60,000.00; and

WHEREAS, the anticipated term of this contract is for twelve (12) months, from January 1, 2016 through December 31, 2016; and

WHEREAS, Hendricks Appraisal Company, LLC has completed and submitted a Business Entity Disclosure Certification which certifies that they have not made any reportable disqualifying contributions to a political or candidate committee in the Township of Nutley in the previous one year, and that the contract will prohibit them from making any reportable contributions through the term of the contract; and

WHEREAS, funds will be available from account # 6-01-204-205, subject to adoption of 2016 Municipal Budget and will be certified by the Chief Financial Officer; and

NOW, THEREFORE, BE IT RESOLVED that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey authorizes the Mayor to enter into a contract with Hendricks Appraisal Company, LLC; and

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

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 February 16, 2016

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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-Tax Appeals-Hendricks

Account: 6-01-204-205

Fund: Current Fund

Amount: Not to Exceed $60,000.00 Subject to Adoption of the 2016 Municipal Budget

Date: February 16, 2015

Rosemary Costa
Treasurer, C.F.O.
Resolutions

WHEREAS, the Township of Nutley has determined that the property described on Schedule A attached hereto and incorporated herein is no longer needed for public use; and

WHEREAS, the Local Unit Technology Pilot Program and Study Act (P.L. 2001, c. 30) authorizes the sale of surplus personal property no longer needed for public use through the use of an online auction service; and

WHEREAS, the Township of Nutley intends to utilize the online auction services of propertyroom.com; and

WHEREAS, the sales are being conducted pursuant to the Division of Local Government Services’ Local Finance Notice 2008-9 and 2008-21R;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners, of the Township of Nutley, County of Essex, State of New Jersey, that:

1. Township is hereby authorized to sell the surplus personal property as indicated in Schedule A at an online auction website entitled propertyroom.com; and

2. The terms and conditions of the agreement entered into between propertyroom.com and the Township of Nutley are available at propertyroom.com and in the Township Clerk’s office; and

3. A certified copy of the within Resolution be forwarded by the Township Clerk to the following:
   - Division of Local Government Services
   - Chief of Police
   - Chief Financial Officer

SCHEDULE A

<table>
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<tr>
<th>Item Description</th>
<th>Make/Model</th>
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<td>Neopost IJ90</td>
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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 February 16, 2016.
RESOLUTION OF THE TOWNSHIP COMMISSIONERS OF THE TOWNSHIP OF NUTLEY AUTHORIZING THE ENGAGEMENT OF INGLESINO, WEBSTER, WYCISKALA & TAYLOR, LLC AS COUNSEL FOR THE TOWNSHIP OF NUTLEY CONCERNING LITIGATION RELATED TO THE REDEVELOPMENT OF THE FORMER HOFFMANN LAROCHE CAMPUS

WHEREAS, the Township of Nutley ("Township") has recently been named as a third party defendant in the litigation captioned as Bautista, et al v. Hoffmann-LaRoche, Inc., et al v. Township of Nutley, et al (Docket No. ESX-L-008724-14); and

WHEREAS, accordingly, there exists the need by the Board of Commissioners of the Township (the "Board") for legal counsel to represent the Township in said litigation, same to be appointed non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.5 by the Township; and

WHEREAS, the above needs are for certain specified professional services to be rendered or performed by a person or persons authorized by law to practice a recognized profession, whose practice is regulated by law within the meaning of N.J.S.A. 20A:11-1, et. seq., as amended; and

WHEREAS, the performance of said professional services requires knowledge of an advanced type in a field of learning acquired by a prolonged formal course of specialized training study, as distinguished from general academic instruction or apprenticeship and training; and

WHEREAS, said professional services cannot reasonably be described by written specifications, and

WHEREAS, funds are available for this purpose and a Certificate of Availability has been filed by the Chief Financial Officer of the Township in accordance with the Local Budget Law, N.J.S.A. 40A:4-57 and N.J.A.C. 5:34-5.2; and

WHEREAS, John P. Inglesino of Inglesino, Webster, Wyciskala & Taylor, LLC (the “Firm”) has completed and submitted a Business Entity Disclosure Certification which certifies that he and the Firm have not made any reportable contributions to a political candidate or candidate committee in the Township in the previous one year that would violate either N.J.S.A. 19:44A-20.5, or the Township’s Local Unit Pay to Play Ordinance adopted by referendum, or any and all relevant Executive Orders, or the New Jersey Election Law Enforcement Commission disclosure requirements, and that the contract will bar John P. Inglesino of Inglesino, Webster, Wyciskala & Taylor, LLC from making any reportable contributions through the term of the contract; and
WHEREAS, the Local Public Contracts Law, N.J.S.A. 40A:11-1 et seq., as amended, requires that this Resolution be publicly advertised.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley that in accordance with the Local Public Contracts Law, hereby authorizes and approves the award of a professional services contract to John P. Inglesino, Esq., of the firm of Inglesino, Webster, Wyciskala & Taylor, LLC pursuant to a non-fair and open process in accordance with the provisions of N.J.S.A. 19:44A-20.5, as legal counsel in accordance with a contract for professional services, which shall provide that the legal counsel or any attorney on staff shall be paid an hourly rate of Two Hundred Fifteen and 00/100 Dollars ($215.00) for legal services by attorneys and an hourly rate of One Hundred Dollars and 00/100 ($100.00) for services performed by a paralegal or law clerk work; and

FURTHER RESOLVED, that the Chief Financial Officer has executed a Certification of Funds for the contract and that sufficient funds are available for said contract; and

FURTHER RESOLVED, that cost of services will not exceed $75,000.00 from budget account # 6-01-012-200 and is subject to the adoption of the 2016 Municipal Budget; and

FURTHER RESOLVED, that the Mayor and Clerk are hereby authorized and directed to execute, seal and deliver said contract for Professional Services on behalf of and in the name of the Township; and

FURTHER RESOLVED, that the Business Disclosure Entity Certification and Business Entity Disclosure of Campaign Contributions shall be placed on file with this Resolution; and

FURTHER RESOLVED, that a copy of this Resolution shall be published as required by law within ten (10) days of its passage.

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 February 16, 2016

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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: Legal Counsel HLR-Bautista-Inglesino

Account: 6-01-012-200

Fund: Current Fund

Amount: Not to Exceed $75,000.00-Subject to Adoption of the 2016 Municipal Budget

Date: February 16, 2016

Rosemary Costa
Treasurer, C.F.O.
BE IT RESOLVED, by the Board of Commissioners, in the Township of Nutley, County of Essex, State of New Jersey, that the attorneys to the Planning Board, Zoning Board of Adjustment, Rent Leveling Board, and Economic Development Advisory Committee be compensated, at the discretion of the Mayor, via stipend for exploratory work or work performed above and beyond their normal and customary duties on their respective Boards for additional issues within the Township of Nutley.

BE IT FURTHER RESOLVED, that the stipend will be in accordance with the government rate of $125.00 per hour.
STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

RESOLUTION OF PARTICIPATION

A RESOLUTION APPROVING PARTICIPATION WITH THE STATE OF NEW JERSEY FEDERAL GRANT PROGRAM ADMINISTERED BY THE DIVISION OF CRIMINAL JUSTICE, DEPARTMENT OF LAW AND PUBLIC SAFETY.

WHEREAS, the Township of Nutley Police Department wishes to apply for funding of approximately $60,000.00 with a match of $156,384.42 for an approximate project total cost of $216,384.42 for a project under the 2016 State of New Jersey Safe and Secure Communities Grant Program, and

WHEREAS, the Nutley Board of Commissioners has reviewed the accompanying application and has approved said request, and

WHEREAS, the project is a joint effort between the Department of Law and Public Safety and Township of Nutley Police Department for the purpose described in the application;

NOW THEREFORE, BE IT RESOLVED by the Nutley Board of Commissioners that:

1. As a matter of public policy, the Township of the Nutley Police Department wishes to participate to the fullest extent possible with the Department of Law and Public Safety.
2. The Attorney General will receive funds on behalf of the applicant.
3. The Division of Criminal Justice shall be responsible for the receipt and review of the applications of said funds.
4. The Division of Criminal Justice shall initiate allocations to each applicant as authorized.

I, ___, 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 February 16, 2016.
WHEREAS, raffle applications have been received from the following organizations; and

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<th>Lions Club Nutley</th>
<th>License No. 6-16 Off-Premise 50/50 Cash Raffle</th>
<th>Thursday, April 28, 2016</th>
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WHEREAS, the applications have been reviewed and approved by the Municipal Clerk and the Police Department,

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the aforementioned licenses are approved and the Municipal Clerk is authorized to issue the licenses.
WHEREAS, N.J.S.A. 40A:61-1, et seq. the Uniform Shared Services and Consolidation Act ("Act") authorizes and empowers local units to enter into agreements with other local entities regarding shared services and;

WHEREAS, the Township and the Board of Education recognize the value of inter-local cooperation as a way of reducing duplication and overlap of services; and

WHEREAS, the Township and the Board of Education have previously entered into such an Agreement in order to define the respective rights and obligations of the Township and the Board of Education regarding the employ of a physician / school physician to provide health services;

NOW THEREFORE BE IT RESOLVED, that the Township of Nutley and the Nutley Board of Education wish to extend the existing Shared Services Agreement for Physician / School Physician Services for the period September 1, 2015 through August 31, 2016 for which the Township will be compensated $7,000.00, to be paid in ten equal installments of $700.00.

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 February 16, 2016.

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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. Potential Litigation
2. Litigation

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.