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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

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P R O C E E D I N G S

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.

1 Holy Family Church has submitted a social affair
2 permit for their 25th Annual Italian Festival for Thursday,
3 September 22nd through Sunday, September 25th, 2016.

4 I need a motion.

5 COMMISSIONER TUCCI: Move it.

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

22 COMMISSIONER TUCCI: Move it.

23 MAYOR PETRACCO: 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 What -- where -- what restaurant is that, Madam
10 Clerk?

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

13 MAYOR PETRACCO: Okay. Good.

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

16 MAYOR PETRACCO: Absolutely. Okay.

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

20 MADAM CLERK: Yes.

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

24 COMMISSIONER TUCCI: Elks, Knights of Columbus.

25 MADAM CLERK: Luna -- Luna already submitted an

1 application, February 2nd. We approved that one.

2 MAYOR PETRACCO: What -- what about Luce's? I
3 (inaudible).

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

6 MAYOR PETRACCO: Okay.

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

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

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

13 MADAM CLERK: Correct.

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

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

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

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

25

1 application.

2 COMMISSIONER EVANS: Thank you.

3 MADAM CLERK: You're welcome.

4 MAYOR PETRACCO: Okay. Thank you.

5 We'll move on to the bills, please.

6 MADAM CLERK: Yes. We have bills for February
7 2nd, 2016 that needed to be revised. Commissioner Evans.

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

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

16

17 MADAM CLERK: We need a motion.

18 COMMISSIONER EVANS: Move it. U

19 COMMISSIONER TUCCI: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Mayor Petracco?

4 MAYOR PETRACCO: Aye.

5 MADAM CLERK: And a bill list for Tuesday,
6 February 16th, 2016.

7 Public Affairs, \$178,270.58; Revenue and Finance,
8 \$7,065,666.33; Public Safety, \$136,688.40; Public Works,
9 \$180,006.77; Parks and Public Property, \$66,588.10; total
10 payroll of \$858,688.28; for a grand total of \$8,485,908.46.

11 COMMISSIONER EVANS: Move the bills.

12 COMMISSIONER TUCCI: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Scarpelli?

20 COMMISSIONER SCARPELLI: Aye.

21 MADAM CLERK: Mayor Petracco?

22 MAYOR PETRACCO: Aye. (Inaudible).

23 MADAM CLERK: You're welcome, Mayor.

24 MAYOR PETRACCO: Okay. We'll move on to
25 Resolutions. I see Commissioner Rogers, you have one.

1 COMMISSIONER ROGERS: I have a Resolution
2 (inaudible).

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

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

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

15 NOW, THEREFORE, BE IT RESOLVED, that the Township
16 of Nutley and the Nutley Board of Education wish to extend
17 the existing Shared Services Agreement for Physician/School
18 Physician for the period September 1st, 2015 through August
19 31st, 2016 for which the Township will be compensated \$7,000
20 to be paid in ten equal installments of \$700.

21 (inaudible)

22 COMMISSIONER SCARPELLI: 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. Thank you.

8 COMMISSIONER ROGERS: That's all, Mayor.

9 MAYOR PETRACCO: Commissioner Evans.

10 COMMISSIONER EVANS: Thank you, Mayor.

11 WHEREAS, the Township of Nutley has a need to
12 acquire the services of a professional real estate appraiser
13 to assist with real estate appraisals, tax appeals and tax
14 court appearances and to complete (inaudible) to ensure the
15 capture of added assessments arising from ongoing
16 improvement activities in the Township of Nutley (inaudible)
17 and open contract pursuant to the provisions of N.J.S.A.
18 19:44A20.4 (inaudible) appropriate; and

19 WHEREAS, the tax assessor has determined and
20 certified in writing that the value of the aggregate
21 services provided by the vendor for the year will exceed
22 \$17,500; and

23 WHEREAS, Hendricks Appraisal Company, LLC, 7
24 Hutton Avenue, West Orange, New Jersey has submitted a fee
25

1 schedule for providing such services, the total of which is
2 not to exceed \$60,000; and

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

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

12 WHEREAS, funds are available from account 16 --
13 601204205, subject to the adoption of the 2016 Municipal
14 Budget and will be certified (inaudible).

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

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

22 So move.

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

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

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

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

23 NOW, THEREFORE, BE IT RESOLVED, by the Board of
24 Commissioners of the Township of Nutley and County of Essex,
25 State of New Jersey, that the Township is hereby authorized

1 to sell the surplus property as indicated in Schedule A at
2 an online auction website entitle propertyroom.com; the
3 terms and conditions of the agreement (inaudible)
4 propertyroom.com and the Township of Nutley are available to
5 propertyroom.com and in the (inaudible) office; a certified
6 copy of the -- of the Resolution shall be forwarded by the
7 Township Clerk to the following: the Division of Local
8 Government Services, the Chief of Police and the Chief
9 Financial Officer.

10 (Inaudible).

11 COMMISSIONER TUCCI: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 MADAM CLERK: Mayor Petracco?

21 MAYOR PETRACCO: Aye.

22 COMMISSIONER EVANS: Thank you, Mayor.

23 MAYOR PETRACCO: Okay. That's all you have,

24 Commissioner?

25 COMMISSIONER EVANS: Yes.

1 MAYOR PETRACCO: Okay. Commissioner Scarpelli.

2 COMMISSIONER SCARPELLI: (Inaudible) Mayor, not
3 tonight.

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

6 MAYOR PETRACCO: Thank you. Thank you so much.
7 I have a couple Resolutions.

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

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

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

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

25

1 WHEREAS, the performance of said professional
2 service required knowledge of an advanced type in a field of
3 learning acquired by the prolonged formal course of
4 specialized training study, as distinguished from general
5 academic instruction or apprenticeship and training; and

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

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

13 WHEREAS, John P. Inglesino of Inglesino, Webster,
14 Wyciskala & Taylor, the firm has completed and submitted a
15 Business Entity Disclosure Certification which certifies
16 that he and the firm have not made any reportable
17 contributions to a political candidate or candidate
18 committee in the Township in the previous one year that
19 would violate either N.J.S.A. 19:44A-20.5 or the Township's
20 Local Unit Pay to Play Ordinance adopted by referendum, or
21 any and all relevant Executive Orders, of the New Jersey
22 Election Law Enforcement Commission disclosures
23 requirements, and that the contract will bar John P.
24 Inglesino of Inglesino, Webster, and Wyciskala & Taylor, LLC
25

1 from making any reportable contributions through the term of
2 the contract; and

3 WHEREAS, the Local Public Contracts Law, N.J.S.A.
4 40A:11-1, as amended, requires that this Resolution be
5 publicly advertised.

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

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

21 FURTHER RESOLVED that the cost of the service will
22 not exceed \$75,000 from the budget account number 6-01-012-
23 200 and is subject to the adoption of the 2016 Municipal
24 Budget; and

25

1 FURTHER RESOLVED that the Mayor and the Clerk are
2 hereby authorized and directed to execute, seal and deliver
3 said contract for professional services on behalf of and in
4 the name of the Township; and

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

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

12 I move the Resolution.

13 COMMISSIONER TUCCI: Second.

14 MADAM CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 MADAM CLERK: Mayor Petracco?

23 MAYOR PETRACCO: Aye.

24

25

1 This is -- the next Resolution I'm going to read,
2 53-16, is on behalf of the Board of Commissioners. We'll
3 read it as a whole.

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

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

15 I move the Resolution

16 COMMISSIONER TUCCI: 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 Scarpelli?

24 COMMISSIONER SCARPELLI: Aye.

25 MADAM CLERK: Mayor Petracco?

1 MAYOR PETRACCO: Aye.

2 WHEREAS, the Township of Nutley Police Department
3 wishes to apply for funding approximately \$60,000 with the
4 match of \$156,384.42 for an appropriate project total cost
5 \$216,384.42 for a project under the 2016 State of New Jersey
6 Safe and Secure Communities Grant Program; and

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

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

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

24 I move the Resolution.

25 COMMISSIONER TUCCIE: 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 Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 MADAM CLERK: Mayor Petracco?

10 MAYOR PETRACCO: Aye.

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

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

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

20 I move the Resolution.

21 COMMISSIONER TUCCI: 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 Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 MADAM CLERK: Mayor Petracco?

6 MAYOR PETRACCO: Aye.

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

10 MADAM CLERK: Yes, Mayor.

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

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

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

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

20 Dialogue between citizens and others addressing
21 the Board shall be allowed unless the Mayor or presiding
22 officer of the majority of the membership of the Board shall
23 determine that the interests of decorum and/or the
24 expeditious conduct of municipal business are being
25 adversely affected by such dialogue.

1 MAYOR PETRACCO: Thank you, Madam Clerk. Is there
2 anyone here this evening that would like to address the
3 Board of Commissioners? Please state your name and address
4 for the record.

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

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

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

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

15 MS. LANDRY: It is a typo?

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

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

22 UNIDENTIFIED SPEAKER: No.

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

25 COMMISSIONER EVANS: Correct.

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

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

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

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

15 Seeing no one.

16 COMMISSIONER SCARPELLI: Move to adjourn.

17 COMMISSIONER ROGERS: 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 Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

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MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

Thank you.

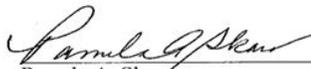
MADAM CLERK: And the time is now 8:09.

(Whereupon, the meeting was adjourned.)

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 February 16, 2016
proceedings.


Pamela A. Skaw

&	231 2:8	9	appeals 9:13
& 14:14,24	238 3:17	90 11:11	appearances 9:14
0	24th 2:9	a	applicant 18:19,23
006.77 7:9	250 15:15	absolutely 4:16 5:23	application 5:1,5,20 6:1 18:13 19:14
1	25th 3:2	academic 14:5	applications 5:15,16 5:25 18:8,21 19:11
1 10:4 18:15	25thth 3:3	accompanying 18:8	apply 18:3
100 15:16	28th 19:13	account 10:12 15:22	appointed 13:18
11-1 13:24 15:4	2nd 5:1 6:7	accurate 24:4	appraisal 9:23 10:5 10:18
125 17:14	3	acquire 9:12	appraisals 9:13
12th 3:21	3 18:19	acquired 14:3	appraiser 9:12
135 21:5	31st 8:19 10:4	act 2:8 8:4 11:15	apprenticeship 14:5
136,688.40 7:8	367032 11:12	activities 9:16	approach 20:12
15-04791 6:13	4	added 9:15	appropriate 9:18 18:4 20:19
156,384.42 18:4	4 18:21	additional 17:11	approved 5:1,9 18:8 19:15,18
16 1:11 10:12 24:4	4-57 14:11	address 20:13,15 21:2,3 22:14	approves 15:9
16-00268 6:13	40a 8:3 14:11 15:4	addressed 20:17	approximately 18:3
167th 6:15	5	addressing 20:11,20	april 19:13
16th 2:5 7:6	50/50 19:13	adjourn 22:16	arising 9:15
17,500 9:22	53-16 17:2	adjourned 23:5	assessments 9:15
178,270.58 7:7	5316 21:6	adjustment 17:7	assessor 9:19
180 7:9	5:34-5.2 14:11	adopted 14:20	assist 9:13
1975 2:8	5th 3:20	adoption 10:13 15:23	attend 22:5
19:44a 13:19 14:19 15:12	6	advanced 14:2	attorney 15:14 18:18
19:44a020.4 9:18	6-01-012 15:22	adversely 20:25	attorneys 15:16 17:6
1st 5:12 8:18	60,000 10:2 18:3	advertised 15:5	auction 11:17,19 12:2
2	601204205 10:13	advisory 21:9,24 22:3	august 8:18
2 18:18	61-1 8:3	affair 3:1	authorized 11:25 13:22 16:2 18:23 19:19
20.5 13:19 14:19 15:12	66,588.10 7:9	affairs 7:7	authorizes 8:4 10:17 11:15 15:8
200 15:23	7	aforementioned 19:18	availability 14:9
2008-9 11:22	7 9:23	aggregate 9:20	available 10:12 12:4 14:8 15:20
201 11:15	7,000 8:19	agreement 8:11,17 12:3	avenue 3:18 9:24
2015 2:9 8:18	7,065,666.33 7:8	aj 11:11	award 15:9
2016 1:11 2:5 3:3,20 3:21 6:7 7:6 8:19 10:4,4,13 15:23 18:5 19:13 24:4	700 8:20	allocations 18:22	
20a 13:24	75,000 15:22	allowed 20:21	
216,384.42 18:5	7:47 2:6	amended 13:25 15:4	
2242840 1:25	8	amounts 6:16	
22nd 3:3	8,485,908.46. 7:10	annual 3:2	
	858,688.28 7:10	answer 21:11	
	8:09 23:4		

<p>aye 3:8,10,12,14,16 3:25 4:2,4,6,8 6:21 6:23,25 7:2,4,14,16 7:18,20,22 8:24 9:1 9:3,5,7 10:25 11:2,4 11:6,8 12:13,15,17 12:19,21 16:15,17 16:19,21,23 17:18 17:20,22,24 18:1 19:2,4,6,8,10,23,25 20:2,4,6 22:19,21 22:23,25 23:2</p>	<p>captain 4:15 captioned 13:12 capture 9:15 cash 19:13 certain 13:20,21 certificate 10:6 certificates 14:9 certification 10:20 14:15 15:19 16:6 certified 9:20 10:14 12:5 certifies 10:7 14:15</p>	<p>commissioner 1:19 1:20,21,22 2:14,15 2:16,17,18,19,20,21 3:7,8,9,10,11,12,13 3:14,24,25 4:1,2,3,4 4:5,6 6:7,8,20,21,22 6:23,24,25 7:1,2,13 7:14,15,16,17,18,19 7:20,25 8:1,22,23 8:24,25 9:1,2,3,4,5 9:8,9,10 10:23,24 10:25 11:1,2,3,4,5,6 11:9 12:11,12,13,14 12:15,16,17,18,19 12:22,24,25 13:1,2 13:4 16:13,14,15,16 16:17,18,19,20,21 17:16,17,18,19,20 17:21,22,23,24 18:25 19:1,2,3,4,5,6 19:7,8,21,22,23,24 19:25 20:1,2,3,4 22:18,19,20,21,22 22:23,24,25</p>	<p>conduct 20:24 conducted 11:20 consolidation 8:4 contract 9:17 10:10 10:11,17 13:18 14:23 15:2,9,13,19 15:20 16:3 contracts 15:3,8 contributing 13:5 contributions 10:8 10:11 14:17 15:1 16:7 cooperation 8:8 copy 2:11,12 12:6 16:9 correct 5:13 21:19 21:24,25 22:7 cost 15:21 18:4 counsel 13:17 15:12 15:14 21:11,19 county 6:9,10 10:16 11:24 17:5 19:17 couple 13:7 course 14:3 court 9:14 criminal 18:20,22 customary 17:10</p>
b			
<p>bar 14:23 bautista 13:12 behalf 16:3 17:2 18:19 believe 21:16 beyond 17:10 bill 6:11,12,15 7:5 bills 6:5,6,9 7:11 board 1:3 2:4,12 5:22 8:7,10,13,16 10:15 11:23 13:16 15:6 17:2,4,6,7,7,8 18:7,14 19:16 20:11 20:14,16,19,21,22 21:3,8,18,20,21,23 22:6,12,14 boards 17:11 body 5:25 budget 10:14 14:11 15:22,24 bulletin 2:12 business 10:6,19 14:15 16:5,6 20:7 20:24</p>	<p>chapter 2:8 chief 12:8,8 14:9 15:18 church 3:1 citizens 20:18,20 clarification 5:11 clarify 22:5 clerk 1:23 2:3,4,16 2:18,20,22,25 3:7,9 3:11,13,15,17,24 4:1,3,5,7,10,11,17 4:20,25 5:4,8,13,16 5:23 6:3,6,17,20,22 6:24 7:1,3,5,13,15 7:17,19,21,23 8:23 8:25 9:2,4,6 10:24 11:1,3,5,7 12:7,12 12:14,16,18,20 15:17 16:1,14,16,18 16:20,22 17:17,19 17:21,23,25 19:1,3 19:5,7,9,15,19,22,24 20:1,3,5,8,10 21:1 22:18,20,22,24 23:1 23:4</p>	<p>commissioners 1:3 2:4 10:16 11:24 13:16 15:7 17:2,4 18:7,15 19:17 20:11 21:3 22:14 committee 14:18 21:9,24 22:3,7 communications 2:24 communities 18:6 community 20:12 company 9:23 10:5 compensated 8:19 17:8 complete 9:14 completed 10:5 14:14 concerns 20:12 concludes 20:7 conditions 12:3</p>	<p>conduct 20:24 conducted 11:20 consolidation 8:4 contract 9:17 10:10 10:11,17 13:18 14:23 15:2,9,13,19 15:20 16:3 contracts 15:3,8 contributing 13:5 contributions 10:8 10:11 14:17 15:1 16:7 cooperation 8:8 copy 2:11,12 12:6 16:9 correct 5:13 21:19 21:24,25 22:7 cost 15:21 18:4 counsel 13:17 15:12 15:14 21:11,19 county 6:9,10 10:16 11:24 17:5 19:17 couple 13:7 course 14:3 court 9:14 criminal 18:20,22 customary 17:10</p>
c			
<p>c 2:2 24:1,1 c.30 11:15 calls 4:17 campaign 16:7 candidate 14:17,17</p>	<p>clerk's 2:13 club 19:12 code 5:23 columbus 4:24 comments 20:18 commission 14:22</p>		<p style="text-align: center;">d</p> <p>d 2:2 date 3:20 day 3:19 days 16:10 december 2:9 10:4 decorum 20:23 defendant 13:11 defer 20:18 define 8:12 deliver 16:2 department 5:24 18:2,11,12,16,17 19:15 described 11:10 14:7 18:12</p>

determination 10:20 determine 20:23 determined 9:19 11:10 development 17:8 21:8,9,20,21,24 22:3,12 dialogue 20:20,25 directed 16:2 directly 5:17 disclosure 10:6,20 14:15 16:5,6 disclosures 14:22 discretion 17:8 disqualifying 10:8 distinguished 14:4 division 11:21 12:7 18:19,21 docket 13:13 drive 21:5 duplication 8:9 duties 17:10	equal 8:20 esquire 15:10 essex 6:9 10:16 11:24 17:5 19:17 establishments 4:18 estate 9:12,13 esx 13:14 evans 1:19 2:18,19 3:11,12 4:3,4 6:7,8 6:24,25 7:17,18 9:2 9:3,9,10 11:3,4,9 12:16,17,22,25 16:18,19 17:21,22 19:5,6 20:1,2 22:22 22:23 evening 21:2 22:13 exceed 9:21 10:2 15:22 execute 16:2 executed 15:19 executive 14:21 existing 8:17 exists 13:15 expeditious 20:24 exploratory 17:9 extend 8:16 extension 3:18 5:11 extent 18:17	finance 7:7 11:21 financial 12:9 14:10 15:18 firm 14:14,16 15:10 five 20:8,15 following 12:7 19:12 foregoing 24:3 formal 14:3 forwarded 12:6 franklin 3:18 4:11 fsb 3:17 fullest 18:17 funding 18:3 funds 10:12 14:8 15:19,20 18:19,21 further 10:19 15:18 15:21 16:1,5,9 17:13 20:14	hour 17:14 hourly 15:15,16 house 4:11 hutton 9:24
e	f	g	i
e 2:2,2 24:1 economic 17:7 21:8 21:9,20,21,24 22:2 22:12 education 8:7,10,13 8:16 effort 18:10 either 14:19 election 14:22 elks 4:24 5:7,8 employ 8:13 empower 8:4 enforcement 5:24 14:22 ensure 9:14 enter 8:5 10:17 entered 8:11 entitle 12:2 entity 10:6,20 14:15 16:6,6	f 24:1 fact 21:19 fair 13:18 15:11 family 3:1 far 21:8 22:9 february 1:11 2:5 5:1 6:6,8,12,14,15 7:6 24:4 fee 9:24 fees 22:7 festival 3:2 field 14:2 file 2:12 10:21 16:7 filed 14:9	g 2:2 general 14:4 18:18 genitempo 22:8,9 go 5:20 going 17:1 good 4:13 governing 5:25 government 11:21 12:8 17:14 grand 7:10 grant 18:6 granted 20:14 green 4:15 gucci's 5:2	improvement 9:16 inaudible 4:15,19 4:23 5:3,12,15,21 6:10,11,14 7:22 8:2 8:3,5,21 9:14,16,18 10:3,8,9,11,14,17 11:11,11,19,22 12:3 12:5,10 13:2,9,12 13:13 21:14,17 22:4 22:10 included 6:14 incorporated 11:12 indicated 12:1 individual 20:17 inglesino 14:13,13 14:24,24 15:10,10 initiate 18:22 inspections 5:21 installments 8:20 instruction 14:5 intends 11:18 inter 8:8 interests 20:23 issue 19:19 issues 2:9 17:11 italian 3:2 items 6:11
		h	j
		hall 2:12 health 8:14 held 3:19 hendricks 9:23 10:5 10:18 herald 2:10 hoffman 13:12 holding 3:17 holy 3:1	j 1:19 january 10:4 jersey 1:2 9:24 11:25 14:21 17:6 18:5 19:18 job 1:25 john 14:13,23 15:10 joint 18:10 joseph 1:22 justice 18:20,22

<p>k</p> <p>knights 4:24 5:7 know 21:8 22:9 knowledge 14:2</p>	<p>6:17,20,22,24 7:1,3 7:5,13,15,17,19,21 7:23 8:23,25 9:2,4,6 10:24 11:1,3,5,7 12:12,14,16,18,20 16:14,16,18,20,22 17:17,19,21,23,25 19:1,3,5,7,9,22,24 20:1,3,5,8,10 21:1 22:18,20,22,24 23:1 23:4</p>	<p>10:22 16:12 17:15 18:24 19:20 22:16 municipal 2:13 10:13 15:23 19:15 19:19 20:24</p>	<p>ongoing 9:15 online 5:17 11:17 12:2 open 2:7 9:17 13:18 15:11 22:4 orange 9:24 order 8:11 orders 14:21 ordinance 14:20 organization 19:12 overlap 8:9</p>
<p>l</p> <p>l008724-14 13:14 lakeside 21:5 landry 21:5,5,15,18 21:23 22:1,11 laroche 13:13 law 2:8 13:22,24 14:11,22 15:3,8,17 16:10 18:11,17 learning 14:3 ledger 2:10 legal 13:16 15:12,14 15:15 22:6,7 leveling 17:7 licenses 19:18,19 limit 20:15 lions 19:12 list 4:22 6:8,11,12 6:15 7:5 lists 21:8,18 litigation 13:12,17 llc 3:17 9:23 10:18 14:24 15:10 local 8:5,8 11:14,21 11:21 12:7 14:11,20 15:3,8 18:11 located 3:17 longer 11:13,16 look 5:24 looking 4:22 looks 4:15 luna 4:25,25</p>	<p>majority 20:22 making 10:10 15:1 march 3:20,21 5:12 match 18:4 matter 18:15 mauro 1:20 mayor 1:18 2:3,4,22 2:23,25 3:15,16 4:7 4:8,12,13,14,16,21 5:2,6 6:4 7:3,4,11 7:21,22,23,24 9:6,7 9:8,9,10 10:17 11:7 11:8 12:20,21,22,23 13:1,2,6 16:1,22,23 17:9,25 18:1 19:9 19:10 20:5,6,10,17 20:18,21 21:1,11 22:13 23:1,2 meaning 13:24 meeting 1:5 2:5,8,9 5:9,12 20:8 23:5 meetings 22:2,4 member 20:19 members 20:17 membership 20:22 microphone 20:12 minute 20:9 minutes 20:15 22:2 money 22:6 monies 22:6 months 10:3 motion 3:4 6:17 move 2:24 3:5,22 6:5,18 7:11,24</p>	<p>n</p> <p>n 2:2 24:1 n.j.a.c. 14:11 n.j.s.a. 8:3 9:17 13:19,24 14:11,19 15:3,12 name 16:4 20:13 21:3,17 named 13:9,11 need 3:4 5:20 6:17 9:11 13:15 needed 6:7 11:13,16 needs 13:20 new 1:2 9:24 11:25 14:21 17:5 18:5 19:18 news 2:10 non 13:18 15:11 normal 17:10 notice 2:8,11 11:22 number 6:13 11:12 15:22 21:6 nutley 1:2 2:10,12 8:16,16 9:11,16 10:9,16 11:10,18,24 12:4 13:8,10,11,13 13:16 15:7 17:5,12 18:2,7,12,16 19:12 19:17</p>	<p>p</p> <p>p 1:22 2:2 14:13,23 15:10 p.l. 11:15 paid 6:13 8:20 15:15 pamela 24:3 parade 3:19 paralegal 15:17 parks 7:9 participate 18:16 party 13:11 passage 16:11 passed 21:6 patrick's 3:19 pay 14:20 payroll 7:10 penny 21:5 performance 14:1 performed 13:22 17:9 period 8:18 permit 3:2 person 13:22 20:15 personal 11:16 persons 13:22 20:11 petracco 1:18 2:3,22 2:23 3:15,16 4:7,8 4:13,16,21 5:2,6 6:4 7:3,4,11,21,22,24 9:6,7,9 11:7,8 12:20 12:21,23 13:1,6 16:22,23 17:25 18:1 19:9,10 20:5,6 21:1</p>
<p>m</p> <p>machine 11:12 madam 2:3,4,16,18 2:20,22,25 3:7,9,11 3:13,15,17,24 4:1,3 4:5,7,9,11,17,20,25 5:4,8,13,16,23 6:3,6</p>	<p>majority 20:22 making 10:10 15:1 march 3:20,21 5:12 match 18:4 matter 18:15 mauro 1:20 mayor 1:18 2:3,4,22 2:23,25 3:15,16 4:7 4:8,12,13,14,16,21 5:2,6 6:4 7:3,4,11 7:21,22,23,24 9:6,7 9:8,9,10 10:17 11:7 11:8 12:20,21,22,23 13:1,2,6 16:1,22,23 17:9,25 18:1 19:9 19:10 20:5,6,10,17 20:18,21 21:1,11 22:13 23:1,2 meaning 13:24 meeting 1:5 2:5,8,9 5:9,12 20:8 23:5 meetings 22:2,4 member 20:19 members 20:17 membership 20:22 microphone 20:12 minute 20:9 minutes 20:15 22:2 money 22:6 monies 22:6 months 10:3 motion 3:4 6:17 move 2:24 3:5,22 6:5,18 7:11,24</p>	<p>o</p> <p>o 2:2 24:1 obligations 8:12 office 2:13 12:5 officer 12:9 14:10 15:18 20:22 okay 2:24 4:13,16 4:21 5:6 6:4 7:24 12:23 13:1,9 21:18 21:23 22:1,11</p>	<p>ongoing 9:15 online 5:17 11:17 12:2 open 2:7 9:17 13:18 15:11 22:4 orange 9:24 order 8:11 orders 14:21 ordinance 14:20 organization 19:12 overlap 8:9</p>

<p>21:11 22:13 23:1,2 ph 5:2 22:8 phone 4:17 physician 8:14,14 8:17,18 pilot 11:14 placed 10:21 16:7 planning 17:6 play 14:20 please 6:5 20:8 21:3 21:11 point 5:10 police 5:24 12:8 18:2,12,16 19:15 policy 18:15 political 10:8 14:17 portion 20:7 possible 18:17 postage 11:11 posted 2:11 practice 13:23,23 premise 19:13 premises 3:18 5:11 presiding 20:21 previous 10:9 14:18 previously 8:11 proceedings 1:6 24:5 process 5:18,20 15:11 profession 13:23 professional 9:12 13:21 14:1,6 15:9 15:13 16:3 program 11:14 18:6 prohibit 10:10 project 18:4,5,10 prolonged 14:3 property 7:9 11:10 11:16 12:1 propertyroom.com 11:19 12:2,4,5 provide 8:14 15:14 20:13</p>	<p>provided 9:21 providing 10:1 provisions 9:17 13:19 15:12 public 1:5 2:5,7,8 7:7,8,8,9 11:13,16 15:3,8 18:11,15,18 22:4 publicly 15:5 published 2:9 16:10 purpose 14:8 18:12 pursuant 2:7 9:17 11:20 13:18 15:11 put 4:19 22:3</p> <hr/> <p style="text-align: center;">q</p> <hr/> <p>question 21:12 quicker 5:17,18</p> <hr/> <p style="text-align: center;">r</p> <hr/> <p>r 2:2 24:1 raffle 19:11,13 rain 3:20 rate 15:15,16 17:14 read 17:1,3 20:8 real 9:12,13 reasonably 14:7 receipt 18:20 receive 18:18 received 4:17 6:10 19:11 recognize 8:8 recognized 13:23 record 20:13 21:4 24:4 reducing 8:9 referendum 14:20 regarding 8:5,13 20:12 21:6 regulated 13:24 relate 6:9 relevant 14:21 remarks 20:16 removed 6:14 rendered 13:21</p>	<p>rent 17:7 reportable 10:7,10 14:16 15:1 represent 13:17 request 18:9 22:2 required 14:2 16:10 requirements 2:7 14:23 requires 15:4 resolution 8:1 10:21 12:6 15:4 16:8,9,12 17:1,15 18:24 19:20 21:6 resolutions 7:25 13:7 resolved 8:15 10:15 10:19 11:23 15:6,18 15:21 16:1,5,9 17:4 17:13 18:14 19:16 respective 8:12 17:11 responsible 18:20 restaurant 4:9 revenue 7:7 review 18:21 reviewed 18:8 19:14 revised 6:7,11,15 right 5:17 22:11 rights 8:12 rogers 1:21 2:14,15 3:7,8,24,25 6:20,21 7:13,14,25 8:1,23 8:24 9:8 10:24,25 12:12,13 16:14,15 17:17,18 19:1,2,22 19:23 22:18,19 rule 20:9</p> <hr/> <p style="text-align: center;">s</p> <hr/> <p>s 2:2 safe 18:6 safety 7:8 18:11,18 saint 3:19 sale 11:15</p>	<p>sales 11:20 saturday 3:20,20 scarpelli 1:22 2:20 2:21 3:13,14 4:5,6 7:1,2,19,20 8:22 9:4 9:5 11:5,6 12:18,19 13:1,2,4 16:20,21 17:23,24 19:7,8 20:3,4 22:24,25 schedule 10:1 11:11 12:1 school 8:14,17 seal 16:2 second 3:6,23 6:19 7:12 8:22 10:23 12:11 16:13 17:16 18:25 19:21 22:17 secure 18:6 see 4:22 7:25 seeing 22:15 sell 12:1 september 3:3,3 8:18 serial 11:12 service 11:17 14:2 15:9,21 services 8:4,6,9,14 8:17 9:12,21 10:1 11:19,21 12:8 13:21 14:6 15:13,16,17 16:3 shared 8:4,5,17 signature 24:9 skaw 24:3 social 3:1 speaker 3:5,6,22,23 4:14,24 5:10,14,19 6:2,18,19 7:12 21:13,16,22,25 22:16,17 specialized 14:4 specifications 14:7 specified 13:21 spent 22:6,7</p>
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<p>staff 15:15 star 2:10 state 11:25 17:5 18:5 19:17 21:3 steak 4:11 steven 1:21 stipend 17:9,13 study 11:15 14:4 subject 10:13 15:23 submit 5:15 submitted 3:1,18 4:25 5:4 9:24 10:6 14:14 sufficient 15:20 sun 2:10 sunday 3:3 sure 4:14 surplus 11:16 12:1</p>	<p>13:8,10,10,13,16,17 13:19 14:10,18 15:7 16:4 17:5,11 18:2 18:11,16 19:17 township's 14:19 training 14:4,5 transcript 1:5 24:3 true 24:4 tucci 1:20 2:16,17 3:9,10 4:1,2 6:22,23 7:15,16 8:25 9:1 10:23 11:1,2 12:11 12:14,15 13:4 16:13 16:16,17 17:16,19 17:20 19:3,4,21,24 19:25 22:20,21 tuccie 18:25 tuesday 2:5 7:5 twelve 10:3 two 6:9 type 14:2 typo 21:7,10,14,15</p>	<p>way 8:8 website 12:2 22:3 webster 14:13,24 welcome 6:3 7:23 west 9:24 wish 8:16 wishes 18:3,16 wondering 21:7 work 17:9,9 works 7:8 writing 9:20 written 14:7 wyciskala 14:14,24</p>
<p>t</p>	<p>u</p>	<p>y</p>
<p>t 24:1,1 tax 9:13,13,19 taylor 14:14,24 technology 11:14 ten 8:20 16:10 term 15:1 terms 12:3 thank 6:2,4 9:7,10 12:22 13:6,6 20:7 21:1,14 22:12 23:3 think 21:13 third 13:11 22:1 thomas 1:19 thursday 3:2 19:13 time 2:5 4:18 20:14 23:4 tonight 13:3 21:6 tonight's 6:15 total 7:9,10 10:1 18:4 town 2:12 township 1:2,23 8:7 8:10,12,15,19 9:11 9:16 10:9,16 11:9 11:18,24,25 12:4,7</p>	<p>unidentified 3:5,6 3:22,23 4:24 5:10 5:14,19 6:2,18,19 7:12 21:13,16,22,25 22:16,17 unified 4:14 uniform 8:3 unit 11:14 14:20 units 8:5 use 11:13,16,17 utilize 11:18</p>	<p>year 9:21 14:18</p>
	<p>v</p>	<p>z</p>
	<p>w</p>	<p>zoning 17:6</p>
	<p>want 5:11 22:5</p>	

AGENDA
TOWNSHIP OF NUTLEY
BOARD OF COMMISSIONERS
PUBLIC MEETING
TUESDAY, FEBRUARY 16, 2016/7:00P.M.

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.

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.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans *Date:* February 16, 2016

Seconded by: Commissioner Mauro G. Tucci *No.* 50-16

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

<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-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.

I hereby certify that this is a true copy of an resolution adopted by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey on 2/16/16

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Eleni Pettas
Eleni Pettas, RMC
Municipal Clerk

Resolution

Introduced by: _____ Commissioner Thomas J. Evans *Date:* _____ February 16, 2016
Seconded by: _____ Commissioner Mauro G. Tucci *No.* _____ 51-16

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

Item Description Make/Model	Serial Number VIN Number
Neopost IJ90	3670312

. . .

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

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

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: _____ Mayor Alphonse Petracco _____ *Date:* February 16, 2016
Seconded by: _____ Commissioner Mauro G. Tucci _____ *No.* 52-16

**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,  _____, 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

...

<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: 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.

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Mayor Alphonse Petracco On *Date:* February 16, 2016
Behalf of the Board of Commissioners

Seconded by: Commissioner Mauro G. Tucci *No.* 53-16

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.

. . .

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

<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>					

I hereby certify that this is a true copy of an resolution adopted by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey on 2/16/16

BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Eleni Pettas
Eleni Pettas, RMC
Municipal Clerk

Resolution

Introduced by: Mayor Alphonse Petracco Date: February 16, 2016
Seconded by: Commissioner Mauro G. Tucci No. 54-16

STATE OF NEW JERSEY
DEPARTMENT OF LAW AND PUBLIC SAFETY
DIVISION OF CRIMINAL JUSTICE

RESOLUTION OF PARTICIPATION

A RESOLUTION APPROVING PARTICIATION 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

WHERAS, 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, 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

<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

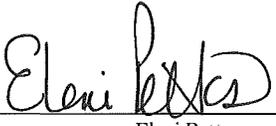
Introduced by: Mayor Alphonse Petracco **Date:** February 16, 2016
Seconded by: Commissioner Mauro G. Tucci **No.** 55-16

WHEREAS, raffle applications have been received from the following organizations; and

Lions Club Nutley	License No. 6-16 Off-Premise 50/50 Cash Raffle	Thursday, April 28, 2016

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.

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

...

<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: Commissioner Steven L. Rogers *Date:* February 16, 2016
Seconded by: Commissioner Joseph P. Scarpelli *No.* 56-16

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, , 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

<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: Commissioner Joseph P. Scarpelli *Date:* February 16, 2016
Seconded by: Commissioner Mauro G. Tucci *No.* 57-16

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.

I, , Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that
 Eleni Pettas
 the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held February 16, 2016

...

<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>					