

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)  
PUBLIC SESSION ) TRANSCRIPT OF  
(CONTINUED FROM 11.21.2017) ) PROCEEDINGS:  
)

November 27, 2017

7:00 p.m.

BEFORE:

Commissioner Steven L. Rogers

Commissioner Mauro G. Tucci

Commissioner Thomas J. Evans

Mayor Joseph P. Scarpelli

ALSO PRESENT:

Alan Genitempo, Esq., Township Attorney

Job No. NJ2764747

Transcribed by: Nicole Yawn

P R O C E E D I N G S

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Are you going to do the Pledge of Allegiance?

MAYOR SCARPELLI: Oh, yeah.

Everybody, stand.

(Pledge of Allegiance)

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Yes, Mayor. Special Board of Commissioners public meeting, Monday, November 27th, 2017, and it's also the continued meeting of Tuesday, November 21st, 2017. The time is 7:02 p.m.

Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the November 9th, 2017 issues of the Nutley Sun. A copy of this notice has been posted on the Nutley Town Hall bulletin board, and a copy is on file in the Municipal Clerk's office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco is

1 absent/excused.

2 Mayor Scarpelli?

3 MAYOR SCARPELLI: Here.

4 MADAM CLERK: All present, Mayor, except for  
5 Commissioner Petracco. He's absent/excused.

6 MAYOR SCARPELLI: Well, let's go right to public  
7 comment on agenda items only, Madam Clerk.

8 MADAM CLERK: Yes, Mayor.

9 All persons addressing the Board of Commissioners  
10 regarding community concerns should approach the microphone  
11 and provide their name and address for the record. Unless  
12 further time is granted by the board, each person shall  
13 limit their address to three minutes. All remarks to the  
14 board and its individual members must be addressed to the  
15 Mayor.

16 The Mayor may defer citizens' comments to the  
17 appropriate member of the board. Dialogue between citizens  
18 and others addressing the board shall be allowed, unless the  
19 Mayor or presiding officer or the majority of the membership  
20 of the board shall determine that the interests of decorum  
21 and/or the expeditious conduct of municipal business are  
22 being adversely affected by such dialogue.

23 MAYOR SCARPELLI: Would anybody like to address  
24 the Board of Commissioners on agenda items only?

25 Seeing none, let's move to Board of Commissioner

1 announcements.

2 Commissioners, anything?

3 MAYOR SCARPELLI: The Annual Tree Lighting will be  
4 on Sunday, December 3rd. I would like to thank all the  
5 Commissioners for their departments' help in getting where  
6 we are today. And hopefully, Sunday is a nice day, weather-  
7 wise. And we'll welcome in the holiday season here in  
8 Nutley.

9 COMMISSIONER TUCCI: Mayor, excuse me. I do have  
10 -- I do have one announcement.

11 MAYOR SCARPELLI: Commissioner?

12 COMMISSIONER TUCCI: Yes, on Thursday, November  
13 30th, we have the opening of our Parks and Rec play,  
14 "Seussical", which will run on the 30th, the 1st, and the 2nd.  
15 And that will be in the High School.

16 Thank you, Mayor.

17 MAYOR SCARPELLI: Thank you, Commissioner.

18 Let's move to the ordinance introductions.

19 Ordinance Number 3375, an ordinance providing for  
20 the purchase of a fire truck, peripherals, and related  
21 services in and by the Township of Nutley, in the county of  
22 Essex, New Jersey, appropriating \$233,000, therefore;

23 THEREFORE, be it ordained by the Board of  
24 Commissioners of the Township of Nutley.

25 I move that this ordinance be passed to a second

1 reading and advertised in the Nutley Sun, together with the  
2 notice required by law and that further consideration of  
3 said ordinance for final passage by the Board of  
4 Commissioners be held at a second reading on December  
5 19th, 2017.

6 I move the ordinance.

7 COMMISSIONER TUCCI: Second.

8 COMMISSIONER EVANS: Mayor?

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Before I vote, this is titled  
15 wrong. It's supposed to be read by me.

16 MAYOR SCARPELLI: Oh, sorry, Commissioner.

17 COMMISSIONER EVANS: Sorry I didn't see it. And  
18 the only thing I want to add is this is transferring from an  
19 operating account from last year, where we -- actually, it  
20 may be two years ago, where we funded part of the payment  
21 for the fire truck and through an operating reserve. All  
22 this ordinance does -- it's a fully funded ordinance. We're  
23 not asking for new debt. It's just transferring it from  
24 operating reserve to the capital account. So that's all  
25 we're doing with this. It's necessary before we actually

1 vote on the resolution that's attached to it.

2 I vote yes.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 Commissioner, you want to do the ordinance -- I  
6 mean, the resolution?

7 COMMISSIONER EVANS: You go right ahead.

8 MAYOR SCARPELLI: Okay.

9 COMMISSIONER EVANS: With my voice, I'm fine. All  
10 this is is authorizing the movement.

11 MAYOR SCARPELLI: We're going to move to  
12 resolutions. This is a resolution for Commissioner Petracco  
13 for Resolution Number 257-17.

14 WHEREAS, the Township of Nutley, pursuant to  
15 N.J.S.A. 52:34-6-2:c139, may by resolution and  
16 without advertising for bids, purchase goods or services  
17 through the use of a nationally-recognized accepted  
18 cooperative purchasing program that has been developed  
19 utilizing a competitive bidding process by another  
20 contracting unit within the State of New Jersey or within  
21 another state, when available;

22 WHEREAS, the Board of Commissioners of the  
23 Township of Nutley passed Resolution Number 155-17 on July  
24 17th, 2017, authorizing the purchasing agent to purchase  
25 certain goods or services from approved H-GAC BUY

Cooperative Purchasing Program vendors, pursuant to all conditions of the individual contracts, for the year 2017, commencing July 1st, 2017 and through December 31st, 2017; and

WHEREAS, the Municipal Clerk of the Township of Nutley has advertised the Township's "Notice of Intent to Award a Contract under a National Purchasing Cooperative Agreement" in the October 26th, 2017 issue of the Nutley Sun; and

WHEREAS, the Township of Nutley Department of Public Safety intends to purchase a Pierce Fire Apparatus Model Number TA04-a Enforcer 107 Foot Rear-Mounted Ladder and Related Accessories, Pierce Manufacturing, Inc., American Drive, P.O. Box 2017, Appleton, Wisconsin, a vendor affiliated with the H-GAC BUY Cooperative, which is subject to all conditions applicable to the utilization of a National Buying Cooperative; and

WHEREAS, the Department of Public Safety (Fire Department) has spent several months researching several Fire Apparatus Rear-Mounted Ladder Truck Packages and Related Accessories, and have determined that the Pierce Fire Apparatus Base Model TA04-a Enforcer 107 Foot Rear-Mounted Ladder and Related Accessories is best suited for the Township's needs, based on performance, cost savings, and minimal down time; and

WHEREAS, Pierce Manufacturing has provided a quote for the Fire Apparatus Model TA04-a Enforcer 107 Foot Rear-

1 Mounted Ladder and Related Accessories in the amount of  
2 \$860,943.89; and

3 WHEREAS, such funds are available in Capital Ordinance  
4 Number 3242H in the amount of \$188,500; Capital Ordinance Number  
5 3323I, in the amount of \$160,000; Capital Ordinance Number 3374,  
6 in the amount of \$233,013; Capital Ordinance Number 3344G, in the  
7 amount of \$160,000; and Capital Ordinance Number 3372J, in the  
8 amount of \$119,430.89 and have been certified by the Chief Financial  
9 Officer, said certification to be attached to the resolution;

10 NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners  
11 of the Township of Nutley, County of Essex, state of New Jersey  
12 that the Purchasing Agent be and she is hereby authorized to purchase  
13 a Fire Apparatus Base Model TA04-a Enforcer 107 Foot Rear-Mounted  
14 Ladder and Related Accessories in the amount of \$860,943.89  
15 from Pierce Manufacturing, who is an approved H-GAC BUY vendor.

16 I move the resolution.

17 COMMISSIONER TUCCI: Second.

18 MADAM CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Yes, two things. One, just  
24 as a note, H-GAC BUY is a new cooperative for us. It is a  
25 -- we did investigate and learn and know that it's a -- it's

1 a state cooperative, State of Texas cooperative. It's not a  
2 private cooperative, and there's a very big difference in  
3 the use.

4 The other -- they've been in existence for about  
5 60 years. So they're -- and they're -- based upon what  
6 we've learned, they're reliable and easy to work with. So  
7 we'll save some time.

8 The other thing is that we will take advantage of  
9 a 90-day prepayment clause, which saves us about \$22,000 on  
10 the total purchase price.

11 Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 That concludes the business portion of our  
15 meeting.

16 Madam Clerk, will you read the vote public notice?

17 MADAM CLERK: Yes, Mayor.

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

25 The Mayor may defer citizen comments to the

1 appropriate member of the board. Dialogue between citizens  
2 and others addressing the board shall be allowed, unless the  
3 Mayor or presiding officer or the majority of the membership  
4 of the board shall determine that the interests of decorum  
5 and/or the expeditious conduct of municipal business is  
6 being adversely affected by such dialogue.

7 MAYOR SCARPELLI: Would anybody like to address  
8 the board of commissioners this evening?

9 Seeing none, can I have a motion to go into  
10 executive session to discuss --

11 MADAM CLERK: Contract negotiations.

12 MAYOR SCARPELLI: -- contract negotiations?

13 COMMISSIONER ROGERS: I make a motion that we go  
14 into executive for contract negotiations.

15 COMMISSIONER TUCCI: Second.

16 MADAM CLERK: WHEREAS, Section 8 of the Open  
17 Public Meeting Act, Chapter 231, Public Law 1975 permits the  
18 exclusion of the public from meetings in certain  
19 circumstances; and

20 WHEREAS, the public body is of the opinion that  
21 such circumstances exist; and

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

1           NOW, THEREFORE, BE IT RESOLVED by the board of  
2 commissioners of the township of Nutley move into closed  
3 executive session to discuss contract negotiations;

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

10           MADAM CLERK: Commissioner Rogers?

11           COMMISSIONER ROGERS: Aye.

12           MADAM CLERK: Commissioner Tucci?

13           COMMISSIONER TUCCI: Aye.

14           MADAM CLERK: Commissioner Evans?

15           COMMISSIONER EVANS: Aye.

16           MADAM CLERK: Mayor Scarpelli?

17           MAYOR SCARPELLI: Aye.

18           MADAM CLERK: And the time is 7:12.

19           MAYOR SCARPELLI: We will be going back into  
20 executive session. We'll be coming back on the record to  
21 close the meeting. There will be no further action taken at  
22 that time.

23           Thank you. Good night.

24           (Proceedings were adjourned for the closed executive  
25 session at 7:12 PM)

1 (Reconvened)

2 MADAM CLERK: Just need a motion to close.

3 COMMISSIONER ROGERS: I make a motion to close.

4 MADAM CLERK: And a second?

5 COMMISSIONER EVANS: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 Alan?

13 MADAM CLERK: Commissioner Tucci?

14 MR. GENITEMPO: Come say aye.

15 COMMISSIONER TUCCI: Yes, aye.

16 MADAM CLERK: Okay. The time is 10:10.

17 (Whereupon, these proceedings were concluded at 10:10

18 PM)

19

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21

22

23

24

25

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

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

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

Nicole Yawn

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