TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

CONFERENCE SESSION  TRANSCRIPT OF
PROCEEDINGS:

August 7, 2018
7:04 P.M.

BEFORE:
Mayor Joseph P. Scarpelli
Commissioner Alphonse Petracco
Commissioner Thomas J. Evans
Commissioner Mauro G. Tucci
Commissioner Steven L. Rogers

ALSO PRESENT:
Alan Genitempo, ESQ, Board Attorney

Job No. NJ2986900
Transcribed by: Nicole Yawn
MADAM CLERK: Board of Commissioners public meeting Tuesday, August 7th, 2018. The time is 7:03 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 December 14th, 2017 issues of the Nutley Sun, the Herald News, and the Star Ledger. A copy of this notice has been posted on the Nutley Town Hall bulletin board, and a copy is on file in the municipal clerk's office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor.

MAYOR SCARPELLI: Thank you, Madam Clerk.

Commissioner Petracco, what do you have today?

COMMISSIONER PETRACCO: I have an ordinance introduction about this permit parking. And then, I had a
couple resolutions as well., unpaid medical leave and award
of the contract to Nicolette Auto Body and Twin Towing,
because we're going to split that contract.

They do in Belleville, actually, right, Mauro?
COMMISSIONER TUCCI: Yes, sir.
COMMISSIONER PETRACCO: They split it there.
COMMISSIONER TUCCI: They do it the same way,
yeah.

COMMISSIONER PETRACCO: Yeah.
MAYOR SCARPELLI: Commissioner Evans?
COMMISSIONER EVANS: I have a report for the Code
Enforcement Department for July, and I have two resolutions,
one for a change order for Piro, Zinna, for Andy Cifelli's
services on land use policy and procedures for $7,500 and
then, a refund of overpayment of taxes for $5,700. And
that's all I have.

MAYOR SCARPELLI: Thank you, Commissioner.
Commissioner Rogers?

COMMISSIONER ROGERS: I have nothing, Mayor.
MAYOR SCARPELLI: Thank you, sir.
COMMISSIONER ROGERS: You're welcome.

MAYOR SCARPELLI: Commissioner Tucci?
COMMISSIONER TUCCI: Hello, Mayor. I have a shade
tree report for one of these months. I'm not sure which one
it is.
MADAM CLERK: July.

COMMISSIONER TUCCI: July. There we go. And I have two resolutions, both for Viridian Environmental Consultants, for ground water investigation at the -- one's at the Tremont Garage. The other is at Chestnut Street. And that's all I have, sir.

MAYOR SCARPELLI: Thank you, Commissioner.

I have a public hearing on the Phase II Redevelopment Plan, and I have two resolutions, one for various raffle licenses. The other is to award a contract to AJM for Harrison Street Roadway improvements, which is funded through NJDOT local aid municipal grant.

Madam Clerk?

MADAM CLERK: Yes, Mayor. We have regular meeting minutes and executive session minutes. And under communications, we have two requests from Holy Family. One is to hold a Sunday raffle, and the other one is for a social affairs program.

MAYOR SCARPELLI: Counselor?

MR. GENITEMPO: Just have a short executive with John. I'll talk about the redevelopment agreement that we're in draft, and that'll be pretty much it.

COMMISSIONER ROGERS: Mayor, I'm going to want a short executive session.

MAYOR SCARPELLI: Yeah, I need one, too, for
pending litigation, personnel.

    COMMISSIONER TUCCI: Just one question on the
minutes, as amended.

    MADAM CLERK: I took that one off.

    COMMISSIONER TUCCI: Oh, you took that one off?

    MADAM CLERK: Yeah, it's not on here.

    COMMISSIONER ROGERS: The executive session?

    MADAM CLERK: The session two.

    MR. GENITEMPO: Yeah, I sent out an email
with it, and you should have it in your email book. I added
what you put in and had everybody take a look at it.

    MAYOR SCARPELLI: Okay.

    MR. GENITEMPO: And if they have any
    further comments, --

    MAYOR SCARPELLI: Okay.

    MR. GENITEMPO: -- we'll tell them we'll
put it on for the next meeting.

    MADAM CLERK: So pending --

    MAYOR SCARPELLI: That's fine.

    MADAM CLERK: -- litigation and personnel?

    UNIDENTIFIED SPEAKER: Yeah.

    MAYOR SCARPELLI: Could I have a motion to go into
executive?

    COMMISSIONER EVANS: Move it.

    COMMISSIONER PETRACCO: Second.
MADAM CLERK: WHEREAS, Section VIII of the Open Public Meeting Act, Chapter 231, Public Law 1975, permits the exclusion of the public from meeting in certain circumstances; and

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

WHEREAS, the Board of Commissioners of the Township of Nutley in the county of Essex, in the 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 pending litigation, personnel, and contract negotiations.

BE IT FURTHER RESOLVED that the time when such discussion 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 (indiscernible) exception provided for by statute.

Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

(Adjourned to closed executive session)
TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

) )
PUBLIC MEETING ) ) TRANSCRIPT OF
) ) PROCEEDINGS:
)

August 7, 2018
7:55 P.M.

BEFORE:

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

ALSO PRESENT:

Alan Genitempo, ESQ.

Transcribed by: Nicole Yawn
MAYOR SCARPELLI: Would everybody, please stand for the pledge, please?

(Pledge of Allegiance)

(Pause)

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Thank you, Mayor.

Board of Commissioners public meeting, Tuesday, August 7, 2018. The time is now 7:55.

Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the December 14, 2017 issues of the Nutley Sun, the Herald News, and the Star Ledger. A copy of this notice has been posted on the Nutley Town Hall bulletin board, and a copy is on file in the municipal clerk's office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor.

MAYOR SCARPELLI: Minutes, Madam Clerk?

MADAM CLERK: Yes, Mayor, we have regular meeting minutes for June 7, 2018; June 19th, 2018; and July 3rd, 2018.

COMMISSIONER EVANS: Move the minutes.

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 Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

MADAM CLERK: We have executive session minutes for July 3rd, 2018, for sessions 1 and 2 and July 17th, 2018, for session 1.

COMMISSIONER EVANS: Move the minutes.

COMMISSIONER TUCCI: Second, as amended.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.
MADAM CLERK: That's it --
MAYOR SCARPELLI: Communications?
MADAM CLERK: Communications -- Holy Family Church has submitted a letter requesting permission to hold a raffle on Sunday, September 23rd at 28 Brookline Avenue.
Need a motion.
COMMISSIONER EVANS: Move it.
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 Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.

MADAM CLERK: Holy Family Church has submitted an application for a social affair permit to hold a 27th Annual Festival from Thursday, September 20th through September 23rd, 2018.

Need a motion.

COMMISSIONER EVANS: Move it.

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 Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

MADAM CLERK: St. Mary's Church has submitted an application for a social affair permit on Friday, September 28th, from 6:00 p.m. to 12:00 p.m.

Need a motion.

COMMISSIONER EVANS: Move it.

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 Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

MADAM CLERK: The Nutley Thriving Survivors has submitted an event application for their annual walk to be held on Friday, October 5th, from 6:00 p.m. to 9:00 p.m.

COMMISSIONER EVANS: Move it.

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 Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

MADAM CLERK: And that's it for communications.
MAYOR SCARPELLI: Reports, Commissioner Tucci?

COMMISSIONER TUCCI: Yes, I have a report -- a shade tree report for the month of July.

MAYOR SCARPELLI: Commissioner Evans?

COMMISSIONER EVANS: Yes, I have a code enforcement report for the month of July.

MAYOR SCARPELLI: Thank you both.

Bills, Madam Clerk?

MADAM CLERK: Yes, Mayor. Bill list for August 7, 2018 -- Public Affairs, $97,968.53; Revenue and Finance, $7,129,468.35; Public Safety, $64,062.94; Public Works, $460,907.14; Parks and Public Property, $721,190.17; Water Utility, $87,010.92. Overtime payroll, $53,698.79. Total payroll, $829,061.25, for a grand total of $9,389,669.30.

COMMISSIONER EVANS: Move the bills.

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 Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.

MADAM CLERK: And that's it for bills, Mayor.

MAYOR SCARPELLI: Public comment on agenda items only.

Madam Clerk?

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 three minutes. All remarks to the board 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 or 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 SCARPELLI: Would anybody wish to address the Board of Commissioners on agenda items only?

Seeing none, close the public comment section.

Motion?

COMMISSIONER EVANS: Move it.

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 Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.

Commissioner announcements, Commissioners?
COMMISSIONER TUCCI: I just -- I have one announcement. Actually, I have a couple of announcements, but I'm going to try and keep them to a minimum.

We had originally planned on amending the salary ordinance this evening, but we have some further revisions. Both Commissioner Rogers offered some, and I had a few. And the other commissioners all had input into it. So we're hoping to do that at the next meeting, once we check with our town attorney as to the legality of it. So that will -- that will probably happen at our next meeting.

As far as the -- I know people have been emailing me and calling me about the recommendations that the Planning Board put forth as far as some amendments. All right? And we are still looking at that. We all have
questions, and we will be addressing those questions and moving on that. I don't want anyone to think that we're just kind of moving it off to the side and it's just kind of like die on some shelf somewhere. That is absolutely not going to happen.

Also, the -- back in February, at the joint Planning and Zoning Board meeting, I said I would be conducting a study, which I have been working on. Unfortunately, life gets in the way sometimes, and it's taking me a bit longer than I had originally anticipated. I want to thank all the commissioners for all their input.

But the next step for me will be to actually sit down with the commissioners and representatives from their departments to speak about what I believe some of the impacts are and to get their point of view as to how they feel it will affect it. And moving forward, all right, we will probably do a Phase II on this, where we'll actually get professionals in. So my study will probably be more of a white paper, as opposed to a study.

So for those that are concerned that this was another sleight of hand and just something that sounded good to say at the moment, no, it's for real. It's continuing. It's moving on. But as we just said in the back, sometimes in government, time passes and we don't realize exactly how much time passes because of what's going on.
And the last thing I have -- I've also been getting letters and emails, all right, concerning Commissioner Evans' investigation into some of the discrepancies.

And I'm sure we'll be getting -- I don't want to speak for you, but I'm sure we'll be getting an update on that some time soon?

COMMISSIONER EVANS: Yes.

COMMISSIONER TUCCI: Yes? Okay. Thank you.

That's all I have.

MAYOR SCARPELLI: Thank you, Commissioner.

Any other announcements?

COMMISSIONER TUCCI: No.

MAYOR SCARPELLI: All right.

Ordinance introductions.

Commissioner Petracco?

COMMISSIONER PETRACCO: I have Ordinance No. 3395. And before I introduce it for introduction, I'd like to just put where it says fees, make a change of the time period, where it says the placard for two years. Instead of it being two years, Counsel, could we make it for six months?

MR. GENITEMPO: Yes.

COMMISSIONER PETRACCO: Just submit a change for that.

And I'd just like to make a couple comments.
We've been getting -- our phones at Public Safety are ringing off the hook about the commuter parking and the problems, that people can't park in front of their own house. We tried time-limited parking. And then, they couldn't park in front of their own house.

So we've -- we're trying to come up with a solution, and I actually had Mrs. Sam Carella promise the people on Oakley Terrace -- was it, Sam, that we would introduce something tonight?

MS. CARELLA: Highfield Lane (ph).

COMMISSIONER PETRACCO: Highfield Lane. So I want to keep to my word on that.

But I want to let everybody know. This is absolutely a six-month pilot program. We're going to try this. There seems to be no perfect solution to this problem. There's some language in this ordinance that I'm going to change, because I believe the Public Safety director should have the discretion to take -- to make a decision to take this case-by-case.

We had a good discussion before with Commissioner Tucci. He has that trolley that goes around also. So to alleviate -- not to chase the commuters out of Nutley, but if we could put them on some type of commuter mass and work hand-in-hand with another department to see that that happens and maybe get some of these cars off the street that
way. So I want to thank you for that idea, and it's --

COMMISSIONER TUCCI: You're welcome.

COMMISSIONER PETRACCO: It's really a work on progress. There's no simple solution, and I just want to be clear, and I want to say this on the record is that again, you know, this is subject to change, depending on the outcome of it. So again, it's Ordinance No. 3395, an ordinance to amend an ordinance codified in the Code of the Township of Nutley, Chapter 228, entitled Vehicles and Traffic, particularly Article 11, Section 32 entitled Permit Parking.

I move that this ordinance be passed to a second reading and advertised in the Nutley Sun, together with the notice required by law and that further consideration of said ordinance for final passage by the Board of Commissioners to be held at a second reading. And I believe that's September 18th.

MADAM CLERK: 18th, right.

COMMISSIONER PETRACCO: Yeah, we're going to actually skip a meeting to give us a little more time to sharpen this up before we put it out to the public. So that next adoption will be September 18th, 2018.

I move the ordinance.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye, as a six-month pilot program. And it does not address or involve changing our standing position on overnight parking.

Is that correct, Commissioner Petracco?

COMMISSIONER PETRACCO: Actually, we discussed that already, so I think it's my position and the position of the board even though there is a lot of issues with overnight parking in town, the people struggle if they have a single driveway and so forth and so on. But I think the pros to that outweighs the cons, and I'm not onboard with changing the overnight parking at any time soon. Thank you.

COMMISSIONER EVANS: Thank you.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

Public hearings? This is a public hearing on Ordinance No. 3392, which is the Nutley Phase II Redevelopment Plan.

Anybody wish to be heard on Ordinance No. 3392? Seeing none, could I have a motion to close the
public hearing?

COMMISSIONER TUCCI: So move.

COMMISSIONER EVANS: Close the public hearing.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

Move the ordinance.

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 Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.
Commissioners, I make a motion to approve Prism (ph) to go to the Planning Board for subdivision and site plan review, in accordance with the Redevelopment Plan.

Second?

COMMISSIONER TUCCI: Second.

MAYOR SCARPELLI: Roll call, Madam Clerk?

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

Let's move to resolutions.

Commissioner Tucci?

COMMISSIONER TUCCI: WHEREAS, the Township of Nutley entered into Contract No. 32-2017 with Viridian Environmental Consultants, P.O. Box 3009, Upper Montclair, New Jersey for Ground Water Investigation services, authorized by Resolution No. 33-17; and

WHEREAS, the Director of Parks and Public Property has recommended the following change order from said
contract, which is Change Order No. 2, Ground Water Investigation services at the Tremont Garage in the amount of: $1,947.67;

WHEREAS, funds are available from Capital Ordinance No. 3372D and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that Change Order No. 2, in the amount of $1,947.67 be and is hereby approved.

I move the resolution.

COMMISSIONER EVANS: 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 Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER TUCCI: WHEREAS, the Township of Nutley entered into Contract No. 39-2017 with Viridian
Environmental Consultants, P.O. Box 3009, Upper Montclair, NJ for Ground Water Investigation services, authorized by Resolution No. 80-17; and

WHEREAS, the Director of Parks and Public Property has recommended the following change order from said contract. This is Change Order No. 3 for Ground Water Investigation services at 228 Chestnut St. in the amount of:

$2,942.50;

WHEREAS, funds are available from Capital Ordinance No. 3372D and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners in the Township of Nutley, County of Essex, State of New Jersey, that Change Order No. 3, in the amount of $2,942.50 be and is hereby approved.

Just for clarification purposes, this is the last step that needed to be taken with our previous consultant, who did not complete this step. So once this ground water investigation is, in fact, completed and all the information submitted to the state, these two issues will be closed.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.
WHEREAS, Angelo Cifelli, of the Law Firm of Piro, Zinna, Cifelli, Paris & Genitempo, Passaic Avenue in Nutley, has been awarded a non-fair and open contract as a professional service pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, as appropriate to provide legal advice and services to the Code Enforcement Department in connection with the Township's Land Use Policies and Procedures on December 19th, 2017, Resolution No. 287-17; and

WHEREAS, such services have exceeded the original contract in the amount of $10,000.00; and

WHEREAS, the Director of Revenue Finance and Code has recommended the following change order from said
contract:

Change Order No. 1, provide legal advice and services to the Code Enforcement Department in connection with the Township's Land Use Policies and Procedures in the amount of $7,500.00

WHEREAS, funds are available from Account No. 8-01-226-205 and have been certified by the Chief Financial Officer, said certification being attached to this resolution; and

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, that Change Order No. 1, in the amount of $7,500.00 be and is hereby approved.

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 Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.
COMMISSIONER EVANS: BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of tax charges in the amount of $5,704.66 for the two accounts that are listed in the 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 Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR SCARPELLI: Thank you, Commissioner.

Commissioner Petracco?

COMMISSIONER PETRACCO: BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Janice Garcia, an employee in the Department of Public Safety, is granted a medical
leave of absence without pay effective September 5th, 2018 through October 12, 2018.

I move the resolution.

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 Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: WHEREAS, Ordinance 3384 entitled Vehicles, Impoundment and Towing, was introduced on May 1st, 2018, and its adoption was published on June 14, 2018; and

WHEREAS, proposals have been received from Nicolette Auto Body and Twin Inc. t/a Twin Towing;

WHEREAS, Nicolette Auto Body Works and Twin Towing will use the following rotating schedule beginning August 1st, 2018 and will change every other month. The schedule will begin on the 1st of each month at 12:00 a.m. The schedule for 2018 and 2019 is as follows:
I'm not going to read the whole schedule, but it's noted if anybody would like to see it.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the contracts for towing in the Township of Nutley be hereby awarded to Nicolette Auto Body Works, located at 177 Passaic Avenue, Belleville, New Jersey, and Twin Inc. t/a Twin Towing, located at 35 Mill Street, Belleville, New Jersey.

I move the resolution.

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 Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: That's all I have.

MAYOR SCARPELLI: Thank you, Commissioner.

WHEREAS, raffle applications have been received from the following organizations: Holy Family Catholic
Church, License No. 24-18; Money Wheel and License No. 25-18, Hourly 50/50 Cash Raffle, to be held Thursday, September 20th through September 23rd, 2018.

NHS Soccer Booster Club, License No. 26-18, Off-Premise 50/50 Cash Raffle to be held Tuesday, November 20th, 2018.

VFW Post # 493, License No. 27-18, On-Premise Merchandise Raffle, to be held Friday, September 21st, 2018; St. Mary's Church, License No. 28-18, On-Premise 50/50 Cash Raffle and License No. 29-18, On-Premise Merchandise Raffle, to be held Friday, September 28th, 2018;

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 raffle licenses.

I move the resolution.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?
WHEREAS, Bids for the Harrison Street Roadway Improvement Project (Section 4) Bloomfield Avenue-East Passaic Avenue were received and opened on July 11, 2018; and

WHEREAS, AJM Contractors, 300 Kuller Road, Clifton, New Jersey, was the low bidder; and

WHEREAS, the Base Bid for the Harrison Street Roadway Improvement Project (Section 4) is in the amount of $373,186.70, for a total bid amount of $373,186.70; and

WHEREAS, funds are available from Account #G-04-157-401 /Ordinance No.3391, in the amount of $346,605 from monies received via a grant from New Jersey Department of Transportation Local Aid Municipal Grant, Account# G-04-104-401/Ordinance No.3345, in the amount of $26,581.70 and subject to the caveat and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to AJM
Contractors, Inc., not to exceed $373,186.70 and that the
Mayor and Township Clerk are hereby authorized to enter into
and sign said contract for the Township of Nutley.

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 Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

That concludes the business portion of our
meeting.

Madam Clerk?

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 individual members must be addressed to the
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 or 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.

MR. MOORE: Rory Moore, 62 Chestnut Street.

Mr. Tucci?

COMMISSIONER TUCCI: Yes?

MR. MOORE: A moment ago, during your colloquy, did I understand you to say that upon the completion of your study that you're conducting, that the commissioners were going to sit down to breakfast to discuss concerns?

COMMISSIONER TUCCI: Sit down to breakfast?

MR. MOORE: Did I -- did I just --

COMMISSIONER TUCCI: I don't think so. He's a little late, but Commissioner Petracco -- I don't think he's eating breakfast.

COMMISSIONER PETRACCO: I don't -- I don't eat breakfast.

MR. MOORE: No, no, I --

COMMISSIONER TUCCI: No, no, what I said was once I'm done with my white paper and I come up with my findings
to verify what conclusions I have come to, which will only be my conclusions, okay, I want to sit down with the respective commissioners and staff from their departments, all right, to review them to make sure that I got everything right and that I didn't miss anything.

MR. MOORE: Doesn't that constitute a public meeting, if you have more than three of the commissioners there?

COMMISSIONER TUCCI: No, not at one time. Individually. Individually, because I don't know what their schedules are, and, quite frankly, I'm not sure what my schedule's going to be. So, no, there will not be three commissioners, which will constitute a quorum.

MR. MOORE: No, but my only concern is if you have to do a study for your concerns.

COMMISSIONER TUCCI: Right.

MR. MOORE: Maybe the public has some concerns and they'd like to find out before it goes to ordinance. That's what it sounds like.

COMMISSIONER TUCCI: Well, it's not going to ordinance, Rory. It's a white paper.

MR. MOORE: I understand that. But you're doing a white paper for reason.

COMMISSIONER TUCCI: So, yeah -- well, no, I'm not -- you're jumping way ahead. We're not even talking about
an ordinance at this point. We're just trying to take the
temperature as to what effect multi-family housing, all
right, is having on our community.

MR. MOORE: So you're --

COMMISSIONER TUCCI: Both services, both schools.
It's like a 500-foot flyover to take a snapshot as to what's
gone on over the last 8 to 10 years, all right, and where we
find ourselves today and what impact that will have on all
the departments, all right, on services, on water, on sewer,
on public safety, on public health, you know, on finance. I
mean, the whole gamut.

MR. MOORE: When you conclude your white paper,
I'd like to get a copy of that.

COMMISSIONER TUCCI: Absolutely.

MR. MOORE: Do I have to OPRA -- do I have to OPRA
--

COMMISSIONER TUCCI: Once I conclude my white
paper, it will be for public consumption. You don't even
have to OPRA it. I'll email it to you.

MR. MOORE: Thank you.

COMMISSIONER TUCCI: You're welcome.

MAYOR SCARPELLI: Anybody else wish to address the
Board of Commissioners this evening?

Seeing none, could I have a motion to close the
public comment section?
COMMISSIONER TUCCI: So move.

COMMISSIONER EVANS: 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 Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

May I have a motion to go back into executive session to discuss personnel, contract --

MADAM CLERK: Negotiations?

MAYOR SCARPELLI: What was the other one, Counselor?

MR. GENITEMPO: Potential litigation.

MAYOR SCARPELLI: Potential litigation.

COMMISSIONER PETRACCO: Move it.

COMMISSIONER ROGERS: Second.

MADAM CLERK: WHEREAS, Section VIII of the Open Public Meeting Act, Chapter 231, Public Law 1975, permits the exclusion of the public from meeting in certain circumstances; and
WHEREAS, the public body is of the opinion that such circumstances exist; and

WHEREAS, the Board of Commissioners of the Township of Nutley in the county of Essex, in the 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 personnel, contract negotiations, and potential litigation.

BE IT FURTHER RESOLVED that the time when such discussion 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 exception provided for by statute.

Commissioner Rogers?

COMMISSIONER ROGERS:  Aye.

MADAM CLERK:  Commissioner Tucci?

COMMISSIONER TUCCI:  Aye.

MADAM CLERK:  Commissioner Evans?

COMMISSIONER EVANS:  Aye.

MADAM CLERK:  Commissioner Petracco?

COMMISSIONER PETRACCO:  Aye.

MADAM CLERK:  Mayor Scarpelli?
MAYOR SCARPELLI: Aye.

We will be back -- coming back on the public session, but no action will be taken.

MADAM CLERK: The time is 7:20.

MAYOR SCARPELLI: Have good night, everybody.

(Adjourned to closed executive session)

(Reconvened)

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Need a motion to adjourn.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner --

COMMISSIONER TUCCI: No, you've got to move it.

COMMISSIONER EVANS: Oh, motion to adjourn.

Motion to adjourn. Seconded by Commissioner Tucci.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

MADAM CLERK: The time is 10:13.
(Whereupon, these proceedings were concluded at 10:13 PM)
CERTIFICATION

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

Nicole Yawn
<p>| allegiance | 9:4 |
| allegate | 19:22 |
| allowed | 15:15 |
| 34:4 |
| alphonse | 8:17 |
| amend | 20:8 |
| amended | 5:3 |
| 10:23 |
| amending | 16:15 |
| amendments | 16:24 |
| amount | 24:2,10 |
| 25:7,15 26:23 |
| 27:5,12 28:5 |
| 32:13,14,16,19 |
| angelo | 26:13 |
| angie | 3:13 |
| announcement | 16:13 |
| announcements | 16:11,13 18:12 |
| annual | 12:3 13:11 |
| anticipated | 6:18 |
| 17:10 38:14 |
| anybody | 15:20 |
| 21:24 30:2 36:22 |
| application | 12:3 |
| 12:20 13:11 |
| applications | 30:24 |
| 31:12 |
| approach | 15:8 |
| 33:21 |
| appropriate | 15:14 |
| 26:17 34:3 |
| approve | 23:1 |
| approved | 24:11 |
| 25:16 27:13 31:13 |
| 31:17 |
| article | 20:10 |
| attached | 24:6 |
| 25:11 27:8 32:21 |
| attorney | 1:20 |
| 16:20 |
| august | 1:9 2:3 8:9 |
| 9:9 14:9 29:22 |
| authorized | 23:23 |
| 25:2 28:4 31:17 |
| 33:2 |
| auto | 3:2 29:20,21 |
| 30:6 |
| available | 24:4 |
| 25:9 27:6 32:15 |
| avenue | 11:13 |
| 26:14 30:7 32:7,8 |
| award | 3:1 4:10 |
| awarded | 26:15 |
| 30:6 32:25 |
| aye | 6:22,24 7:1,3,5 |
| 10:10,12,14,16,18 |
| 10:25 11:2,4,6,8 |
| 11:18,20,22,24 |
| 12:1,10,12,14,16 |
| 12:18 13:1,3,5,7,9 |
| 13:16,18,20,22,24 |
| 14:18,20,22,24 |
| 15:1 16:2,4,6,8,10 |
| 21:1,3,5,18,20 |
| 22:5,7,9,11,13,17 |
| 22:19,21,23,25 |
| 23:8,10,12,14,16 |
| 24:15,17,19,21,23 |
| 25:25 26:2,4,6,8 |
| 27:17,19,21,23,25 |
| 28:10,12,14,16,18 |
| 29:6,8,10,12,14 |
| 30:13,15,17,19,21 |
| 31:22,24 32:1,3,5 |
| 33:7,9,11,13,15 |
| 37:4,6,8,10,12 |
| 38:18,20,22,24 |
| 39:1,16,18,20,22 |
| 39:24 |
| back | 17:6,23 |
| 37:13 39:2,2 |
| base | 32:12 |
| beginning | 29:22 |
| believe | 17:14 |
| 19:17 20:16 |
| belleville | 3:4 30:7 |
| 30:9 |
| bid | 32:12,14 |
| bidder | 32:11 |
| bids | 32:6 |
| bill | 14:9 |
| bills | 14:8,15 15:2 |
| bit | 17:10 |
| bloomfield | 32:7 |
| board | 1:2,20 2:2,9 |
| 6:7,11 8:2 9:8,15 |
| 15:7,10,11,14,15 |
| 15:17,21 16:24 |
| 17:7 20:15 21:11 |
| 23:2 24:8 25:13 |
| 27:10 28:1,23 |
| 30:3 31:14 32:23 |
| 33:20,23,25 34:3,4 |
| 34:6 36:23 38:3,7 |
| body | 3:2 6:5 29:20 |
| 29:21 30:6 38:1 |
| book | 5:10 |
| booster | 31:4 |
| box | 23:21 25:1 |
| breakfast | 34:15 |
| 34:16,20,22 |
| brookline | 11:13 |
| bulletin | 2:9 9:14 |
| business | 15:18 |
| 33:16 34:7 |
| c | 2:1 9:1 41:1,1 |
| call | 23:6 |
| calling | 16:23 |
| capital | 24:4 25:9 |
| carella | 19:7 |
| cars | 19:25 |
| case | 19:19,19 |
| cash | 31:2,5,10 |
| catholic | 30:25 |
| caveat | 32:20 |
| certain | 6:3 37:24 |
| certification | 24:6 |
| 25:11 27:8 32:21 |
| certified | 24:5 |
| 25:10 27:7 32:20 |
| certify | 41:3 |
| change | 3:13 18:19 |
| 18:23 19:17 20:6 |
| 23:25 24:1,10 |
| 25:5,6,15 26:25 |
| 27:2,12 29:23 |
| changing | 21:6,15 |
| chapter | 2:5 6:2 |
| 9:11 20:9 37:23 |
| charges | 28:4 |
| chase | 19:22 |
| check | 16:19 |
| chestnut | 4:5 25:7 |
| 34:9 |
| chief | 24:5 25:10 |
| 27:7 32:20 |
| church | 11:11 12:2 |
| 12:19 31:1,9 |
| cifelli | 26:13,14 |
| cifelli's | 3:13 |
| circumstances | 6:4 |
| 6:6 37:25 38:2 |
| citizens | 15:13,14 |
| 34:2,3 |
| clarification | 25:17 |</p>
<table>
<thead>
<tr>
<th>clear</th>
<th>20:5</th>
</tr>
</thead>
<tbody>
<tr>
<td>g</td>
<td>g 2:1 9:1 32:15,18</td>
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<td>house</td>
<td>19:4,5</td>
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<td>housing</td>
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<td>idea</td>
<td>20:1 21:21 22:1,3</td>
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<td>4:8 17:17,21</td>
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<td>2:2,13,15 2:17,19,21,22 4:1 4:13,14 5:4,6,8,18</td>
</tr>
</tbody>
</table>
minutes 4:15,15  
5:3 10:3,5,7,19,22  
15:11 33:24  
moment 17:22  
34:12  
money 31:1  
onies 32:17  
onclair 23:21  
25:1  
month 14:3,6  
19:14 21:5 29:23  
29:24  
months 3:24 18:21  
moore 34:9,9,12  
34:17,23 35:6,14  
35:17,22 36:4,12  
36:15,20  
motion 5:22 11:14  
12:6,22 15:23  
21:25 23:1 36:24  
37:13 39:9,13,14  
move 5:24 6:12  
10:7,22 11:15  
12:7,23 13:13  
14:15 15:24 20:12  
20:23 22:2,14  
23:17 24:12 25:22  
27:14 28:7 29:3  
30:10 31:19 33:4  
37:1,20 38:8  
39:12  
moving 17:2,3,16  
17:23  
multi 36:2  
municipal 2:9  
9:15 15:18 31:13  
31:17 32:18 34:7  

n 2:1 9:1 41:1  
n.j.s.a. 26:16  

name 15:8 33:22  
need 4:25 11:14  
12:6,22 39:9  
needed 25:18  

negotiations 6:14  
37:15 38:10  

new 1:1 6:9 8:1  
23:22 24:10 25:15  
28:3,24 30:5,7,9  
31:16 32:11,17,25  
38:5  
news 2:7 9:13  

nhs 31:4  

nicolette 3:2 29:20  
29:21 30:6  

night 39:5  

nj 25:2  

nj2986900 1:24  

njdot 4:12  

no.3345 32:19  

no.3391 32:16  

non 26:15  

noted 30:2  

notice 2:5,8 9:11  
9:14 20:14  

november 31:5  

nutley 1:1 2:7,8  
6:8,12,18 8:1 9:13  
9:14 13:10 19:22  
20:9,13 21:22  
23:20 24:9,25  
25:14 26:14 27:11  
28:2,23 30:4,6  
31:15 32:24 33:3  
38:4,8,14  

n  
o  

oakley 19:8
october 13:12 29:2
offered 16:17
office 2:10 9:16
officer 15:16 24:6
25:11 27:8 32:21
34:5
oh 5:5 39:13
okay 5:12 15 18:9
35:2
onboard 21:14
once 16:19 25:19
34:24 36:17
one's 4:4
open 2:4 6:1 9:10
26:15 37:22
opened 32:8
opinion 6:5 38:1
opposed 17:19
opra 36:15,15,19
order 3:13 23:25
24:1,10 25:5,6,15
26:25 27:2,12
ordinance 2:24
16:16 18:15,17
19:16 20:7,8,8,12
20:15,23 21:22,24
22:14 24:5 25:10
29:15 32:16,19
35:18,21 36:1
organizations
30:25
original 26:22
originally 16:15
17:10
outcome 20:7
outweighs 21:14
overnight 21:7,12
21:15
overpayment 3:15
overpayments
28:4

overtime 14:13

p 2:1 9:1
p.m. 1:10 2:3 8:10
12:21,21 13:12,12
p.o. 23:21 25:1
paper 17:19 34:25
35:21,23 36:12,18
paris 26:14
park 19:3,5
parking 2:25 19:2
19:4 20:11 21:7
21:12,15
parks 14:12 23:24
25:4
particularly 20:10
passage 20:15
passaic 26:14 30:7
32:8
passed 20:12
passes 17:24,25
pause 9:5
pay 29:1
payroll 14:13,14
pending 5:1,18
6:13,18 38:14
people 16:22 19:3
19:8 21:12
perfect 19:15
period 18:19
permission 11:12
permit 2:25 12:3
12:20 20:10
permits 6:2 37:23
person 15:10
33:23
personnel 5:1,20
6:13,19 37:14
38:9,15
persons 15:6
33:20
petracco 1:17 2:17
2:18,23,24 3:6,9
7:2,3 8:17 9:23,24
10:15,16 11:5,6,23
11:24 12:15,16
13:6,7,21,22 14:23
14:24 16:7,8
18:16,17,23 19:11
20:3,19 21:8,9,17
21:18 22:10,11,12
22:23 23:13,14
24:20,21 26:5,6
27:22,23 28:15,16
28:21,22 29:11,12
29:15 30:18,19,22
32:2,3 33:12,13
34:19,21 37:9,10
37:20 38:23,24
39:21,22
ph 19:7,10,23 23:2
phase 4:8 17:17
21:22
phones 19:1
pilot 19:14 21:5
piro 3:13 26:13
placard 18:20
plan 4:9 21:23
23:3,3
planned 16:15
planning 16:24
17:7 23:2
please 9:2,3
pledge 9:3,4
pm 40:2
point 17:15 36:1
police 31:13
policies 26:19 27:4
policy 3:14
portion 33:16
position 21:7,10
21:10
post 31:7
posted 2:8 9:14
potential 37:18,19
38:10
premise 31:5,7,9
31:10
present 1:19 2:21
8:19 10:2
presiding 15:16
34:5
pretty 4:22
previous 25:18
prism 23:1
probably 16:21
17:17,18
problem 19:16
problems 19:3
procedures 3:14
26:20 27:5
proceed 6:9 38:5
proceedings 1:6
8:6 40:1 41:4
professional 26:16
professionals 17:18
program 4:18
19:14 21:6
progress 20:4
project 32:7,13
promise 19:7
property 14:12
23:24 25:4
proposals 29:19
pros 21:14
provide 15:8
26:17 27:2 33:22
provided 6:20
38:16
provisions 26:16
public 2:2,4,5 4:8
6:2,2,3,5,16 8:5
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