

In The Matter Of:
In Re: Nutley Board of Commissioners

Transcript Of Proceedings
January 19, 2021
Public Session



66 W. Mt. Pleasant Avenue
Livingston, NJ 07039
T (973)992-7650 F (973)992-0666
www.rizmanrappaport.com
reporters@rizmanrappaport.com

Min-U-Script®

1 TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

2 ONE KENNEDY DRIVE

3 3RD FLOOR COMMISSION CHAMBERS

4 NUTLEY, NEW JERSEY 07110

5
6 *** PUBLIC SESSION ***

7
8 DATE: January 19, 2021

9
10 BOARD OF COMMISSIONERS:

11 MAURO G. TUCCI, MAYOR

12 JOHN V. KELLY III, COMMISSIONER

13 JOSEPH P. SCARPELLI, COMMISSIONER

14 THOMAS J. EVANS, COMMISSIONER

15 ALPHONSE PETRACCO, COMMISSIONER

16
17 Also Present:

18 ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR TUCCI: Okay. Everyone please stand
3 for the Pledge of Allegiance.

4 (Pledge of Allegiance)

5 MAYOR TUCCI: Thank you. Sunshine Notice,
6 Madam Clerk?

7 THE CLERK: Thank you, Mayor. Board of
8 Commissioners Public Meeting, Tuesday, January 19,
9 2021. The time is now 7:06. Pursuant to the
10 requirement of the Open Public Meeting Act, Public Law
11 1975, Chapter 231, notice of this meeting was published
12 in the December 3rd, 2020 issues of the Nutley Sun,
13 Herald News, Star Ledger, and TAPIntoNutley. A copy of
14 this notice has been posted on the Nutley Town Hall
15 bulletin board, and a copy is on file in the Municipal
16 Clerk's office.

17 Due to the multiple executive orders declared
18 by Governor Murphy, and in an effort to prevent further
19 spread of COVID-19 pandemic, all public meetings for
20 the year 2021 will be held remotely via Zoom or
21 teleconference. The public will be able to listen to
22 the Board of Commissioners meeting, and participate
23 during the designated public comment portion of the
24 meeting by utilizing access through a URL link, or
25 dial-in numbers provided by the township website.

1 MAYOR TUCCI: Thank you.

2 THE CLERK: Commissioner Kelly?

3 COMMISSIONER KELLY: Present.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Here.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Here.

8 THE CLERK: Commissioner Scarpelli.

9 COMMISSIONER SCARPELLI: Here.

10 THE CLERK: Mayor Tucci.

11 MAYOR TUCCI: Here.

12 THE CLERK: All present, Mayor.

13 MAYOR TUCCI: Thank you. I see we have
14 minutes from November 5th, 2020. Can I have a motion,
15 please?

16 COMMISSIONER EVANS: Move it.

17 COMMISSIONER PETRACCO: Second.

18 THE CLERK: Commissioner Kelly.

19 COMMISSIONER KELLY: Aye.

20 THE CLERK: Commissioner Evans.

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco.

23 COMMISSIONER PETRACCO: Aye.

24 THE CLERK: Commissioner Scarpelli.

25 COMMISSIONER SCARPELLI: Aye.

1 THE CLERK: Mayor Tucci.

2 MAYOR TUCCI: Aye. Thank you. I don't
3 believe we have any communications or correspondence
4 this evening. No proclamations, so we will move into
5 reports.

6 Commissioner Evans?

7 COMMISSIONER EVANS: Thank you, Mayor. I
8 have the Code Enforcement reports for the month of
9 December, 2020, the fourth quarter of 2020, and the
10 annual report for 2020. That's it.

11 MAYOR TUCCI: Thank you. Commissioner
12 Petracco?

13 COMMISSIONER PETRACCO: I don't think I have
14 the report. I do? Oh, here it is, Mayor. That's the
15 one.

16 MAYOR TUCCI: There you go.

17 COMMISSIONER PETRACCO: Thank you.

18 MAYOR TUCCI: All right. So you have a
19 Public Safety report for December?

20 COMMISSIONER PETRACCO: Yes, the Public
21 Safety report, yes.

22 MAYOR TUCCI: Thank you. And I have a Shade
23 Tree report for the month of December, 2020.

24 Bills, Madam Clerk?

25 THE CLERK: Yes, Mayor, thank you. Bill list

1 for January 19, 2021 by department totals. Public
2 Affairs, \$135,037.12; Revenue and Finance,
3 \$4,089,507.66; Public Safety, \$13,645.67; Public Works,
4 \$138,550.93; Parks and Public Property, \$806,137.97;
5 Water Utility, \$4,306.02.

6 Payroll as of January 8th, \$788,825.16;
7 Overtime Payroll, \$93,881.33; COVID Overtime Payroll,
8 \$7,402.24. Total Payroll, \$890,108.73. For a grand
9 total of \$6,077,294.10.

10 COMMISSIONER EVANS: Move the bills.

11 COMMISSIONER SCARPELLI: Second.

12 THE CLERK: Commissioner Kelly.

13 COMMISSIONER KELLY: Aye.

14 THE CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco.

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Scarpelli.

19 COMMISSIONER SCARPELLI: Aye.

20 THE CLERK: Mayor Tucci.

21 MAYOR TUCCI: Aye.

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

23 MAYOR TUCCI: Thank you so much. This is the
24 portion of the agenda where we will accept public
25 comment on agenda items only.

1 THE CLERK: All persons addressing the Board
2 of Commissioners regarding community concerns should
3 state their name and address for the record. Unless
4 further time is granted by the Board, each person shall
5 limit their address to three minutes. All remarks to
6 the Board and its individual members must be addressed
7 to the mayor. The mayor may defer citizens' comments
8 to the appropriate member of the Board.

9 MR. MOORE: Rory Moore, 462 Chestnut Street.
10 Can you hear me, Mr. Tucci?

11 MAYOR TUCCI: Barely. Speak up, please.

12 MR. MOORE: Barely? I did, I am, I'm
13 yelling.

14 MAYOR TUCCI: That's better. Go ahead.

15 MR. MOORE: Could you please explain -- I
16 believe it's 1521 and 1621 on the overpayments. Aren't
17 those overpayments rather high? I'm just curious about
18 the amount of the overpayments.

19 MAYOR TUCCI: Mr. Genitempo, would you like
20 to address Mr. Moore's question?

21 MR. GENITEMPO: I'm sorry. 1521, the
22 resolutions?

23 MR. MOORE: Yes. 1521 and 1621. Brookfield
24 Avenue and Gless Avenue.

25 MR. GENITEMPO: Yeah, those are -- one is an

1 overpayment based on a Tax Court judgment. We're
2 required to pay that back. That's 1521. And then one
3 is an authorization as it -- it's basically as it's
4 stated. We -- either there was a resolution of a
5 property tax appeal, or we found a mistake and we owed
6 the property tax owner these -- the money back.

7 MR. MOORE: Aren't those rather --

8 MR. GENITEMPO: I don't know the --

9 MR. MOORE: -- high?

10 MR. GENITEMPO: -- details specifically, but
11 we could always find out.

12 MR. MOORE: No, no, I mean, I was just
13 curious. I mean, I understand the overpayments, but
14 normally they're not that --

15 MR. GENITEMPO: I can't hear you, Mr. Moore.

16 MR. MOORE: -- high -- normally, they're not
17 that high.

18 MR. GENITEMPO: Check your volume.

19 MR. MOORE: Can you hear me now?

20 MR. GENITEMPO: Now it's better.

21 MR. MOORE: Okay, thank you. They -- I'm
22 only questioning the amount of money, that's all.
23 Usually an overpayment isn't as high.

24 MR. GENITEMPO: It could be multiple years.
25 That's why. It may not just be for one year. It could

1 be multiple years.

2 MR. MOORE: Okay, thank you.

3 MAYOR TUCCI: Thank you, Mr. Moore.

4 THE CLERK: Sal? Somebody else? Okay.

5 That's it, Mayor.

6 MAYOR TUCCI: Okay, thank you. Now we will
7 move into Board of Commissioner announcements, and this
8 evening, I'd like to start, and make a statement on
9 behalf of the entire Board of Commissioners.

10 Regardless of affiliation, what went on at
11 the Capitol on January 6th was not only dangerous, but
12 unlawful. All protests must remain peaceful and
13 nonviolent. Our condolences to those who perished, and
14 the families, and well wishes to those that were
15 injured. We must learn how to speak to each other and
16 respect everyone's opinion, whether we agree or not.

17 Everyone needs to know that the Nutley Board
18 of Commissioners swore an oath and support the
19 Constitution of the United States, its protocols,
20 traditions, and the orderly, lawful secession of power
21 concerning the office of President.

22 On behalf of the Board, I'd like to extend
23 best wishes to President-Elect Joseph Biden and
24 Vice-President Elect Harris. To quote Dr. Martin
25 Luther King, Jr. We must learn to live together as

1 brothers or perish together as fools.½

2 Commissioners, would anyone like to add to
3 that? Commissioner Evans?

4 COMMISSIONER EVANS: Mayor, I think it was
5 well said, and it represents us very well.

6 MAYOR TUCCI: Thank you. Commissioner Kelly?

7 COMMISSIONER KELLY: Mayor, Mayor Tucci, I
8 wholeheartedly agree with that statement. However, I
9 would like to just provide an amplification as to -- on
10 to what was said and provide some of my own thoughts,
11 if that's okay.

12 MAYOR TUCCI: Absolutely.

13 COMMISSIONER KELLY: America is, and always
14 has been, a great country. The events of January 6th,
15 2021 do not change that. To the families and friends
16 of those who lost loved ones, I am deeply sorry. Acts
17 of civil disobedience are an American tradition, dating
18 back to the Revolutionary War, such as the Boston Tea
19 Party, and even the signing of the Declaration of
20 Independence itself.

21 Even in modern times, protests against our
22 government have taken place in innumerable amounts of
23 times on the Capitol grounds. Freedom of speech,
24 freedom of expression, freedom to assemble, and freedom
25 to petition the government for redress of grievances,

1 are all civil liberties enshrined in our Bill of
2 Rights.

3 However, such freedoms are not without
4 limitation. Acts of violence, theft, and vandalism,
5 cannot and should not be condoned or tolerated and
6 should be and are being rightfully condemned. Those
7 who engaged in violence, theft, and vandalism, should
8 be charged and prosecuted for their crimes. I strongly
9 condemn the tragic events and acts of violence
10 masquerading under our First Amendment freedoms.

11 It is important that we as Americans make the
12 distinction between those who simply exercise their
13 First Amendment liberties and those who engage in
14 crimes who went far beyond supporting their civil
15 liberties. It is even more important that we do not
16 confuse the act of expressing one's self with the
17 content of one's expression. We as Americans should
18 support our fellow Americans' right to express their
19 ideas and beliefs, while at the same time we can
20 criticize, attack, and debunk the content of those
21 beliefs. In situations like this, education and honest
22 dialogue is key, not violence. If we start decrying
23 our fellow citizens for marching, rather than why they
24 marched, it only serves to weaken our own rights to
25 march and protest for what we believe in.

1 As to the events of January 6th, 2021, I
2 fully support any American's right to march on the
3 Capitol grounds and protest peacefully. However, I
4 believe the content and reason those Americans were
5 marching for was misguided. Joseph R. Biden, Jr. is
6 the President-Elect of the United States, and he became
7 the President-Elect of the United States in accordance
8 with the United States Constitution, through a free and
9 fair election, confirmed by the states and the courts,
10 and certified by the United States Congress. America
11 was, is, and continues to be a great country because of
12 our Constitution. We should be mindful of our actions
13 today so that we don't weaken the Constitution for
14 future generations.

15 January 6th, 2021 was one of the days that
16 demonstrates just how great our Constitution is. A
17 group of citizens marched in protest on Capitol -- on
18 the Capitol grounds. Those who committed crimes have
19 been charged, or will be charged, and pursuant to the
20 Constitution, a new president was certified by Congress
21 despite those protests. For over 230 years, the
22 Constitution worked and will continue to be a beacon of
23 hope and freedom for all. We should all strive to keep
24 it that way. Thank you.

25 MAYOR TUCCI: Thank you, Commissioner Kelly,

1 for your statement.

2 Commissioner Scarpelli, would you like to add
3 anything?

4 COMMISSIONER SCARPELLI: I have nothing to
5 add to your statement, Mayor.

6 MAYOR TUCCI: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Nothing, Mayor, thank
8 you, well said.

9 MAYOR TUCCI: Thank you all. All right. We
10 do need to go into executive session for matters of
11 potential litigation, and perhaps personnel.

12 Madam Clerk.

13 THE CLERK: Thank you. I need a motion,
14 please.

15 COMMISSIONER PETRACCO: I move.

16 COMMISSIONER SCARPELLI: Second.

17 THE CLERK: Thank you. Whereas, Section 8 of
18 the Open Public Meeting Act, Chapter 231, Public Law
19 1975, permits the exclusion of the public from meeting
20 in certain circumstances; and

21 Whereas, the public body is of the opinion
22 that such circumstances exist; and

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

1 session.

2 And now therefore be it resolved by the Board
3 of Commissioners of the Township of Nutley to move into
4 closed executive session to discuss contract
5 negotiations, potential litigation, and personnel
6 matters.

7 Be it further resolved that the time when
8 such discussion may be disclosed to the public shall be
9 when and as such disclosure may be made without
10 adversely affecting the Township of Nutley, pending
11 and/or anticipated legal, personnel, contractual
12 matters and other matters within the exceptions
13 provided for by statute.

14 THE CLERK: Commissioner Kelly.

15 COMMISSIONER KELLY: Aye.

16 THE CLERK: Commissioner Evans.

17 MAYOR TUCCI: Commissioner Evans?

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Petracco.

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Commissioner Scarpelli.

23 COMMISSIONER SCARPELLI: Aye.

24 THE CLERK: Mayor Tucci.

25 MAYOR TUCCI: Aye.

1 THE CLERK: And the time is now 7:17.

2 MAYOR TUCCI: Thank you.

3 THE CLERK: We just need one moment, Mayor.

4 (Pause)

5 THE CLERK: Okay, Sal.

6 MAYOR TUCCI: Okay. We're back on? All
7 right. Thank you. We are back. Continuing on with --

8 UNIDENTIFIED: Mayor, your mic. Mic. Mic.

9 MAYOR TUCCI: Oh. Thank you. Continuing on
10 with our agenda this evening, we have no ordinances for
11 introduction, nor on second reading, so we will move
12 into resolutions.

13 Commissioner Kelly?

14 COMMISSIONER KELLY: Thank you, Mayor. I
15 have one resolution tonight, and this is not going to
16 be the only resolution for the month of February, this
17 is just the one we're doing right now. This is for --
18 well, I'll just read it.

19 Whereas, heart disease is the leading cause
20 of death for men, women, and people of most racial and
21 ethnic groups in the United States;

22 Whereas, heart disease is a killer that
23 strikes more women than men, and is more deadly than
24 all forms of cancer combined. Heart disease claims the
25 lives of one in three women, which translates to

1 roughly one death each minute;

2 Whereas, one person dies every 36 seconds in
3 the United States from cardiovascular disease. About
4 655,000 Americans die from heart disease each year.
5 That is one in every four deaths;

6 Whereas, 90 percent of women have more than
7 one risk factor for developing heart disease;

8 Whereas, a combination of heart healthy
9 nutrition, living a healthy lifestyle, and following
10 your healthcare professional's recommendations are all
11 part of reducing an individual's risk for heart
12 disease, heart attack, and stroke;

13 Whereas, February is National Heart Health
14 Month, and Friday, February 5th, 2021, has been
15 designated as National Wear Red Day, at which time
16 residents are encouraged to wear red to inspire women
17 to take charge of their heart health;

18 Whereas, the Township of Nutley Department of
19 Public Affairs through the Health Department and the
20 American Heart Association are committed to preventing
21 heart disease through the public and professional
22 education about risk factors.

23 Now therefore be it resolved by the Board of
24 Commissioners of the Township of Nutley, County of
25 Essex, to have recognition of the importance of the

1 ongoing effort to prevent heart disease, we do hereby
2 proclaim February, 2021 as National Heart Health Month,
3 and urge all citizens in Nutley to show their support
4 for preventing heart disease and by learning more about
5 their heart health, eating a healthy diet, and
6 maintaining a healthy, active lifestyle. So move.

7 COMMISSIONER EVANS: Second.

8 THE CLERK: Commissioner Kelly.

9 COMMISSIONER KELLY: Aye.

10 THE CLERK: Commissioner Evans.

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco.

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Commissioner Scarpelli.

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Mayor Tucci.

17 MAYOR TUCCI: Aye. Thank you, Commissioner.

18 Commissioner Evans?

19 COMMISSIONER EVANS: Yes, Mayor. Be it
20 resolved that the Treasurer is hereby authorized to
21 refund overpayment of property taxes for Block 1800,
22 Lot 14, in the amount of \$2,058.24 as arising from a
23 Tax Court judgment. So move.

24 COMMISSIONER PETRACCO: Second.

25 THE CLERK: Commissioner Kelly.

1 COMMISSIONER KELLY: Aye.

2 THE CLERK: Commissioner Evans.

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco.

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Commissioner Scarpelli.

7 COMMISSIONER SCARPELLI: Aye.

8 THE CLERK: Mayor Tucci.

9 MAYOR TUCCI: Aye.

10 COMMISSIONER EVANS: Be it resolved that the
11 Treasurer is hereby authorized to refund overpayment of
12 tax charges in the amount of \$5,127.40 for Block 9200,
13 Lot 7.01 for the year 2020. So move.

14 COMMISSIONER KELLY: Second.

15 THE CLERK: Commissioner Kelly.

16 COMMISSIONER KELLY: Aye.

17 THE CLERK: Commissioner Evans.

18 COMMISSIONER EVANS: Aye.

19 THE CLERK: Commissioner Petracco.

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Commissioner Scarpelli.

22 COMMISSIONER SCARPELLI: Aye.

23 THE CLERK: Mayor Tucci.

24 MAYOR TUCCI: Aye.

25 COMMISSIONER EVANS: Whereas, the Building

1 Department received a payment for a performance bond in
2 the amount of \$11,946 from JF -- excuse me -- TFJ
3 Kingsland, LLC, for the property located at 10
4 Kingsland Street;

5 Whereas, the performance bond was deposited
6 in Account T-15-912-913, where it accrued interest, and
7 now totals \$11,971.23;

8 Whereas, the Planning Board has reviewed and
9 determined that this full amount is due TFJ Kingsland,
10 LLC.

11 Now therefore be it resolved by the Board of
12 Commissioners that the Township Treasurer be and she is
13 authorized to refund the perf bond for the storage
14 facility at 10 Kingsland Street in the full amount of
15 \$11,971.23. So move.

16 COMMISSIONER KELLY: Second.

17 THE CLERK: Commissioner Kelly.

18 COMMISSIONER KELLY: Aye.

19 THE CLERK: Commissioner Evans.

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Commissioner Petracco.

22 COMMISSIONER PETRACCO: Aye.

23 THE CLERK: Commissioner Scarpelli.

24 COMMISSIONER SCARPELLI: Aye.

25 THE CLERK: Mayor Tucci.

1 MAYOR TUCCI: Aye.

2 COMMISSIONER EVANS: Whereas, the Building
3 Department received escrow account payments from TFJ
4 Kingsland, LLC, for the property located at 10
5 Kingsland Street. The Planning Board has reviewed and
6 determined that the application is complete, and the
7 escrow fees may be refunded. The amounts total in one
8 account, T-15-910-986, \$314.50, and the second account,
9 T-15-910-992, in the amount of \$4,135.50.

10 Now therefore be it resolved by the Board of
11 Commissioners that the Township Treasurer is hereby
12 authorized to refund escrow monies in the amount of
13 \$314.50, and \$4,135.50, from the accounts listed above,
14 so move.

15 COMMISSIONER KELLY: Second.

16 THE CLERK: Commissioner Kelly.

17 COMMISSIONER KELLY: Aye.

18 THE CLERK: Commissioner Evans.

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Petracco.

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Commissioner Scarpelli.

23 COMMISSIONER SCARPELLI: Aye.

24 THE CLERK: Mayor Tucci.

25 MAYOR TUCCI: Aye.

1 COMMISSIONER EVANS: Whereas, 40A:4-19 Local
2 Budget Law provides that where any contracts,
3 commitments, or payments are to be made prior to the
4 final adoption of the 2021 budget, temporary
5 appropriations may be made for the purposes and the
6 amounts required in the manner and time therein;

7 Whereas, this -- the date of this resolution
8 is within the first 30 days of 2021;

9 Whereas, total appropriations in the 2020
10 budget, less appropriations made for capital
11 improvements, to fund debt service, and public
12 assistance are as follows:

13 Current fund, \$50,916,121.96; Water Utility,
14 \$4,495,750.00.

15 Whereas, 26 and 1/4 percent of the total
16 appropriations in the 2020 budget less appropriations
17 for capital improvement, debt service, and public
18 assistance is as follows:

19 Current fund, \$13,365,482.01; Water Utility,
20 \$1,180,134.38.

21 Now therefore be it resolved by the Board of
22 Commissioners that the following temporary
23 appropriations be made and certified -- and that a
24 certified copy of this resolution is transmitted to the
25 Chief Financial Officer for her records for the amounts

1 in the various accounts listed in the resolution. So
2 move.

3 COMMISSIONER KELLY: Second.

4 THE CLERK: Commissioner Kelly.

5 COMMISSIONER KELLY: Aye.

6 THE CLERK: Commissioner Evans.

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco.

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Commissioner Scarpelli.

11 COMMISSIONER SCARPELLI: Aye.

12 THE CLERK: Mayor Tucci.

13 MAYOR TUCCI: Aye.

14 COMMISSIONER EVANS: Whereas, New Jersey
15 Statute 40A:4-19 provides that where debt service is to
16 be paid in 2021 prior to the time of the final adoption
17 of the 2021 budget -- there's a typo in here, it says
18 20. Temporary appropriation should be made for the
19 amount of such debt service in the manner and time
20 provided therein;

21 Whereas, the date of this resolution is
22 subsequent to December 2020; and

23 Whereas, debt service will become due during
24 the first six months of 2021.

25 Now therefore be it resolved by the Board of

1 Commissioners that the following temporary
2 appropriations be made: interest on bonds, \$83,000.
3 Principal on bonds, \$1 million. Bond anticipation note
4 principal, \$5,944,856. Bond anticipation note
5 interest, \$88,000. General New Jersey DEP Green Acres
6 loan, loan principal, \$9600, loan interest, \$3500. For
7 a total of current fund debt service of \$7,128,956.
8 For the Water Operating account, the N.J.E.I.T. Loan,
9 fund principal, \$26,000; TRUST loan interest, \$6900,
10 for a total water debt service of \$32,900. So move.

11 COMMISSIONER KELLY: Second.

12 THE CLERK: Commissioner Kelly.

13 COMMISSIONER KELLY: Aye.

14 THE CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco.

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Scarpelli.

19 COMMISSIONER SCARPELLI: Aye.

20 THE CLERK: Mayor Tucci.

21 MAYOR TUCCI: Aye.

22 COMMISSIONER EVANS: Thank you, Mayor.

23 MAYOR TUCCI: Thank you, Commissioner.

24 Commissioner Petracco?

25 COMMISSIONER PETRACCO: Yes. Be it resolved

1 by the Board of Commissioners of the Township of
2 Nutley, County of Essex, State of New Jersey, that the
3 Township Clerk is hereby authorized to advertise for
4 sealed bids for police and crossing guard uniforms for
5 the Township of Nutley, to be received on behalf of the
6 Board of Commissioners in Commission Chambers, Township
7 Hall, 1 Kennedy Drive, Nutley, New Jersey, on
8 Wednesday, February 10th, 2021, at 10:00 a.m., at which
9 time they will be opened and publicly read via Zoom
10 teleconference. I move the resolution.

11 COMMISSIONER SCARPELLI: Second.

12 THE CLERK: Commissioner Kelly.

13 COMMISSIONER KELLY: Aye.

14 THE CLERK: Commissioner Evans.

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco.

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Scarpelli.

19 COMMISSIONER SCARPELLI: Aye.

20 THE CLERK: Mayor Tucci.

21 MAYOR TUCCI: Aye.

22 COMMISSIONER PETRACCO: That's all I have,
23 Mayor.

24 MAYOR TUCCI: Thank you, Commissioner.

25 Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Thank you, Mayor.

2 Whereas, bids for the 2021 Co-Mingled
3 Recycling Collection Service were received and opened
4 on December 9th, 2020; and

5 Whereas, F. Basso Jr. Rubbish Removal,
6 55-93 South 20th Street, Irvington, New Jersey was the
7 responsible bidder; and

8 Whereas, the term of the contract shall be
9 Option 1, one-year contract with an option for two
10 one-year extensions at the same price, subject to
11 availability of funds in the subsequent annual budget,
12 to be awarded solely at the township's discretion, to
13 commence on or about February 1st, 2021;

14 Whereas, F. Basso Jr. Rubbish Removal,
15 55-93 South 20th Street, Irvington, New Jersey, was
16 awarded a contract for the removal and recycling of
17 Co-Mingled Collection Services Option 1, one, 3
18 sections in the amount of \$250,100.00; and

19 Whereas, the funds are available from Account
20 Number 1-01-423-209, in the amount of \$250,100.00, and
21 has been certified by the Chief Financial Officer, said
22 certification to be attached to this resolution.

23 Now therefore be it resolved by the Board of
24 Commissioners of the Township of Nutley, County of
25 Essex, State of New Jersey, that a contract be awarded

1 to F. Basso Jr. Rubbish Removal, not to exceed
2 \$250,100.00, and that the Mayor and Township Clerk are
3 hereby authorized to enter into and sign said contract
4 for the Township of Nutley. I move the resolution.

5 COMMISSIONER PETRACCO: Second.

6 THE CLERK: Commissioner Kelly.

7 COMMISSIONER KELLY: Just before I vote, I
8 just want to note that the Health Department has a
9 contract with Basso for trash removal. I know we've
10 been getting some complaints, and that their service
11 has not been up to the standard that we expect in
12 Nutley. But I just wanted to say that Mr. Genitempo,
13 our Town Attorney, and myself met with Mr. Basso and
14 several members of the Nutley Health Department staff,
15 and we had a very productive conversation, and we
16 expect to see improvements over the coming days and
17 months. And so with that said, I will vote aye for
18 this.

19 THE CLERK: Commissioner Evans.

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Commissioner Petracco.

22 COMMISSIONER PETRACCO: Aye.

23 THE CLERK: Commissioner Scarpelli.

24 COMMISSIONER SCARPELLI: Aye.

25 THE CLERK: Mayor Tucci.

1 MAYOR TUCCI: Aye.

2 COMMISSIONER SCARPELLI: That's all I have,
3 Mayor.

4 MAYOR TUCCI: Thank you, Commissioner.

5 Whereas, raffle applications have been
6 received from the following organization: Lincoln
7 School PTO, License Number 1-21 for an off-premise
8 merchandise raffle, to be held on Thursday, March 18th,
9 2021. The Nutley Music Booster Association, License
10 Number 2-21, for an on-premise 50/50 cash raffle to be
11 held Saturday, March 13th, 2021. And again the Nutley
12 Music Booster Association, License Number 3-21, for
13 on-premise merchandise raffle, to be held Saturday,
14 March 13th, 2021, and the Nutley Music Booster
15 Association again, License Number 4-21, for an
16 off-premise 50/50 cash raffle to be held Saturday,
17 March 13th, 2021;

18 Whereas, the applications have been reviewed
19 and approved by the Municipal Clerk and the police
20 department.

21 Now therefore be it resolved by the Board of
22 Commissioners of the Township of Nutley, County of
23 Essex, State of New Jersey, that the aforementioned
24 licenses are approved and the Municipal Clerk is
25 authorized to issue said license. I move the

1 resolution.

2 COMMISSIONER PETRACCO: Second.

3 THE CLERK: Commissioner Kelly.

4 COMMISSIONER KELLY: Aye.

5 THE CLERK: Commissioner Evans.

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco.

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Commissioner Scarpelli.

10 COMMISSIONER SCARPELLI: Aye.

11 THE CLERK: Mayor Tucci.

12 MAYOR TUCCI: Aye.

13 Be it resolved by the Board of Commissioners
14 of the Township of Nutley, County of Essex, State of
15 New Jersey, that Jonathan Bruno be appointed the Public
16 Defender for the Township of Nutley, effective
17 January 1, 2021, and expiring December 31st, 2021. I
18 move the resolution.

19 COMMISSIONER PETRACCO: Second.

20 THE CLERK: Commissioner Kelly.

21 COMMISSIONER KELLY: Aye.

22 THE CLERK: Commissioner Evans.

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco.

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Commissioner Scarpelli.

2 COMMISSIONER SCARPELLI: Aye.

3 THE CLERK: Mayor Tucci.

4 MAYOR TUCCI: Aye.

5 THE CLERK: Mayor --

6 MAYOR TUCCI: Whereas, the Nutley High School
7 Varsity -- I'm sorry?

8 THE CLERK: (Indiscernible).

9 MAYOR TUCCI: Oh, so there was a typo on
10 there? Okay. Let the record reflect that it's
11 off-premise and not on premise for that resolution.

12 Whereas, the Nutley High School Varsity
13 Football Team has enjoyed an outstanding season with an
14 undefeated record of six wins and no losses, which
15 marks the first time in 91 years the Raiders have
16 finished undefeated; and

17 Whereas, the Raiders finished the season as
18 the Super Football Conference Freedom Division
19 Champions; and

20 Whereas, the Raiders have also finished
21 ranked Number 2 in Essex County, Number 3 in Group 3,
22 and to top it all, Number 20 in the State of New
23 Jersey;

24 Whereas, the members of the Nutley High
25 School Varsity Football Team are Logan Acosta, Eyad

1 Ahmad, Joseph Alberti, Jeremy Alonso, Alexander
2 Alvarez, Perry Aparicio, Nathan Arroyo, Nicholas Bello,
3 Ryan Breihof, Nicholas Conca, Frank Contella, Giovanni
4 Coppola, Joseph Crocco, Lucas DeChristofaro, Jordan
5 DeFalco, Louis French, Jackson Geraghty, Jaden Guzman,
6 Anthony Haines, Matthew Harbison, Michael Iaccarino,
7 William Jennings, Edward Kaminski, Andrew Kiernan,
8 Frankie Kokos, Michael LaTorre, Gennaro Longobardi,
9 Vincent Lubowiecki, Brandon Lucia, Mitchell Mainiero,
10 Max Martino, Sean McAloon, William Mielnicki, Vincent
11 Miller, Aidan O'Halloran, Anthony Pinal, Nicholas
12 Polewka, Paul Poplawski, Vincenzo Rizzuto, Brandon
13 Scherrer, Paul Scutti, Billy Searle, Donald Slane, John
14 VanDeventer, Jake Walsh, Jason Wrege, Julian Yeaza,
15 Justin Zhang, and Michael Zitola; and

16 Whereas, Head Coach Steve DiGregorio,
17 Assistant Coaches Robert Harbison, Jeff Martin, Rob
18 Porrino, J.D. Vick, Anthony Fischetti, Brian
19 Koribanick, Mike Padilla, Rob Melillo, Sal Gabriel,
20 Anthony Alberti, and Strength and Conditioning Coach
21 Matthew Bustos worked tirelessly to train and guide
22 these athletes; and

23 Whereas, the members of the 2020 Nutley High
24 School Varsity Football Team are the Undefeated, State
25 Ranked Freedom Division Champions.

1 Now therefore be it resolved that the Board
2 of Commissioners of the Township of Nutley, County of
3 Essex, State of New Jersey, join with the citizens of
4 Nutley to honor and congratulate the members and
5 coaches of the 2020 Nutley High School Varsity Football
6 Team for their exceptional efforts and accomplishments.
7 This is a tremendous accomplishment. I am so proud of
8 each and every one of our players, all of our coaches,
9 our AD, the administration, and the entire Nutley
10 School System. I very proudly move this resolution.

11 COMMISSIONER PETRACCO: Second.

12 THE CLERK: Commissioner Kelly.

13 COMMISSIONER KELLY: I just want to say that
14 I am so proud of the Nutley Football Team as well. I
15 was very impressed when I saw you guys play. This is
16 extremely well deserved, and you guys should really
17 enjoy this moment. Congratulations. Aye.

18 THE CLERK: Commissioner Evans.

19 COMMISSIONER EVANS: I vote aye, and I'd also
20 like to say that it's great to see exceptionalism in a
21 year of crisis, and thank you for bringing honor to our
22 township. Congratulations, well deserved to everyone,
23 including all the coaches.

24 THE CLERK: Commissioner Petracco.

25 COMMISSIONER PETRACCO: I'd like just to say

1 congratulations to a tremendous group, coaches, kids,
2 parents, everybody involved. I made a few of the
3 games, and I have to tell you, it was just really,
4 really, in light of the situation with COVID, I think
5 it brought a lot of smiles to a lot of Nutley
6 residents' faces and parents. Thank you.

7 THE CLERK: Commissioner Scarpelli.

8 COMMISSIONER SCARPELLI: Before I vote aye, I
9 just wanted to say that like Commissioner Petracco, I
10 went to several of the games. It was a pleasure to
11 watch them play. A bunch of very sportsmanlike kids,
12 young men, I'll say, better than kids, young men that
13 were on that field, and the coaches should be very
14 proud of the job they did, and I actually have had the
15 pleasure of caring for the health of a couple of those
16 athletes on the team, so I proudly vote yes.

17 MAYOR TUCCI: And as a former player
18 yourself, Commissioner, isn't that correct?

19 COMMISSIONER SCARPELLI: That was a long time
20 ago, Mayor.

21 MAYOR TUCCI: That's okay. Once a Raider,
22 always a Raider. Again, I vote aye, and I'd just like
23 to thank everyone involved for the great honor that
24 they brought upon this township.

25 All right. That concludes our business for

1 this evening. We will now open the meeting to the
2 public.

3 THE CLERK: All persons addressing the Board
4 of Commissioners regarding community concerns should
5 state their name and address for the record. Unless
6 further time is granted by the Board, each person shall
7 limit their address to five minutes. All remarks to
8 the Board and its individual members must be addressed
9 to the mayor. The mayor may defer citizens' comments
10 to the appropriate member of the Board.

11 MAYOR TUCCI: Yes, Mr. Moore.

12 MR. MOORE: Rory Moore, 462 Chestnut Street.
13 Mayor Tucci, can you hear me? This time.

14 MAYOR TUCCI: Yes.

15 MR. MOORE: Can you hear me?

16 MAYOR TUCCI: Go ahead, proceed.

17 COMMISSIONER KELLY: We can hear you.

18 MR. MOORE: Oh, okay, I wasn't sure. Yeah, I
19 can vaguely hear you. Mr. Mayor, I'd like to follow up
20 this -- with the last meeting, we had -- I had some
21 concerns about Diamond Springs and that we were doing a
22 review -- or a planning review of a property in
23 potential for rehabilitation. I called GRC and I spoke
24 to several individuals, and I'm concerned, why are we
25 doing this for private property? Because if we leave

1 it to their own devices, the owner has options that
2 they're allowed to exercise, and by us interfering,
3 where -- that's what it looks like, why are we trying
4 to do something through the town, rather than let the
5 property owner make that decisions by themselves?

6 MAYOR TUCCI: (Indiscernible).

7 MR. GENITEMPO: Sure. Mr. Moore, very
8 simply, the law is set up to deal with private
9 property, not just public property, and in fact, the
10 owner of the property is welcoming our review in -- for
11 an area in need of redevelopment or rehabilitation,
12 because it also gives him additional tools to use to
13 develop the property. So this is not a taking, we're
14 not absolutely commanding the owner what to do. These
15 are negotiations in the development world, and the
16 actual owner is onboard, in fact, is welcoming us to do
17 this study, to declare the area in need of
18 redevelopment or rehabilitation, which would give him
19 other options in the development world. So this is not
20 an adversarial situation. In fact, it's beneficial to
21 the developer and the township, and the township can
22 have a say in what possibly could go there in
23 conjunction with working with the developer.

24 MR. MOORE: I didn't see it as adversarial.
25 Quite --

1 MR. GENITEMPO: Well, it's the same --

2 MR. MOORE: -- quite the opposite.

3 MR. GENITEMPO: -- same thing with the Roche
4 property. That was a private property, we had it
5 declared in need of redevelopment, and it provided
6 certain benefits both for the developer and the
7 township.

8 MR. MOORE: I see this as possibly a win-win
9 for the town, depending on how it goes, but if you say
10 that the owner is welcoming the -- you know, the
11 participation, are there documents to that effect? Are
12 there -- if I OPRA these documents, are they available?

13 MR. GENITEMPO: There are no documents.
14 There's only general discussions with the developers,
15 so right now, it's in the very initial stage, and we
16 are moving towards the Planning Board reviewing a
17 report, eventually coming out from the -- a planner,
18 that you'll have the opportunity to see before the
19 Planning Board.

20 MR. MOORE: Thank you.

21 MR. GENITEMPO: You're welcome.

22 THE CLERK: There's no one else, Mayor.

23 MAYOR TUCCI: (Indiscernible). There being
24 no further business, we will now entertain a motion to
25 adjourn.

1 COMMISSIONER SCARPELLI: Motion to adjourn.

2 THE CLERK: Commissioner Kelly.

3 COMMISSIONER KELLY: Aye.

4 THE CLERK: Commissioner Evans.

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco.

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Commissioner Scarpelli.

9 COMMISSIONER SCARPELLI: Aye.

10 THE CLERK: Mayor Tucci.

11 MAYOR TUCCI: Aye.

12 THE CLERK: The time is 9:30.

13 MAYOR TUCCI: Thank you and good night,
14 everyone.

15 (End of recording)

16 * * * * *

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

I, Alicia Jarrett, do hereby certify that the foregoing is a correct transcript from the electronic sound recording provided for transcription and prepared to the best of my professional skills and ability.

February 3, 2021
Alicia Jarrett
AAERT Cert. No. 428
Certified Court Transcriptionist