

In The Matter Of:
Nutley Board of Commissioners

Transcript of Proceedings
November 7, 2018
Conference Session



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Conference Session

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

TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS
ONE KENNEDY DRIVE
3RD FLOOR COMMISSION CHAMBERS
NUTLEY, NEW JERSEY 07110

*** CONFERENCE SESSION ***

DATE: November 7, 2018

BOARD OF COMMISSIONERS:

- JOSEPH P. SCARPELLI, MAYOR
- STEVEN L. ROGERS, COMMISSIONER
- MAURO G. TUCCI, COMMISSIONER
- THOMAS J. EVANS, COMMISSIONER
- ALPHONSE PETRACCO, COMMISSIONER

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 (Recording begins)

3 MAYOR SCARPELLI: Madam Clerk?

4 THE CLERK: Board of Commissioners Public
5 Meeting Wednesday, November 7, 2018. The time is 7:05.
6 Pursuant to the requirements of the Open Public Meeting
7 Act, Chapter 231, public law in 1975, notice of this
8 meeting was published in a December 14th, 2017, issue
9 of the Nutley Sun, the Herald News, and the Star
10 Ledger. A copy of this notice has been posted on the
11 Nutley town hall bulletin board and a copy is on file
12 in the municipal clerk's office.

13 Commissioner Rogers is absent, excused.

14 Commissioner Tucci?

15 COMMISSIONER TUCCI: Here.

16 THE CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Here.

18 THE CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Here.

20 THE CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Here.

22 THE CLERK: All present, Mayor, except for
23 Commissioner Rogers. He is absent, excused this
24 evening.

25 MAYOR SCARPELLI: Commissioner Tucci, what do

1 you have on the agenda?

2 COMMISSIONER TUCCI: So we really are going
3 the other way? Okay. We're supposed to start with
4 Rogers. He's not here. What do I have? Let's see. I
5 have a Shade Tree report for the month of October and I
6 have several resolutions.

7 One is to accept an offer from Marczaks, Inc.
8 for some surplus equipment, for vehicles, old vehicles,
9 one for \$900, the other one is for \$1,120.

10 I have an award of a contract through a fair
11 and open process for specialized professional services
12 for a risk manager. You can cross that off your list,
13 Madam Clerk.

14 THE CLERK: I just saw it.

15 COMMISSIONER TUCCI: All right, for C. Walter
16 Searle, Franklin Avenue and Nutley, for January 1, '19
17 through December 31st, 2020.

18 I have award of a contract through a fair and
19 open process for specialized services for insurance
20 accident and safety review, again to Walter Searle,
21 Franklin Avenue, not to exceed \$10,000. Same dates,
22 January 1, '19 to December 31st '19.

23 I have award of a contract to Princeton
24 Hosted Solutions for our analog copper telephone line
25 through existing alarm system and fax lines from

1 September 1, '18 through June 30th, 2020 for a total of
2 \$47,952.

3 And we have an authorization for an amendment
4 to a three-year contract with Strategic Products and
5 Services to reflect new ownership by Converge One, Inc.
6 effective November 6th. This is basically an
7 assignment they were sold, so I just want to have a
8 little paper trail.

9 COMMISSIONER PETRACCO: There's just one
10 correction. On 253-18, I think it's a one-year
11 contract, right, December 31, '19 to, January 1 through
12 December 31? I just checked with Frank and
13 (indiscernible).

14 MR. DE MAIO: Yes, I think it should be.

15 COMMISSIONER PETRACCO: Just to correct the
16 typo.

17 COMMISSIONER TUCCI: Yes. It's usually an
18 annual contract with the option to --

19 COMMISSIONER TUCCI: Yeah, with the option to
20 extend. Right.

21 COMMISSIONER TUCCI: -- to renew, yes.

22 COMMISSIONER PETRACCO: So it's a one-year
23 contract?

24 COMMISSIONER TUCCI: Yes. Yes, sir.

25 COMMISSIONER PETRACCO: Just wanted to make

1 sure.

2 COMMISSIONER TUCCI: Thank you. Nice catch,
3 Frank.

4 MAYOR SCARPELLI: That's all you have,
5 Commissioner?

6 COMMISSIONER TUCCI: Yes, that's all I have.

7 MAYOR SCARPELLI: Commissioner Rogers has two
8 resolutions on. One is the World Diabetes Day, and one
9 is authorize for a budget transfer, \$25,000.

10 (Board members have discussion regarding dinner)

11 MAYOR SCARPELLI: Commissioner Evans.

12 COMMISSIONER EVANS: I have an ordinance
13 introduction which is regarding pay-to-play. It's no
14 different than the pay-to-play rules we follow under
15 the state statute. The only thing is that is a
16 follow-up, in order to get them state aid, the DCA is
17 requiring us to have their -- the ordinance at least at
18 the state level on our local books. So basically it's
19 (indiscernible) compliance procedure to be in line with
20 what they're requiring in order for us to have our
21 state aid released for \$4.1 million.

22 COMMISSIONER TUCCI: If, in the absence of us
23 having our own pay-to-play ordinance, though, doesn't
24 -- don't we revert to the state ordinance?

25 COMMISSIONER EVANS: Exactly. And this is

1 the same thing that the state is wanting, municipalities
2 to have the ordinance on their local
3 books. So because, if we want, locally we have the
4 ability to actually enact something stricter. But as
5 long as it's at a minimum, it's following the state
6 statute.

7 COMMISSIONER PETRACCO: And what is this? Is
8 this the minimum or it's the state --

9 COMMISSIONER EVANS: Yeah, it's the state
10 statute.

11 COMMISSIONER TUCCI: I am totally in favor of
12 this, but I would like to see, with some of the
13 surrounding communities, what they have on the books.
14 If we introduce, will that satisfy them to release our
15 money?

16 COMMISSIONER EVANS: That's where we're
17 going.

18 COMMISSIONER TUCCI: Okay. I'm with you
19 then --

20 COMMISSIONER EVANS: We're listening.

21 COMMISSIONER TUCCI: -- for introduction.

22 COMMISSIONER EVANS: We're listening.

23 COMMISSIONER TUCCI: Right.

24 COMMISSIONER EVANS: We're listening, and I
25 want to see if anybody else is going to comply with the

1 requirements.

2 COMMISSIONER TUCCI: Well, I don't have a
3 problem with --

4 COMMISSIONER EVANS: It's not just -- it's
5 not (indiscernible) of us. It's anybody who is getting
6 transitional aid. They want all transitional aid
7 communities to have this on their books.

8 MAYOR SCARPELLI: Right. Because it's quite
9 lengthy. I'd like to see what everyone has so we're
10 not either --

11 COMMISSIONER EVANS: Oh, absolutely.

12 MAYOR SCARPELLI: -- not as restrictive as we
13 should be or overly restrictive.

14 COMMISSIONER PETRACCO: Is this just to give
15 me the head's up?

16 COMMISSIONER EVANS: Yes. Given it's
17 November --

18 COMMISSIONER TUCCI: Right.

19 COMMISSIONER EVANS: -- and they want to give
20 us a check in December.

21 COMMISSIONER TUCCI: Well, then let's introduce
22 and do it in the interim. How does that sound?

23 COMMISSIONER PETRACCO: Yeah, that's great.

24 COMMISSIONER EVANS: That sounds good.

25 MAYOR SCARPELLI: Does that work for you?

Conference Session

8

1 COMMISSIONER EVANS: God, no, absolutely.

2 COMMISSIONER TUCCI: Okay.

3 COMMISSIONER EVANS: We'll doing the
4 homework. I've just got to start the process.

5 COMMISSIONER TUCCI: Okay.

6 COMMISSIONER EVANS: All right. So the only
7 thing that I want to be able to say to them, yep,
8 because they called me today and wanted to know if we
9 were following through. And I said, yeah, it'll be on
10 the agenda tonight. We're going to introduce.

11 COMMISSIONER TUCCI: And we're going to
12 introduce.

13 COMMISSIONER EVANS: Which is all I said.

14 COMMISSIONER TUCCI: Good.

15 MAYOR SCARPELLI: There you go.

16 COMMISSIONER EVANS: I also have --

17 COMMISSIONER TUCCI: And that was the truth.

18 COMMISSIONER EVANS: Yeah, exactly. No, no,
19 seriously. We are -- we're introducing tonight.

20 The -- and she couldn't -- the person I spoke to
21 couldn't tell me what other municipalities and put it
22 on the books, so they -- but since they awarded the
23 calendar year through the (indiscernible) so late,
24 they're just getting caught up on it now.

25 MAYOR SCARPELLI: Yeah.

1 COMMISSIONER EVANS: So it just is what it
2 is.

3 I have five resolutions as well. The first
4 is for a request for proposals for bank services. We
5 haven't actually gone out and surveyed our banks in a
6 while, so we're going to update our service request and
7 see what's out there.

8 The second is a change order regarding
9 Inglesino regarding our Special Development Council.
10 It's our first change order to -- and it's an increase
11 of \$15,000.

12 I have a budget transfer for \$35,000, and I
13 have two refunds of overpayments, one overpayment of
14 taxes, the other is the release of a guaranty for
15 Richard Williams at the medical school, and the work's
16 been performed and we can release the funds.

17 That's all I have right now.

18 MAYOR SCARPELLI: Commissioner, on the
19 banking services, I happened to be at a freeholder
20 meeting about six months ago, and they had a bank in,
21 and boy did they press them on what they were doing
22 with their community service dollars and how they were
23 spending them in the community, and also what they were
24 doing to help people in foreclosure, to keep them out
25 of foreclosure. And they pressed them pretty hard and

1 the bank complied. So I think there's opportunities
2 there for -- you know, for us to figure out how they do
3 -- you know, I know that they support different things
4 with \$500 here or \$500 there, but there seems like
5 there's a bigger pool of money for the community to
6 benefit from.

7 COMMISSIONER EVANS: I agree. It's actually
8 in the proposal. We asked them to summarize what
9 they're supporting so that we can read it.

10 MAYOR SCARPELLI: Very good.

11 COMMISSIONER TUCCI: That's two years.

12 THE CLERK: Right.

13 COMMISSIONER TUCCI: That should only be one
14 with an option to --

15 MAYOR SCARPELLI: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Yeah, I have a couple
17 resolutions for these abandoned properties. They're
18 live auctions. One is December 11, 2018 at Nicolette
19 Towing . The second one is at Twin Towing on
20 December 11th. And then I have a budget transfer of
21 \$200,000. And I need a short executive meeting to
22 regarding personnel. I think that'll cover it.

23 UNIDENTIFIED: Yeah.

24 COMMISSIONER PETRACCO: Okay. Then that's
25 all I have.

1 MAYOR SCARPELLI: All right. I have a
2 monthly progress report -- reports. I have
3 introduction of two ordinances on behalf of the Board
4 of Commissioners. One is to -- on the custodial of
5 records, and the other is amending the fees that we
6 charge.

7 COMMISSIONER PETRACCO: You know, just real
8 quick on that one, is that the one with the Chief of
9 Police?

10 MAYOR SCARPELLI: The first one.

11 COMMISSIONER PETRACCO: The custodial, that's
12 the first one that you did here?

13 MAYOR SCARPELLI: Yeah.

14 COMMISSIONER PETRACCO: What -- this is the
15 first time I actually saw the agenda tonight because I
16 didn't have time today.

17 MAYOR SCARPELLI: My understanding is that --

18 MR. GENITEMPO: I can explain it if you want.

19 MAYOR SCARPELLI: Sure.

20 MR. GENITEMPO: If you don't mind. So we had
21 a meeting a couple weeks ago with the clerk, with
22 Chief, with the captain, and with Justin Marchetta
23 of from Inglesino's office. We were going
24 over the open issues. And Justin had recommended these
25 two ordinances, one, because the police have such a

1 document production function that we have to designate
2 one person as the custodian, but we can designate a
3 deputy so that the chief or his assignee, whoever he
4 wants to do it, has the authority then to respond to
5 those requests from the department. And --

6 COMMISSIONER PETRACCO: Do what and OPRA
7 request or --

8 MR. GENITEMPO: Yeah, an OPRA request because
9 -- or document requests which they get a significant
10 amount. But it doesn't make sense every time someone
11 wants a report, to come through the clerk's office.

12 So he suggested introducing this ordinance to
13 give the chief the authority to be the deputy. But
14 ultimately the responsibility is Eleni's, so he
15 has to report to her every month about what he's doing
16 so that this information in the report --

17 COMMISSIONER PETRACCO: Before he releases
18 information or --

19 MR. GENITEMPO: No. No. He has the
20 authority to do that.

21 COMMISSIONER PETRACCO: Okay.

22 MR. GENITEMPO: But just in terms of
23 reporting to the clerk what he's doing so that she's
24 aware. She's the custodian.

25 COMMISSIONER PETRACCO: Okay.

1 MR. GENITEMPO: It's really more of a
2 reporting thing, but -- and the chief thought it was a
3 great idea because he's kind of caught in the middle
4 sometimes, and we think it's a better way to deal with
5 it, to clarify it.

6 COMMISSIONER PETRACCO: Okay, good.

7 MR. GENITEMPO: So we had a discussion about
8 that (indiscernible).

9 COMMISSIONER TUCCI: Should it be the chief
10 or the commissioner?

11 MR. GENITEMPO: Well, the day-to-day person
12 who's handling the documents, sort of like the clerk,
13 but over in the police department, because they really
14 get a huge amount of requests. And sometimes they come
15 here.

16 COMMISSIONER TUCCI: Right.

17 MR. GENITEMPO: We log them in. Every one
18 gets a number. That same thing's going to happen over
19 there, but the clerk will be able to log it in once
20 Tommy advised them I got these requests and they
21 respond to them, just a note, and she can make sure
22 they get logged. Right? I think I'm explaining that.

23 THE CLERK: That's correct.

24 MR. GENITEMPO: So it's a way to make sure
25 we're not -- things aren't falling into cracks, which

1 we were having a little bit of an issue with. So this
2 is what he's saying --

3 COMMISSIONER TUCCI: You know, I asked that
4 question because in our department, it's either handled
5 by Frank or Chrissy or one of the other ladies.

6 MR. GENITEMPO: A different issue. A
7 different issue because they're not supposed to be
8 responding to OPRA because we had a discussion about
9 that.

10 COMMISSIONER TUCCI: Oh, I know, but they
11 supply the information to her.

12 MR. GENITEMPO: Right. That's --

13 COMMISSIONER TUCCI: And as long as they
14 know, I'm kept in the loop.

15 MR. GENITEMPO: Correct. But they're not out
16 of the loop.

17 COMMISSIONER TUCCI: Right.

18 MR. GENITEMPO: They're not out of the loop.
19 They're still going to be responsible for their
20 department's documents. But this is in terms of the
21 separate problem the police department has relative to
22 documents, because they get inundated. This is not the
23 same as what every other department gets for OPRA
24 requests. Usually you'll get your OPRA requests
25 through Eleni. It comes here and then she'll send it

1 to your department. She can log it and keep track of
2 it, and then she refers it to your department head,
3 who's then responsible for responding.

4 This is a little bit different because the
5 requests go directly to the police department, and we
6 need to be able to give him authority to handle them
7 yet keep the clerk alert as --

8 COMMISSIONER PETRACCO: Is this like police
9 reports and stuff like that?

10 COMMISSIONER TUCCI: Why is that though? Why
11 wouldn't they all go through her?

12 MR. GENITEMPO: Because there's a different
13 -- under the state statute regarding police reports and
14 documents and things --

15 COMMISSIONER TUCCI: Right.

16 MR. GENITEMPO: -- they really should be
17 handling this OPRA request. But it's kind of like a
18 hybrid, and so, you know, just --

19 COMMISSIONER EVANS: Is that because of
20 confidentiality?

21 MR. GENITEMPO: Not necessarily, just in
22 terms of it's a public document and is it subject to
23 OPRA or is it not. Sometimes we have issues where we
24 shouldn't release things.

25 COMMISSIONER TUCCI: I mean, it's --

1 MR. GENITEMPO: If it's a minor or a juvenile
2 information, if it's a report, we can't release it.
3 So, you know, we want to be able to coordinate and work
4 together to make sure we're not violating that
5 exception to the OPRA statute.

6 So this gives us -- kind of gives the chief
7 -- it actually gives him authority. It doesn't take it
8 away. And it just requires that he communicate with
9 the clerk with what he's doing. So the chief, Chief
10 Strumolo, thought it was a good idea. He liked the
11 idea, and so that's why we put it out there.

12 And the other one is just fees.

13 COMMISSIONER PETRACCO: And this is for the
14 introduction, right?

15 UNIDENTIFIED: Yes.

16 COMMISSIONER PETRACCO: Okay.

17 MR. GENITEMPO: Yes, it's for introduction.
18 And the other one is fees. You know, we want to be
19 sure that we're at the current fee rate that's set by
20 statute. So we're just updating and putting that into
21 the ordinance so we can -- if there are fees to be
22 charged for OPRA requests, we can charge the current
23 allowable fees.

24 COMMISSIONER PETRACCO: So just so I
25 understand how this is going to work, I mean, our

1 chief, is he trained in OPRA?

2 MR. GENITEMPO: Well --

3 COMMISSIONER PETRACCO: I mean, because the
4 only own question that I have, and why I hesitate to
5 even introduce this tonight is that if he's going to
6 release the documents before and just kind of give her
7 a report at the end of them month, I could understand
8 it more if she's our OPRA point person -- you know,
9 she's trained in OPRA -- that he could say, okay, yeah,
10 you know, we're going to release these documents,
11 but --

12 MR. GENITEMPO: Well, the answer is he is
13 trained. Okay? And, you know, we tried to develop the
14 process internally so we could handle the problems, the
15 ones that are difficult. Some of them -- most of them
16 are just general mundane requests. And that's where
17 things get bogged down. So we don't want to -- we
18 want to give him the authority to deal with it.
19 Anything complicated, the chief's always calling me or
20 the clerk, and we collaborate on -- and Justin, too,
21 from Inglesino's office. He's an expert. So it's
22 actually been working pretty well. I think it's been
23 really much more efficient and we're much more sure of
24 ourselves in terms of how we can handle it.

25 You know, if you want to introduce it, we can

1 discuss it and if there's any other questions, we can
2 absolutely sit down with the chief, if you want.

3 COMMISSIONER EVANS: And so the procedure's
4 already in place.

5 (Simultaneously speaking)

6 MR. GENITEMPO: Pretty much, yeah. We've
7 been --

8 COMMISSIONER EVANS: It seems like this is
9 putting it --

10 MR. GENITEMPO: Right.

11 COMMISSIONER EVANS: Memorializing it.

12 MR. GENITEMPO: And the second one is the
13 fees. That's just, you know, what we need to clean up
14 our coordinates on that.

15 COMMISSIONER TUCCI: So let me understand
16 this. We have the clerk, obviously, who does the OPRA
17 requests. We have the chief, who's the backup, for
18 lack of a better term. And then we have this Justin
19 person from Inglesino's office doing OPRA's?

20 MR. GENITEMPO: No, he's not -- no, he's just
21 handling some legal questions for us on occasion
22 because some of them -- you know, I don't deal with
23 OPRA every day. He's a -- he does OPRA all the time.
24 He's an expert. So we've collaborated with him on some
25 of the issues. He's very knowledgeable. So he's kind

1 of helped us kind of straighten out. And he said we
2 haven't designated a custodian, which we should do.
3 That's what the ordinance should really do.

4 COMMISSIONER TUCCI: Right.

5 MR. GENITEMPO: The second part of the
6 ordinance is to just name the chief as --

7 COMMISSIONER TUCCI: Did we retain him to do
8 that? I know we retained him for development, you know,
9 issues and things like that and to deal with COAH, but
10 this one's a little new me.

11 COMMISSIONER EVANS: It's been -- he's been
12 -- mostly OPRA requests revolving around Roche,
13 Hoffmann-LaRoche, which is consistent with what they've
14 been retained to do. But I'm looking at how we expand
15 that as we go forward. So the answer is overall, he's
16 part of the existing agreement with Inglesino's office
17 as special counsel related to Roche because that's
18 where some of these questions have come up. But it may
19 expand into some of these other areas, which, then I
20 would have to do a resolution.

21 MR. GENITEMPO: Yeah. ELeni and I are still
22 dealing with it, but it's just a matter -- he's been
23 very helpful to us in the last couple times, very, very
24 helpful. So I don't know if it's going to continue or
25 whether we're going to need to continue or not, but

1 just from that short term, he's been very good. And a
2 lot of those issues are really --

3 COMMISSIONER PETRACCO: Justin's excellent.
4 I've worked with him, and he's --

5 MR. GENITEMPO: Yeah, I think you met him.

6 COMMISSIONER PETRACCO: I have met him and
7 he's very good.

8 MR. GENITEMPO: So that's --

9 COMMISSIONER PETRACCO: The only thing -- the
10 only question that I have is like, I mean, are we going
11 to start doing this like in every department or just --

12 COMMISSIONER EVANS: No.

13 COMMISSIONER PETRACCO: Why could -- so in
14 other words, Public Safety is the department that gets
15 the most OPRA requests or because of the records and
16 all that or --

17 MR. GENITEMPO: We get the most -- the clerk
18 gets the most OPRA requests, but it's a special problem
19 for the police.

20 MADAM CLERK: They're different kinds of
21 records.

22 MR. GENITEMPO: Yeah, they're different kinds
23 of records. It's more like police-related records.
24 I'll give you a different example. We got an OPRA
25 request here for a copy of their SWAT response

1 policy/procedure. They're not producing, right. It's
2 a safety issue.

3 (Simultaneously speaking)

4 MR. GENITEMPO: Do you understand? So
5 obviously that's not the kind that he would. This was
6 dealt with here with; we collaborated, we came up with
7 a decision, and we couldn't produce it.

8 So those are unusual requests. That actually
9 came here first.

10 MADAM CLERK: First.

11 MR. GENITEMPO: Normal procedure is it comes
12 here and we send it to the department heads. But in
13 the situation the police records, there are so many
14 requests: CAD reports, police reports, you know, all
15 kinds of discovery. And so he felt it streamlines it;
16 it's make it a more efficient policy.

17 So I can -- if you want to have him here next
18 time, I could have him maybe explain it if there's
19 anything else that it's related to. You want to meet
20 in between?

21 COMMISSIONER PETRACCO: Well, I'll talk to
22 him tomorrow about it.

23 MR. GENITEMPO: Okay. You can
24 (indiscernible).

25 COMMISSIONER PETRACCO: I just wanted to make

1 sure that the information that we're giving out,
2 because a lot of times it has to be -- deals with
3 juveniles.

4 MR. GENITEMPO: Yeah, no.

5 COMMISSIONER PETRACCO: I had a mother call
6 me up, a friend of a friend, and, you know, and I
7 talked to you about that, Eleni, that her son was
8 getting calls from a lawyer because he was in an
9 accident. How did they get -- he was underage, how did
10 he get the number, all that stuff, so I know it gets
11 kind of complicated. And I just want to make sure our
12 chief has the time to --

13 MR. GENITEMPO: That's a little different.

14 COMMISSIONER PETRACCO: -- and I want to make
15 sure that it's the chief and not somebody that he's
16 going to appoint to do that.

17 MR. GENITEMPO: Well, that's why we want to
18 -- we want to put him in charge of it, so he can
19 designate, in his department, who he wants to handle
20 it.

21 COMMISSIONER PETRACCO: Well, that's what --
22 that's where -- that's what I have a little issue with,
23 to be honest with you. That's why --

24 MADAM CLERK: Al, that's the company who buys
25 the accident --

1 MR. GENITEMPO: Yeah, there's a company that
2 buys accident reports and sends out --

3 MADAM CLERK: Yeah, that's --

4 COMMISSIONER PETRACCO: No, I remember. I
5 remember.

6 MR. GENITEMPO: That's not violation of
7 confidentiality or --

8 COMMISSIONER PETRACCO: I just want to be
9 certain that we're releasing the information,
10 especially when it comes, you know, with these acts and
11 incidents, juveniles and all that stuff, so it's
12 important.

13 MR. GENITEMPO: Well, we've denied some
14 records because of the -- they're juvenile records.
15 So, you know, we're aware of that. And the chief's
16 well trained on it. He's been trained on it.

17 COMMISSIONER PETRACCO: Okay.

18 MAYOR SCARPELLI: Continuing, I have two on
19 the agenda, two public hearings that were scheduled for
20 tonight. The first one is density ordinance. I had a
21 meeting with the two planners in trying to resolve some
22 of the issues with what the Planning Board recommended
23 and trying to get them into the ordinance in a cohesive
24 way that's not conflicting with some other parts of the
25 ordinance. It's getting a little complicated, but I

1 think that we'll get it down a little bit better. And
2 so we just need a little bit more time. And I know the
3 commissioners have given Alan some comments too. So I
4 think we're going to table that and re-introduce.

5 COMMISSIONER EVANS: Joe, are we still
6 planning on having the planner come here to --

7 MAYOR SCARPELLI: Come here, yes, to explain.
8 But gave him the ordinance to look at and had a
9 discussion around -- and it was actually a good
10 discussion with Paul and with Phil Abramson and, you
11 know, just getting their -- how we should word it in a
12 more cohesive manner because I think some of the
13 narrative that the Planning Board put in made it more
14 confusing than simple. So we need to make it more
15 simple so it's understandable and so that something
16 written doesn't conflict with something else that's in
17 the schedule in another zone. So there were many
18 conflicts that they pointed out as we were going
19 through it. So I think, you know, before --

20 COMMISSIONER PETRACCO: That's a good idea
21 to --

22 (Simultaneously speaking)

23 MAYOR SCARPELLI: Yeah, we'll have him in
24 here to explain, absolutely.

25 COMMISSIONER TUCCI: Yeah, because I'm not

1 comfortable voting on this without --

2 MAYOR SCARPELLI: Oh, no -- and, listen, I
3 could tell you some -- some of the things they do agree
4 on is the 28 units, they're pretty much in agreement
5 with. The 70/30 --

6 COMMISSIONER TUCCI: The number of bedrooms?

7 MAYOR SCARPELLI: The 70/30, not so --
8 they're not in agreement with that.

9 COMMISSIONER EVANS: And how do we get side
10 yards on Franklin Avenue?

11 COMMISSIONER TUCCI: Wow, that's a -- yeah.

12 MAYOR SCARPELLI: That's the biggest --
13 listen, the biggest issue was all the setbacks and the
14 bulk requirements. They were all explained narratively
15 and they really should be in numbers, and just so we
16 made clear and that -- so that they don't conflict with
17 the other numbers. The other was a --

18 COMMISSIONER EVANS: Yeah, there's a
19 (indiscernible) they're going to make almost every
20 building on Franklin Avenue a non-conforming use.

21 MAYOR SCARPELLI: The size of the one-bedroom
22 apartment at 950, they both felt was a little large.

23 COMMISSIONER EVANS: Well, good.

24 MAYOR SCARPELLI: And it is a little large.

25 COMMISSIONER EVANS: Well, that's -- there's

1 another one.

2 MAYOR SCARPELLI: So that's some of the
3 things that we still have to parse out.

4 COMMISSIONER EVANS: Good. So they're going
5 to --

6 MAYOR SCARPELLI: They'll put it into some
7 sort of form that makes sense and then we'll come back
8 here. We'll reintroduce it and have them explain it.

9 MR. GENITEMPO: We'll get it to you
10 beforehand so you can --

11 MAYOR SCARPELLI: Yeah, absolutely.

12 COMMISSIONER TUCCI: Right, okay.

13 COMMISSIONER EVANS: That would be great.

14 MAYOR SCARPELLI: And then the water
15 ordinance I'm going to move to that public hearing, to
16 the next meeting. Commissioner Tucci met with some of
17 the staff of the DPW. I think they're going to be de
18 minimis changes, but we'll get them to Alan just to
19 make sure, and hopefully we can have a public hearing
20 on those.

21 COMMISSIONER TUCCI: And they were both --
22 Sal and Niko were both very good. They clarified a lot
23 of the questions that I had and I think our discussion
24 centered around making it a lot clearer so that there
25 weren't gray areas that were subject to interpretation.

1 COMMISSIONER PETRACCO: I just have a quick
2 question, Mr. Mayor, when you do this. I know that
3 like about a fee -- like there's \$3 per household, all
4 that stuff. What they do, like, with the -- why
5 wouldn't you just build that into the water rate? Why
6 do we have to do it that way? And what do they do in
7 other towns?

8 MAYOR SCARPELLI: I don't know what they do
9 in other towns. I know that there are maintenance fees
10 in other towns, but what we found right in this last
11 year, is that we have fixed costs and when our
12 consumption comes down, we come up short. Now, we
13 could build that into that rate, but I think that this
14 is -- if we can allocate what our fixed costs are and
15 what that maintenance fee is going to cover, I figured
16 that leaves that fluctuation out when we do have a
17 decrease in consumption, where we're short revenue.

18 COMMISSIONER EVANS: So just so I'm clear,
19 under our water contracts, we contract for a certain
20 amount of water at a certain rate and we have to pay
21 that. Yeah. And whatever that contract use is,
22 whether we use it or not, we have to pay that.

23 MAYOR SCARPELLI: Right.

24 COMMISSIONER EVANS: But then when you
25 actually measure how -- you know, metering how much

1 water is being used, if it's less than that, we're
2 collecting less revenue against that fixed cost.

3 MAYOR SCARPELLI: Right.

4 COMMISSIONER EVANS: So if we pay out a
5 dollar and the usage is 75 cents, we're short 25 cents.
6 Is that --

7 MAYOR SCARPELLI: Pretty much it.

8 COMMISSIONER EVANS: All right. Just want to
9 be clear.

10 COMMISSIONER TUCCI: What we also discussed
11 was, I asked them if they could go back three years,
12 all right, because there's a certain amount that we've
13 been charging people to make different repairs,
14 according to them. So I said, well, let's find out
15 what that number is, all right, to make sure that that
16 \$3 or whatever that number -- whether that's an
17 appropriate number.

18 MAYOR SCARPELLI: So what is also does too,
19 is, besides that -- and they -- what is happening is
20 that the consumer -- we won't call them "taxpayer" --
21 consumer is responsible from the main to the house.
22 And what we're going to do is we're going to clarify
23 that with that \$3 surcharge, is that now the Township's
24 going to be responsible to the curb line.

25 And one of the -- when this was originally

1 proposed, one of the things that we wanted to do is
2 those that have lead lines and stuff, we wanted to have
3 the ability to go in there and change them. If the
4 consumer is responsible, they may be hesitant, even
5 though there's a lead line, to spend the money to
6 replace that line. So it's definitely -- it could
7 decrease the water quality going into the consumer's
8 house. So why leave that on them? You know, let's
9 take that over and be proactive.

10 COMMISSIONER EVANS: I had to do that twice
11 (indiscernible).

12 MAYOR SCARPELLI: So there's a lot of things.
13 And I'll explain it more when we get to that point.

14 COMMISSIONER TUCCI: But we're going to have
15 a baseline as to what our expenses are and what they
16 need to be moving forward because this is not -- the
17 way it was explained, this is not just a revenue grab,
18 you know, to try and build up a little pot of money to
19 be used, you know, in the water department. It's just
20 to cover those costs because the way it is now -- and I
21 know that the ordinances, going back, needed a lot of
22 clarification because there were many, many gray areas.
23 And right now from the main to the curb stop, which is
24 the shutoff, all right, if someone has an issue there,
25 they have the exposure of being charged for that. And

1 we have no way of recouping any of that money.

2 So that's part of the reason why this
3 ordinance is necessary. All right? But again we only
4 want to raise -- and correct me if I'm wrong, Mayor --
5 we only want to raise what's absolutely necessary, all
6 right, because we're not looking to be overly zealous
7 in collecting the water bills.

8 MAYOR SCARPELLI: Realizing we have 350,000
9 shortfall.

10 COMMISSIONER TUCCI: Yes.

11 COMMISSIONER EVANS: But it does -- yes,
12 which if we had included it in the property tax
13 increase, yes, we could have avoided it. Does it -- it
14 still only addresses the commercial rates?

15 MAYOR SCARPELLI: Yeah, the different, yes,
16 for different size --

17 COMMISSIONER EVANS: Right.

18 MAYOR SCARPELLI: -- water meters --

19 COMMISSIONER EVANS: Right, right.

20 MAYOR SCARPELLI: -- different charges.

21 COMMISSIONER TUCCI: And the charges, they're
22 going to also specify the charges, the things that
23 we're going to, "we" being the water department, and
24 what we're going to charge people who have it done by
25 outside contractors, by non-Nutley employees. All

1 right? Then there are other expenses, road opening
2 permits and things like that of that nature that need
3 to factor into that.

4 COMMISSIONER EVANS: Yeah, that's good.

5 MAYOR SCARPELLI: And included in that,
6 there'll be no -- right now we charge to shut off.
7 There will be no charge to shut off.

8 COMMISSIONER TUCCI: Right. I was very happy
9 to see a lot of those initial charges, you know,
10 were --

11 MAYOR SCARPELLI: Yeah, and then -- yeah, and
12 anything -- then anything new, that's new construction,
13 that's -- then they'll be charged. It's a different
14 story.

15 COMMISSIONER EVANS: Just so it's clear, you
16 know, we've had a cooler summer. You know,
17 consumption, revenue, you know --

18 MAYOR SCARPELLI: And rain, Commissioner.
19 Don't forget the rain.

20 COMMISSIONER EVANS: And rain. Rain, right?

21 COMMISSIONER TUCCI: We're all praying for a
22 very hot summer.

23 COMMISSIONER EVANS: Right. Right.

24 COMMISSIONER TUCCI: With very little rain.
25 For a lot of reasons.

1 COMMISSIONER EVANS: Right. But you know,
2 Commissioner, you've done a lot to address the costs in
3 the water utility and I'm just saying is that -- we had
4 it included in the property tax increase, the shortfall
5 in the water utility this year. I'd like not to do
6 that next year.

7 COMMISSIONER TUCCI: Me too.

8 COMMISSIONER EVANS: So it's important I
9 think we get these set.

10 MAYOR SCARPELLI: Right. So on to
11 resolutions. I have --

12 COMMISSIONER EVANS: Respectfully.

13 MAYOR SCARPELLI: -- municipal parking permit
14 refund. I have authorization for various raffle
15 licenses. I have a resolution to adopt the employee
16 handbook. And --

17 COMMISSIONER PETRACCO: Is my handbook we're
18 talking about? Okay.

19 MR. GENITEMPO: I didn't put your name on it,
20 but yes, you are the -- sort of the genesis behind it.

21 COMMISSIONER PETRACCO: Just curious when I
22 saw it.

23 (Simultaneous speaking)

24 MR. GENITEMPO: I spoke to the --

25 COMMISSIONER PETRACCO: I'll defer to the

1 mayor.

2 MR. GENITEMPO: May I say something?

3 MAYOR SCARPELLI: Yeah. You're the attorney.

4 MR. GENITEMPO: I didn't want to interrupt
5 you.

6 COMMISSIONER EVANS: No, you can't have
7 (indiscernible).

8 MR. GENITEMPO: This is --

9 (Simultaneous speaking)

10 MR. GENITEMPO: -- or, you know, this is, you
11 know, from the mouth, for the most part, the two
12 handbooks, one for supervisors, one for employees. So
13 it did take a lot of time to mold it to our particular
14 requirements, but I know some of the commissioners want
15 to have a chance to read it a little closer. So
16 there's drafts in your handbooks. I had emailed them
17 to you, I don't know, probably two weeks ago. There's
18 been some very minor changes here to comply with best
19 practices in one of the areas. But for the most part,
20 you know, let me know if you have any other comments;
21 I'll make them. I don't know if you want to hold off
22 until the next meeting and have a chance to look at it,
23 but the treasurer and the clerk and I have gone through
24 and we made some changes resulting from that, which you
25 have in the handbook.

1 But it's pretty thorough and it's going to
2 meet the requirements of the MEL and JIF --

3 MAYOR SCARPELLI: Do we have any time
4 constraints on this?

5 MR. GENITEMPO: No, I think if we can do it
6 at the next meeting, we'll be fine.

7 MR. PETRACCO: I think by the end of the
8 year, isn't it?

9 MR. GENITEMPO: Yeah, and we want to try to
10 distribute it by December 1st, so we've got to talk
11 about how we're going to copy it and deal with it,
12 but --

13 MAYOR SCARPELLI: So I'll pull it, then we'll
14 put it on the agenda for the next meeting. All right?
15 Give everybody a chance to go through it.

16 COMMISSIONER EVANS: Could we also just be
17 clear and have what -- I'd like to understand, you
18 know, better we agree on -- what's the plan on how
19 we're going to release this to the employees and
20 address questions because, obviously, there's changes
21 to it. There's a lot of updates to it and I think we
22 should think about how -- what's the way we want to do
23 it. Rather than just saying, here, sign it, right, is
24 there something that -- something more that we need to
25 do to help them better understand what's in the manual,

1 what the changes are in the manual, and what some of
2 the expectations are that are associated --

3 MAYOR SCARPELLI: Questions of
4 Mr. Genitempo.

5 COMMISSIONER EVANS: Yeah, exactly.

6 MR. GENITEMPO: Well, I mean --

7 COMMISSIONER EVANS: And I think Alan should
8 prepare a slideshow that's (indiscernible).

9 (Simultaneous speaking)

10 MR. GENITEMPO: Here's another thought, if
11 you want to think about it. I wanted to have a meeting
12 with the department heads anyway because part -- one
13 manual is really for them. But there's some changes in
14 the law that we should really have a discussion about,
15 sick leave policy just changed as of October 29th, that
16 I think all your supervisors -- department heads and
17 supervisors need to know about and need to know how to
18 handle issues internal to their department. So I'd
19 like to schedule a meeting so maybe either before or
20 after the next meeting we could have -- I could sit
21 with your department heads and go over everything with
22 them and either they can distribute it or I can meet
23 with each department separately, I just don't know how
24 logistically that's going to work but we can do that
25 and cover the whole thing.

1 But the -- I think the supervisors have got
2 to be first.

3 MAYOR SCARPELLI: Alan --

4 COMMISSIONER EVANS: That make sense.

5 (Indiscernible).

6 (Simultaneous speaking)

7 COMMISSIONER PETRACCO: I have it right here,
8 but there is drug policies in there as well?

9 MR. GENITEMPO: Yeah.

10 COMMISSIONER PETRACCO: And, I mean, because
11 we just went -- well, I'm going through that with
12 police and fire and all that stuff. And then who
13 administrates it, what's the policy. I know it gets
14 from, like, this (indiscernible) to bigger than --

15 MR. GENITEMPO: Here's the problem with --
16 from your department's, say from anybody in a
17 collective bargaining agreement. That -- the
18 requirements in the collective bargaining agreement
19 supercede the handbook.

20 COMMISSIONER PETRACCO: Okay.

21 MR. GENITEMPO: Okay? To the extent they
22 don't cover it in the collective bargaining agreement,
23 then the handbook applies. So these are mandated
24 policies by the MEL to give us coverage.

25 So we don't have a lot of wiggle room in terms of

1 changing the language. It's what they want.

2 COMMISSIONER PETRACCO: So that's my
3 question. So if this policy is more stringent than
4 what they have negotiated in place, you know, I mean,
5 we were just going through how many panels of drug
6 testing to test for and what drugs are allowed and, you
7 know, medications and things like that, so it gets
8 complex. So I know in the police department, you know,
9 we have our internal affairs guy that administrates the
10 test and there's witnesses and all kinds of procedures
11 of how they do it and all that stuff, so, I mean, you
12 know, if you're going to it parks and rec, who's that
13 person, do they, you know --

14 MR. GENITEMPO: And different from the police
15 is you have the attorney general guidelines that cover
16 a lot of that too, so your collective bargaining
17 agreement --

18 COMMISSIONER PETRACCO: But not all of it.

19 MR. GENITEMPO: No, not all of it.

20 COMMISSIONER PETRACCO: Not all.

21 MR. GENITEMPO: But your collective
22 bargaining agreement and your attorney general
23 guidelines would supercede this document. And to the
24 extent this -- that -- it's not covered by this doc --
25 in other words, to the extent your handbook -- or I'm

1 sorry, your collective bargaining agreement doesn't
2 address an area in the handbook, the handbook would
3 apply.

4 Now, when it comes to overall drug policy
5 testing, your collective bargaining agreements are
6 going to apply. If they're not discussed -- I'm not
7 sure about your agreement -- then this would apply. It
8 gives you the power to do exactly what you bargained.
9 We'll look at it and we can talk about it and we can --

10 COMMISSIONER PETRACCO: Yeah, I'll look at
11 it.

12 MR. GENITEMPO: -- talk about it and we
13 could, you know, at least go back and forth on the
14 contracts to see if there's anything you want to add.
15 But it's --

16 COMMISSIONER PETRACCO: On the contract,
17 though, they're negotiable. That's my point.

18 MR. GENITEMPO: No, no. Your contract is set
19 right now, so you have a contract.

20 COMMISSIONER PETRACCO: The fire is --

21 MR. GENITEMPO: But you're exist -- you're
22 working off the existing contract.

23 COMMISSIONER PETRACCO: Right.

24 MR. GENITEMPO: If you want to do a new
25 contract, you could even implement the language that's

1 in here.

2 COMMISSIONER PETRACCO: Okay.

3 COMMISSIONER TUCCI: And we're also
4 investigating a human resources component that I know
5 we spoke about, you know, during the reorganization
6 back in '16, or because of budgetary reasons and other
7 issues, we really didn't move on, but it's something
8 that we're investigating and looking at so that we will
9 have one point of contact so that everything is
10 reconciled and everything is cohesive and we're
11 speaking with one voice.

12 MR. GENITEMPO: One of the problems with
13 doing this handbook, and why it was a little more
14 difficult, is our form of government.

15 MR. TUCCI: Yes.

16 MR. GENITEMPO: So you'll see in each section
17 a requirement as to who gets reported to where, who has
18 responsibility for what, and it's different than in
19 most other towns. So you should look at that to see if
20 it's what you really want to happen in your
21 departments, or gen -- it really should be town-wide.
22 It can't -- you shouldn't do it in your department
23 differently than everybody else's department because
24 you can --

25 COMMISSIONER TUCCI: Right. Well, that's the

1 purpose of --

2 MR. GENITEMPO: Yeah.

3 COMMISSIONER TUCCI: -- investigating that --
4 that whole component. Right.

5 MR. GENITEMPO: But the way it is now, it's
6 consistent, but you've got to tell me if that's really
7 what you want to do, or if you're going to have a human
8 resource person for the entire town, then we could
9 change the language.

10 COMMISSIONER EVANS: I think we need it for
11 the entire town. I mean, one point person --

12 MAYOR SCARPELLI: Well, we -- don't forget --

13 COMMISSIONER EVANS: -- if we're going to do
14 that. Don't you agree?

15 COMMISSIONER TUCCI: Yeah, actually I do.
16 But we need to reconcile that amongst ourselves so
17 we're -- you know, we're not in conflict with anything
18 that we're doing or anything that we're looking to do,
19 you know, moving forward.

20 MR. GENITEMPO: Right. And this handbook can
21 be amended at anytime at your own discretion. It
22 doesn't need to do anything but just a resolution
23 adopting the change. So -- and you don't have to
24 change the whole document. You can change one
25 provision and issue it to all employees. You don't

1 have to reprint the whole thing and send it out. If
2 you want to change a section, you can do that. All
3 right? So we can pretty flexible that way. Thank you.

4 MAYOR SCARPELLI: One last thing. I have
5 authorization of award for Tilcon for resurfacing of
6 Highfield Lane.

7 COMMISSIONER PETRACCO: Is it on public service,
8 and I'm sure you know this, all the streets that
9 they're doing on our west side, they're paving curb to
10 curb?

11 MAYOR SCARPELLI: No. It will be negotiable
12 the same way we did on the other side.

13 COMMISSIONER PETRACCO: Negotiable? What's the
14 criteria for them to do it, like with --

15 MAYOR SCARPELLI: It's whatever they dug up.

16 COMMISSIONER PETRACCO: No, but I'm saying like
17 just it's a street that doesn't have nothing to do with
18 (indiscernible).

19 COMMISSIONER TUCCI: Land zone?

20 COMMISSIONER PETRACCO: But I'm saying like
21 where they made those little alleyways to lay that
22 pipe, when they paved that, that's case closed or --

23 MAYOR SCARPELLI: (Indiscernible) negotiable
24 from crown to curb where they dug up on that side of
25 the street. If they dug up on both sides of the

1 street, then the whole street gets it. But there's
2 credits. There's also (indiscernible). I mean, we did
3 a pretty good job on the other side of town I think as
4 far as getting everything done. Highfield Lane is one
5 of those areas that they only did half, that we're
6 going to do the other half because it looks horrible.
7 I mean, it's falling apart on the other half, so it
8 needs to be done.

9 COMMISSIONER TUCCI: And they're a little
10 tricky, too, because we tried to coordinate with them,
11 you know, so when they were paving, instead of just
12 doing half, doing the whole thing and --

13 MAYOR SCARPELLI: Trading off, right.

14 COMMISSIONER TUCCI: Right, exactly.

15 MAYOR SCARPELLI: That's what I'm saying,
16 it's --

17 COMMISSIONER TUCCI: But it didn't quite work
18 out.

19 MAYOR SCARPELLI: Yeah. That's --

20 COMMISSIONER TUCCI: The concept was good.
21 The execution was a little lacking.

22 MAYOR SCARPELLI: It's -- we did okay last
23 year. We did okay that the person in public service
24 said he got his -- the riot act read to him how -- what
25 he did in Nutley, so that's a good thing for us.

1 Madam Clerk, what do you have?

2 THE CLERK: Yes, Mayor. We have minutes for
3 September and October that need to be approved, and we
4 have a request to hold a Sunday raffle from the Nutley
5 Singers -- the Friends of Nutley Singers for March 10,
6 2019, and that's it.

7 MAYOR SCARPELLI: Mr. Genitempo?

8 MR. GENITEMPO: I have one potential
9 litigation issue in the executive session.

10 MAYOR SCARPELLI: All right. So let's have a
11 motion to go to the executive for personnel and --

12 MR. GENITEMPO: Potential litigation.

13 COMMISSIONER PETRACCO: Move it.

14 MAYOR SCARPELLI: -- potential litigation.

15 Everybody, on your way out, grab a piece of pizza. I
16 don't know how long we're going to be here.

17 COMMISSIONER PETRACCO: Joe, you only touched
18 your pie.

19 MAYOR SCARPELLI: I know.

20 COMMISSIONER PETRACCO: Everybody grab a piece.

21 MAYOR SCARPELLI: Well, it's -- those are big pies.

22 THE CLERK: I just need a second.

23 MAYOR SCARPELLI: Those are big pies.

24 THE CLERK: No, no, I need a second.

25 MAYOR SCARPELLI: Motion.

1 COMMISSIONER TUCCI: Oh, a second. A second.
2 Okay.

3 THE CLERK: All right. Okay. Whereas,
4 Section 8 of the Open Public Meetings Act, Chapter 231
5 public law 1935 permits the exclusion of group for
6 meeting in certain circumstances;

7 And, whereas, the public body is of the
8 opinion that such circumstances exist;

9 And, whereas, the Board the Commissioners of
10 the Township of Nutley, in the County of Essex, State
11 of New Jersey, desire to proceed to a closed executive
12 session;

13 And now, therefore, be it resolved by the
14 Board of Commissioners of the Township of Nutley to
15 move into closed executive session to discuss potential
16 litigation and personnel.

17 Be it further resolved that at a time when
18 such discussion may be disclosed to the public shall be
19 when and such disclosure may be made without adversely
20 affecting the Township of Nutley pending and/or
21 anticipated legal, personnel, contractual matters, and
22 other matters within the exceptions provided for by
23 statute.

24 Commissioner Tucci?

25 (Indiscernible crosstalk)

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THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: What do you need?
MAYOR SCARPELLI: Aye.
COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.

(End of requested portion)

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CERTIFICATION

I, Ilene Watson, 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.

November 21, 2018

Ilene Watson
AAERT Cert. No. 447
Certified Court Transcriptionist

	add (1) 38:14	40:21	3:10,18,23;41:5	11:3;23:22;24:13; 44:9,14
§	address (3) 32:2;34:20;38:2	amending (1) 11:5	awarded (1) 8:22	body (1) 44:7
\$1,120 (1) 3:9	addresses (1) 30:14	amendment (1) 4:3	aware (2) 12:24;23:15	bogged (1) 17:17
\$10,000 (1) 3:21	administrates (2) 36:13;37:9	amongst (1) 40:16	away (1) 16:8	books (5) 5:18;6:3,13;7:7; 8:22
\$15,000 (1) 9:11	adopt (1) 32:15	amount (4) 12:10;13:14;27:20; 28:12	Aye (5) 45:3,4,6,8,10	both (4) 25:22;26:21,22; 41:25
\$200,000 (1) 10:21	adopting (1) 40:23	analog (1) 3:24	B	boy (1) 9:21
\$25,000 (1) 5:9	adversely (1) 44:19	and/or (1) 44:20	back (5) 26:7;28:11;29:21; 38:13;39:6	budget (3) 5:9;9:12;10:20
\$3 (3) 27:3;28:16,23	advised (1) 13:20	annual (1) 4:18	backup (1) 18:17	budgetary (1) 39:6
\$35,000 (1) 9:12	affairs (1) 37:9	anticipated (1) 44:21	bank (3) 9:4,20;10:1	build (3) 27:5,13;29:18
\$4.1 (1) 5:21	affecting (1) 44:20	apart (1) 42:7	banking (1) 9:19	building (1) 25:20
\$47,952 (1) 4:2	again (2) 3:20;30:3	apartment (1) 25:22	banks (1) 9:5	bulk (1) 25:14
\$500 (2) 10:4,4	against (1) 28:2	APPEARING (1) 1:17	bargained (1) 38:8	bulletin (1) 2:11
\$900 (1) 3:9	agenda (5) 3:1;8:10;11:15; 23:19;34:14	applies (1) 36:23	bargaining (7) 36:17,18,22;37:16, 22;38:1,5	buys (2) 22:24;23:2
*	ago (3) 9:20;11:21;33:17	apply (3) 38:3,6,7	baseline (1) 29:15	C
*** (2) 1:6,6	agree (4) 10:7;25:3;34:18; 40:14	appoint (1) 22:16	basically (2) 4:6;5:18	CAD (1) 21:14
A	agreement (10) 19:16;25:4,8;36:17, 18,22;37:17,22;38:1,7	appropriate (1) 28:17	bedrooms (1) 25:6	calendar (1) 8:23
abandoned (1) 10:17	agreements (1) 38:5	approved (1) 43:3	beforehand (1) 26:10	call (2) 22:5;28:20
ability (2) 6:4;29:3	aid (4) 5:16,21;7:6,6	area (1) 38:2	begins (2) 2:1,2	called (1) 8:8
able (4) 8:7;13:19;15:6; 16:3	AI (2) 22:24;24:3	areas (5) 19:19;26:25;29:22; 33:19;42:5	behalf (1) 11:3	calling (1) 17:19
Abramson (1) 24:10	ALAN (4) 1:18;26:18;35:7; 36:3	around (3) 19:12;24:9;26:24	behind (1) 32:20	calls (1) 22:8
absence (1) 5:22	alarm (1) 3:25	assignee (1) 12:3	benefit (1) 10:6	came (2) 21:6,9
absent (2) 2:13,23	alert (1) 15:7	assignment (1) 4:7	besides (1) 28:19	can (29) 3:12;9:16;10:9; 11:18;12:2;13:21; 15:1;16:21,22;17:24, 25;18:1;21:17,23; 22:18;26:10,19; 27:14;34:5;35:22,22, 24;38:9,9;39:24; 40:20,24;41:2,3
absolutely (6) 7:11;8:1;18:2; 24:24;26:11;30:5	alleyways (1) 41:21	associated (1) 35:2	best (1) 33:18	captain (1) 11:22
accept (1) 3:7	allocate (1) 27:14	ATTORNEY (4) 1:18;33:3;37:15,22	better (5) 13:4;18:18;24:1; 34:18,25	case (1) 41:22
accident (4) 3:20;22:9,25;23:2	allowable (1) 16:23	auctions (1) 10:18	big (2) 43:20,23	catch (1) 5:2
according (1) 28:14	allowed (1) 37:6	authority (6) 12:4,13,20;15:6; 16:7;17:18	bigger (2) 10:5;36:14	caught (2) 8:24;13:3
Act (3) 2:7;42:24;44:4	almost (1) 25:19	authorization (3) 4:3;32:14;41:5	biggest (2) 25:12,13	centered (1)
acts (1) 23:10	ALPHONSE (1) 1:15	authorize (1) 5:9	bills (1) 30:7	
actually (10) 6:4;9:5;10:7;11:15; 16:7;17:22;21:8;24:9; 27:25;40:15	always (1) 17:19	Avenue (4) 3:16,21;25:10,20	bit (4) 14:1;15:4;24:1,2	
	amended (1)	avoided (1) 30:13	BOARD (10) 1:1,10;2:4,11;5:10;	
		award (4)		

<p>26:24 cents (2) 28:5,5 certain (5) 23:9;27:19,20; 28:12;44:6 CHAMBERS (1) 1:3 chance (3) 33:15,22;34:15 change (8) 9:8,10;29:3;40:9, 23,24,24;41:2 changed (1) 35:15 changes (6) 26:18;33:18,24; 34:20;35:1,13 changing (1) 37:1 Chapter (2) 2:7;44:4 charge (6) 11:6;16:22;22:18; 30:24;31:6,7 charged (3) 16:22;29:25;31:13 charges (4) 30:20,21,22;31:9 charging (1) 28:13 check (1) 7:20 checked (1) 4:12 Chief (15) 11:8,22;12:3,13; 13:2,9;16:6,9,9;17:1; 18:2,17;19:6;22:12, 15 chief's (2) 17:19;23:15 Chrissy (1) 14:5 circumstances (2) 44:6,8 clarification (1) 29:22 clarified (1) 26:22 clarify (2) 13:5;28:22 clean (1) 18:13 clear (5) 25:16;27:18;28:9; 31:15;34:17 clearer (1) 26:24 Clerk (33) 2:3,4,16,18,20,22; 3:13,14;10:12;11:21; 12:23;13:12,19,23;</p>	<p>15:7;16:9;17:20; 18:16;20:17,20; 21:10;22:24;23:3; 33:23;43:1,2,22,24; 44:3;45:1,5,7,9 clerk's (2) 2:12;12:11 closed (3) 41:22;44:11,15 closer (1) 33:15 COAH (1) 19:9 cohesive (3) 23:23;24:12;39:10 collaborate (1) 17:20 collaborated (2) 18:24;21:6 collecting (2) 28:2;30:7 collective (7) 36:17,18,22;37:16, 21;38:1,5 comfortable (1) 25:1 comments (2) 24:3;33:20 commercial (1) 30:14 COMMISSION (1) 1:3 COMMISSIONER (192) 1:12,13,14,15;2:13, 14,15,16,17,18,19,23, 25;3:2,15;4:9,15,17, 21,22,24,25;5:2,5,6,7, 11,12,22,25;6:7,9,11, 16,18,20,21,22,23,24; 7:2,4,11,14,16,18,19, 23,24;8:1,3,6,13,14, 16,18;9:1,18;10:7,11, 13,15,16,24;11:7,11, 14;12:6,17,21,25; 13:6,9,10,16;14:3,10, 13,17;15:8,10,15,19, 25;16:13,16,24;17:3; 18:3,8,11,15;19:4,7, 11;20:3,6,9,12,13; 21:21,25;22:5,14,21; 23:4,8,17;24:5,20,25; 25:6,9,11,18,23,25; 26:4,12,13,16,21; 27:1,18,24;28:4,8,10; 29:10,14;30:10,11,17, 19,21;31:4,8,15,18, 20,21,23,24;32:1,2,7, 8,12,17,21,25;33:6; 34:16;35:5,7;36:4,7, 10,20;37:2,18,20; 38:10,16,20,23;39:2, 3,25;40:3,10,13,15; 41:7,13,16,19,20;</p>	<p>42:9,14,17,20;43:16; 44:1,24;45:1,2,4,5,6, 7,8 COMMISSIONERS (8) 1:1,10;2:4;11:4; 24:3;33:14;44:9,14 communicate (1) 16:8 communities (2) 6:13;7:7 community (3) 9:22,23;10:5 company (2) 22:24;23:1 complex (1) 37:8 compliance (1) 5:19 complicated (3) 17:19;22:11;23:25 complied (1) 10:1 comply (2) 6:25;33:18 component (2) 39:4;40:4 concept (1) 42:20 CONFERENCE (1) 1:6 confidentiality (1) 15:20 confidentiality (1) 23:7 conflict (3) 24:16;25:16;40:17 conflicting (1) 23:24 conflicts (1) 24:18 confusing (1) 24:14 consistent (2) 19:13;40:6 constraints (1) 34:4 construction (1) 31:12 consumer (3) 28:20,21;29:4 consumer's (1) 29:7 consumption (3) 27:12,17;31:17 contact (1) 39:9 continue (2) 19:24,25 Continuing (1) 23:18 contract (14) 3:10,18,23;4:4,11, 18,23;27:19,21;38:16,</p>	<p>18,19,22,25 contractors (1) 30:25 contracts (2) 27:19;38:14 contractual (1) 44:21 Converge (1) 4:5 cooler (1) 31:16 coordinate (2) 16:3;42:10 coordinates (1) 18:14 copper (1) 3:24 copy (4) 2:10,11;20:25; 34:11 correction (1) 4:10 cost (1) 28:2 costs (4) 27:11,14;29:20; 32:2 Council (1) 9:9 counsel (1) 19:17 County (1) 44:10 couple (3) 10:16;11:21;19:23 cover (6) 10:22;27:15;29:20; 35:25;36:22;37:15 coverage (1) 36:24 covered (1) 37:24 cracks (1) 13:25 credits (1) 42:2 criteria (1) 41:14 cross (1) 3:12 crosstalk (1) 44:25 crown (1) 41:24 curb (5) 28:24;29:23;41:9, 10,24 curious (1) 32:21 current (2) 16:19,22 custodial (2) 11:4,11</p>	<p>custodian (3) 12:2,24;19:2 <hr/> D <hr/> DATE (1) 1:8 dates (1) 3:21 Day (2) 5:8;18:23 day-to-day (1) 13:11 DCA (1) 5:16 de (1) 26:17 deal (5) 13:4;17:18;18:22; 19:9;34:11 dealing (1) 19:22 deals (1) 22:2 dealt (1) 21:6 December (9) 2:8;3:17,22;4:11, 12;7:20;10:18,20; 34:10 decision (1) 21:7 decrease (2) 27:17;29:7 defer (1) 32:25 definitely (1) 29:6 denied (1) 23:13 density (1) 23:20 department (22) 12:5;13:13;14:4,21, 23;15:1,2,5;20:11,14; 21:12;22:19;29:19; 30:23;35:12,16,18,21, 23;37:8;39:22,23 departments (1) 39:21 department's (2) 14:20;36:16 deputy (2) 12:3,13 designate (3) 12:1,2;22:19 designated (1) 19:2 desire (1) 44:11 develop (1) 17:13 Development (2)</p>
--	--	---	--	--

9:9;19:8 Diabetes (1) 5:8 different (17) 5:14;10:3;14:6,7; 15:4,12;20:20,22,24; 22:13;28:13;30:15, 16,20;31:13;37:14; 39:18 differently (1) 39:23 difficult (2) 17:15;39:14 dinner (1) 5:10 directly (1) 15:5 disclosed (1) 44:18 disclosure (1) 44:19 discovery (1) 21:15 discretion (1) 40:21 discuss (2) 18:1;44:15 discussed (2) 28:10;38:6 discussion (8) 5:10;13:7;14:8; 24:9,10;26:23;35:14; 44:18 distribute (2) 34:10;35:22 doc (1) 37:24 document (5) 12:1,9;15:22;37:23; 40:24 documents (6) 13:12;14:20,22; 15:14;17:6,10 dollar (1) 28:5 dollars (1) 9:22 done (4) 30:24;32:2;42:4,8 down (4) 17:17;18:2;24:1; 27:12 DPW (1) 26:17 drafts (1) 33:16 DRIVE (1) 1:2 drug (3) 36:8;37:5;38:4 drugs (1) 37:6 dug (3)	41:15,24,25 during (1) 39:5 E effective (1) 4:6 efficient (2) 17:23;21:16 either (4) 7:10;14:4;35:19,22 Elaine (1) 14:25 else (3) 6:25;21:19;24:16 else's (1) 39:23 emailed (1) 33:16 employee (1) 32:15 employees (4) 30:25;33:12;34:19; 40:25 enact (1) 6:4 end (3) 17:7;34:7;45:11 entire (2) 40:8,11 equipment (1) 3:8 especially (1) 23:10 Essex (1) 44:10 EVANS (65) 1:14;2:16,17;5:11, 12,25;6:9,16,20,22, 24;7:4,11,16,19,24; 8:1,3,6,13,16,18,9;1; 10:7;15:19;18:3,8,11; 19:11;20:12;24:5; 25:9,18,23,25;26:4, 13;27:18,24;28:4,8; 29:10;30:11,17,19; 31:4,15,20,23;32:1,8, 12;33:6;34:16;35:5,7; 36:4;40:10,13;41:7, 13,16,20;45:5,6 even (3) 17:5;29:4;38:25 evening (1) 2:24 everybody (4) 34:15;39:23;43:14, 19 everyone (1) 7:9 Exactly (5) 5:25;8:18;35:5; 38:8;42:14	example (1) 20:24 exceed (1) 3:21 excellent (1) 20:3 except (1) 2:22 exception (1) 16:5 exceptions (1) 44:22 exclusion (1) 44:5 excused (2) 2:13,23 execution (1) 42:21 executive (5) 10:21;43:9,11; 44:11,15 exist (2) 38:21;44:8 existing (3) 3:25;19:16;38:22 expand (2) 19:14,19 expectations (1) 35:2 expenses (2) 29:15;31:1 expert (2) 17:21;18:24 explain (6) 11:18;21:18;24:7, 24;26:8;29:13 explained (2) 25:14;29:17 explaining (1) 13:22 exposure (1) 29:25 extend (1) 4:20 extent (3) 36:21;37:24,25 F factor (1) 31:3 fair (2) 3:10,18 falling (2) 13:25;42:7 far (1) 42:4 favor (1) 6:11 fax (1) 3:25 fee (3) 16:19;27:3,15	fees (7) 11:5;16:12,18,21, 23;18:13;27:9 felt (2) 21:15;25:22 figure (1) 10:2 figured (1) 27:15 file (1) 2:11 find (1) 28:14 fine (1) 34:6 fire (2) 36:12;38:20 first (9) 9:3,10;11:10,12,15; 21:9,10;23:20;36:2 five (1) 9:3 fixed (3) 27:11,14;28:2 flexible (1) 41:3 FLOOR (1) 1:3 fluctuation (1) 27:16 follow (1) 5:14 following (2) 6:5;8:9 follow-up (1) 5:16 foreclosure (2) 9:24,25 forget (2) 31:19;40:12 form (2) 26:7;39:14 forth (1) 38:13 forward (3) 19:15;29:16;40:19 found (1) 27:10 Frank (3) 4:12;5:3;14:5 Franklin (4) 3:16,21;25:10,20 freeholder (1) 9:19 friend (2) 22:6,6 Friends (1) 43:5 function (1) 12:1 funds (1) 9:16 further (1)	44:17 G gave (1) 24:8 gen (1) 39:21 general (3) 17:16;37:15,22 genesis (1) 32:20 GENITEMPO (71) 1:18;11:18,20;12:8, 19,22;13:1,7,11,17, 24;14:6,12,15,18; 15:12,16,21;16:1,17; 17:2,12;18:6,10,12, 20;19:5,21;20:5,8,17, 22;21:4,11,23;22:4, 13,17;23:1,6,13;26:9; 32:19,24;33:2,4,8,10; 34:5,9;35:4,6,10;36:9, 15,21;37:14,19,21; 38:12,18,21,24;39:12, 16;40:2,5,20;43:7,8, 12 gets (9) 13:18;14:23;20:14, 18;22:10;36:13;37:7; 39:17;42:1 Given (2) 7:16;24:3 gives (4) 16:6,6,7;38:8 giving (1) 22:1 God (1) 8:1 good (16) 7:24;8:14;10:10; 13:6;16:10;20:1,7; 24:9,20;25:23;26:4, 22;31:4;42:3,20,25 government (1) 39:14 grab (3) 29:17;43:14,19 gray (2) 26:25;29:22 great (3) 7:23;13:3;26:13 group (1) 44:5 guaranty (1) 9:14 guidelines (2) 37:15,23 guy (1) 37:9 H
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<p>half (4) 42:5,6,7,12</p> <p>hall (1) 2:11</p> <p>handbook (10) 32:16,17;33:25; 36:19,23;37:25;38:2, 2;39:13;40:20</p> <p>handbooks (2) 33:12,16</p> <p>handle (5) 15:6;17:14,24; 22:19;35:18</p> <p>handled (1) 14:4</p> <p>handling (3) 13:12;15:17;18:21</p> <p>happen (2) 13:18;39:20</p> <p>happened (1) 9:19</p> <p>happening (1) 28:19</p> <p>happy (1) 31:8</p> <p>hard (1) 9:25</p> <p>head (1) 15:2</p> <p>heads (4) 21:12;35:12,16,21</p> <p>head's (1) 7:15</p> <p>hearing (2) 26:15,19</p> <p>hearings (1) 23:19</p> <p>help (2) 9:24;34:25</p> <p>helped (1) 19:1</p> <p>helpful (2) 19:23,24</p> <p>Herald (1) 2:9</p> <p>Here's (2) 35:10;36:15</p> <p>hesitant (1) 29:4</p> <p>hesitate (1) 17:4</p> <p>Highfield (2) 41:6;42:4</p> <p>Hoffmann-LaRoche (1) 19:13</p> <p>hold (2) 33:21;43:4</p> <p>homework (1) 8:4</p> <p>honest (1) 22:23</p> <p>hopefully (1) 26:19</p>	<p>horrible (1) 42:6</p> <p>Hosted (1) 3:24</p> <p>hot (1) 31:22</p> <p>house (2) 28:21;29:8</p> <p>household (1) 27:3</p> <p>huge (1) 13:14</p> <p>human (2) 39:4;40:7</p> <p>hybrid (1) 15:18</p>	<p>interrupt (1) 33:4</p> <p>into (10) 13:25;16:20;19:19; 23:23;26:6;27:5,13; 29:7;31:3;44:15</p> <p>introduce (6) 6:14;7:21;8:10,12; 17:5,25</p> <p>introducing (2) 8:19;12:12</p> <p>introduction (5) 5:13;6:21;11:3; 16:14,17</p> <p>inundated (1) 14:22</p> <p>investigating (3) 39:4,8;40:3</p> <p>issue (9) 2:8;14:1,6,7;21:2; 22:22;25:13;29:24; 40:25</p> <p>issues (8) 11:24;15:23;18:25; 19:9;20:2;23:22; 35:18;39:7</p>	<p>kinds (4) 20:20,22;21:15; 37:10</p> <p>knowledgeable (1) 18:25</p>	<p>3:12</p> <p>listen (2) 25:2,13</p> <p>listening (3) 6:20,22,24</p> <p>litigation (4) 43:9,12,13;44:16</p> <p>little (18) 4:8;14:1;15:4; 19:10;22:13,22; 23:25;24:1,2;25:22, 24;29:18;31:24; 33:15;39:13;41:21; 42:9,21</p> <p>live (1) 10:18</p> <p>local (2) 5:18;6:2</p> <p>locally (1) 6:3</p> <p>log (3) 13:17,19;15:1</p> <p>logged (1) 13:22</p> <p>logistically (1) 35:24</p> <p>long (3) 6:5;14:13;43:15</p> <p>look (5) 24:8;33:22;38:9,10; 39:19</p> <p>looking (4) 19:14;30:6;39:8; 40:18</p> <p>looks (1) 42:6</p> <p>loop (3) 14:14,16,18</p> <p>lot (13) 20:2;22:2;26:22,24; 29:12,21;31:9,25; 32:2;33:13;34:21; 36:25;37:16</p>		
	I					
	<p>idea (4) 13:3;16:10,11; 24:20</p> <p>implement (1) 38:25</p> <p>important (2) 23:12;32:8</p> <p>Inc (2) 3:7;4:5</p> <p>incidents (1) 23:11</p> <p>included (3) 30:12;31:5;32:4</p> <p>increase (3) 9:10;30:13;32:4</p> <p>indiscernible (21) 4:13;5:19;6:2;7:5; 8:23;12:14;13:8; 21:24;25:19;29:11; 33:7;34:2;35:8;36:5, 14,24;41:18,23;42:2; 44:5,25</p> <p>information (6) 12:16,18;14:11; 16:2;22:1;23:9</p> <p>Inglesino (1) 9:9</p> <p>Inglesino's (4) 11:23;17:21;18:19; 19:16</p> <p>initial (1) 31:9</p> <p>instead (1) 42:11</p> <p>insurance (1) 3:19</p> <p>interim (1) 7:22</p> <p>internal (2) 35:18;37:9</p> <p>internally (1) 17:14</p> <p>interpretation (1) 26:25</p>	J	<p>January (3) 3:16,22;4:11</p> <p>JERSEY (2) 1:4;44:11</p> <p>job (1) 42:3</p> <p>Joe (2) 24:5;43:16</p> <p>JOSEPH (1) 1:11</p> <p>June (1) 4:1</p> <p>Justin (4) 11:22,24;17:20; 18:18</p> <p>Justin's (1) 20:3</p> <p>juvenile (2) 16:1;23:14</p> <p>juveniles (2) 22:3;23:11</p>	K	<p>keep (3) 9:24;15:1,7</p> <p>KENNEDY (1) 1:2</p> <p>kept (1) 14:14</p> <p>kind (8) 13:3;15:17;16:6; 17:6;18:25;19:1;21:5; 22:11</p>	<p>lack (1) 18:18</p> <p>lacking (1) 42:21</p> <p>ladies (1) 14:5</p> <p>Land (1) 41:19</p> <p>Lane (2) 41:6;42:4</p> <p>language (3) 37:1;38:25;40:9</p> <p>large (2) 25:22,24</p> <p>last (4) 19:23;27:10;41:4; 42:22</p> <p>late (1) 8:23</p> <p>law (2) 2:7;35:14</p> <p>lawyer (1) 22:8</p> <p>lay (1) 41:21</p> <p>lead (2) 29:2,5</p> <p>least (2) 5:17;38:13</p> <p>leave (2) 29:8;35:15</p> <p>leaves (1) 27:16</p> <p>Ledger (1) 2:10</p> <p>legal (2) 18:21;44:21</p> <p>lengthy (1) 7:9</p> <p>Lenny (2) 19:21;22:7</p> <p>less (2) 28:1,2</p> <p>level (1) 5:18</p> <p>licenses (1) 32:15</p> <p>liked (1) 16:10</p> <p>line (5) 3:24;5:19;28:24; 29:5,6</p> <p>lines (2) 3:25;29:2</p> <p>list (1)</p>
				M		
				<p>Madam (7) 2:3;3:13;20:20; 21:10;22:24;23:3; 43:1</p> <p>main (2) 28:21;29:23</p> <p>maintenance (2) 27:9,15</p> <p>makes (1) 26:7</p> <p>making (1) 26:24</p> <p>manager (1) 3:12</p> <p>mandated (1) 36:23</p> <p>manner (1)</p>		

<p>24:12 manual (3) 34:25;35:1,13 many (5) 21:13;24:17;29:22, 22:37:5 March (1) 43:5 Marczaks (1) 3:7 Marquette (1) 11:22 matter (1) 19:22 matters (2) 44:21,22 MAURO (1) 1:13 may (5) 19:18;29:4;33:2; 44:18,19 maybe (2) 21:18;35:19 MAYOR (82) 1:11;2:3,20,21,22, 25:5:4,7,11;7:8,12,21, 25:8:2,5,11,15,17,25; 9:18;10:10,15;11:1, 10,13,17,19;23:18; 24:7,23;25:2,7,12,21, 24:26:2,6,11,14;27:2, 8,23;28:3,7,18;29:12; 30:4,8,15,18,20;31:5, 11,18;32:10,13;33:1, 3;34:3,13;35:3;36:3; 40:12;41:4,11,15,23; 42:13,15,19,22;43:2, 7,10,13,18,20,23,25; 45:3,9,10 mean (11) 15:25;16:25;17:3; 20:10;35:6;36:10; 37:4,11;40:11;42:2,7 measure (1) 27:25 medical (1) 9:15 medications (1) 37:7 meet (3) 21:19;34:2;35:22 Meeting (15) 2:5,6,8;9:20;10:21; 11:21;23:21;26:16; 33:22;34:6,14;35:11, 19,20;44:6 Meetings (1) 44:4 members (1) 5:10 Memorializing (1) 18:11 met (3)</p>	<p>20:5,6;26:16 metering (1) 27:25 meters (1) 30:18 middle (1) 13:3 million (1) 5:21 mind (1) 11:20 minimis (1) 26:18 minimum (2) 6:5,8 minor (2) 16:1;33:18 minutes (1) 43:2 mold (1) 33:13 money (5) 6:15;10:5;29:5,18; 30:1 month (3) 3:5;12:15;17:7 monthly (1) 11:2 months (1) 9:20 more (14) 13:1;17:8,23,23; 20:23;21:16;24:2,12, 13,14;29:13;34:24; 37:3;39:13 most (7) 17:15;20:15,17,18; 33:11,19;39:19 mostly (1) 19:12 mother (1) 22:5 motion (2) 43:11,25 mouth (1) 33:11 move (3) 26:15;39:7;44:15 moving (2) 29:16;40:19 much (6) 17:23,23;18:6;25:4; 27:25;28:7 mundane (1) 17:16 municipal (2) 2:12;32:13 municipalities (1) 8:21</p>	<p>19:6;32:19 narrative (1) 24:13 narratively (1) 25:14 nature (1) 31:2 necessarily (1) 15:21 necessary (2) 30:3,5 need (18) 10:21;15:6;18:13; 19:25;24:2,14;29:16; 31:2;34:24;35:17,17; 40:10,16,22;43:3,22, 24;45:2 needed (1) 29:21 needs (1) 42:8 negotiable (4) 38:17;41:11,13,23 negotiated (1) 37:4 NEW (7) 1:4;4:5;19:10; 31:12,12;38:24;44:11 News (1) 2:9 next (7) 21:17;26:16;32:6; 33:22;34:6,14;35:20 Nice (1) 5:2 Nickelady (1) 10:18 Niko (1) 26:22 non-conforming (1) 25:20 non-Nutley (1) 30:25 Normal (1) 21:11 note (1) 13:21 notice (2) 2:7,10 November (4) 1:8;2:5;4:6;7:17 number (6) 13:18;22:10;25:6; 28:15,16,17 numbers (2) 25:15,17 NUTLEY (11) 1:1,4;2:9,11;3:16; 42:25;43:4,5;44:10, 14,20</p>	<p>obviously (3) 18:16;21:5;34:20 occasion (1) 18:21 October (3) 3:5;35:15;43:3 off (6) 3:12;31:6,7;33:21; 38:22;42:13 offer (1) 3:7 office (6) 2:12;11:23;12:11; 17:21;18:19;19:16 old (1) 3:8 once (1) 13:19 ONE (40) 1:2;3:7,9,9;4:5,9; 5:8,8;9:13;10:13,18, 19;11:4,8,8,10,12,25; 12:2;13:17;14:5; 16:12,18;18:12; 23:20;26:1;28:25; 29:1;33:12,12,19; 35:12;39:9,11,12; 40:11,24;41:4;42:4; 43:8 one-bedroom (1) 25:21 ones (1) 17:15 one's (1) 19:10 one-year (2) 4:10,22 only (11) 5:15;8:6;10:13; 17:4;20:9,10;30:3,5, 14;42:5;43:16 Open (5) 2:6;3:11,19;11:24; 44:4 opening (1) 31:1 opinion (1) 44:8 opportunities (1) 10:1 OPRA (19) 12:6,8;14:8,23,24; 15:17,23;16:5,22; 17:1,8,9;18:16,23,23; 19:12;20:15,18,24 OPRAs (1) 18:19 option (3) 4:18,19;10:14 order (4) 5:16,20;9:8,10 ordinance (15) 5:12,17,23,24;6:2;</p>	<p>12:12;16:21;19:3,6; 23:20,23,25;24:8; 26:15;30:3 ordinances (3) 11:3,25;29:21 originally (1) 28:25 ourselves (2) 17:24;40:16 out (18) 9:5,7,24;10:2; 14:15,18;16:11;19:1; 22:1;23:2;24:18;26:3; 27:16;28:4,14;41:1; 42:18;43:14 outside (1) 30:25 over (5) 11:24;13:13,18; 29:9;35:21 overall (2) 19:15;38:4 overly (2) 7:13;30:6 overpayment (1) 9:13 overpayments (1) 9:13 own (3) 5:23;17:4;40:21 ownership (1) 4:5</p>
				P
				<p>panels (1) 37:5 paper (1) 4:8 parking (1) 32:13 parks (1) 37:12 parse (1) 26:3 part (6) 19:5,16;30:2;33:11, 19;35:12 particular (1) 33:13 parts (1) 23:24 Paul (1) 24:10 paved (1) 41:22 paving (2) 41:9;42:11 pay (3) 27:20,22;28:4 pay-to-play (3) 5:13,14,23 pending (1)</p>

<p>44:20 people (3) 9:24;28:13;30:24 per (1) 27:3 performed (1) 9:16 permit (1) 32:13 permits (2) 31:2;44:5 person (9) 8:20;12:2;13:11; 17:8;18:19;37:13; 40:8,11;42:23 personnel (4) 10:22;43:11;44:16, 21 PETRACCO (61) 1:15;2:18,19;4:9, 15,22,25;6:7;7:14,23; 10:15,16,24;11:7,11, 14;12:6,17,21,25; 13:6;15:8;16:13,16, 24;17:3;20:3,6,9,13; 21:21,25;22:5,14,21; 23:4,8,17;24:20;27:1; 32:17,21,25;34:7; 36:7,10,20;37:2,18, 20;38:10,16,20,23; 39:2;42:22;43:7,10, 13;45:7,8 Phil (1) 24:10 phonetic (2) 10:19;11:23 pie (1) 43:17 piece (2) 43:14,19 pies (2) 43:21,23 pipe (1) 41:22 pizza (1) 43:14 place (2) 18:4;37:4 plan (1) 34:18 planner (1) 24:6 planners (1) 23:21 Planning (3) 23:22;24:6,13 point (5) 17:8;29:13;38:17; 39:9;40:11 pointed (1) 24:18 Police (13) 11:9,25;13:13;</p>	<p>14:21;15:5,8,13; 20:19;21:13,14; 36:12;37:8,14 police-related (1) 20:23 policies (2) 36:8,24 policy (5) 21:16;35:15;36:13; 37:3;38:4 policy/procedure (1) 21:1 pool (1) 10:5 portion (1) 45:11 posted (1) 2:10 pot (1) 29:18 potential (4) 43:8,12,13;44:15 power (1) 38:8 practices (1) 33:19 praying (1) 31:21 prepare (1) 35:8 present (1) 2:22 press (1) 9:21 pressed (1) 9:25 pretty (8) 9:25;17:22;18:6; 25:4;28:7;34:1;41:3; 42:3 Princeton (1) 3:23 proactive (1) 29:9 probably (1) 33:17 problem (4) 7:3;14:21;20:18; 36:15 problems (2) 17:14;39:12 procedure (2) 5:19;21:11 procedures (1) 37:10 procedure's (1) 18:3 proceed (1) 44:11 process (4) 3:11,19;8:4;17:14 produce (1) 21:7</p>	<p>producing (1) 21:1 production (1) 12:1 Products (1) 4:4 professional (1) 3:11 progress (1) 11:2 properties (1) 10:17 property (2) 30:12;32:4 proposal (1) 10:8 proposals (1) 9:4 proposed (1) 29:1 provided (1) 44:22 provision (1) 40:25 Public (13) 2:4,6,7;15:22; 20:14;23:19;26:15, 19;41:7;42:23;44:4,7, 18 published (1) 2:8 pull (1) 34:13 purpose (1) 40:1 Pursuant (1) 2:6 put (7) 8:21;16:11;22:18; 24:13;26:6;32:19; 34:14 putting (2) 16:20;18:9</p>	<p>rates (1) 30:14 Rather (1) 34:23 read (3) 10:9;33:15;42:24 real (1) 11:7 Realizing (1) 30:8 really (14) 3:2;13:1,13;15:16; 17:23;19:3;20:2; 25:15;35:13,14;39:7, 20,21;40:6 reason (1) 30:2 reasons (2) 31:25;39:6 rec (1) 37:12 recommended (2) 11:24;23:22 reconcile (1) 40:16 reconciled (1) 39:10 Recording (2) 2:1,2 records (8) 11:5;20:15,21,23, 23;21:13;23:14,14 recouping (1) 30:1 refers (1) 15:2 reflect (1) 4:5 refund (1) 32:14 refunds (1) 9:13 regarding (6) 5:10,13;9:8,9; 10:22;15:13 reintroduce (1) 26:8 re-introduce (1) 24:4 related (2) 19:17;21:19 relative (1) 14:21 release (8) 6:14;9:14,16;15:24; 16:2;17:6,10;34:19 released (1) 5:21 releases (1) 12:17 releasing (1) 23:9 remember (2)</p>	<p>23:4,5 renew (1) 4:21 reorganization (1) 39:5 repairs (1) 28:13 replace (1) 29:6 report (7) 3:5;11:2;12:11,15, 16;16:2;17:7 reported (1) 39:17 reporting (2) 12:23;13:2 reports (6) 11:2;15:9,13;21:14, 14;23:2 reprint (1) 41:1 request (7) 9:4,6;12:7,8;15:17; 20:25;43:4 requested (1) 45:11 requests (15) 12:5,9;13:14,20; 14:24,24;15:5;16:22; 17:16;18:17;19:12; 20:15,18;21:8,14 requirement (1) 39:17 requirements (6) 2:6;7:1;25:14; 33:14;34:2;36:18 requires (1) 16:8 requiring (2) 5:17,20 resolution (3) 19:20;32:15;40:22 resolutions (5) 3:6;5:8;9:3;10:17; 32:11 resolve (1) 23:21 resolved (2) 44:13,17 resource (1) 40:8 resources (1) 39:4 Respectfully (1) 32:12 respond (2) 12:4;13:21 responding (2) 14:8;15:3 response (1) 20:25 responsibility (2) 12:14;39:18</p>
			Q	
		<p>quality (1) 29:7 quick (2) 11:8;27:1 quite (2) 7:8;42:17</p>		
			R	
		<p>raffle (2) 32:14;43:4 rain (5) 31:18,19,20,20,24 raise (2) 30:4,5 rate (4) 16:19;27:5,13,20</p>		

<p>responsible (5) 14:19;15:3;28:21, 24:29:4</p> <p>restrictive (2) 7:12,13</p> <p>resulting (1) 33:24</p> <p>resurfacing (1) 41:5</p> <p>retain (1) 19:7</p> <p>retained (2) 19:8,14</p> <p>revenue (4) 27:17;28:2;29:17; 31:17</p> <p>revert (1) 5:24</p> <p>review (1) 3:20</p> <p>revolving (1) 19:12</p> <p>Richard (1) 9:15</p> <p>right (54) 3:15;4:11,20;6:23; 7:8,18;8:6;9:17; 10:12;11:1;13:16,22; 14:12,17;15:15; 16:14;18:10;19:4; 21:1;26:12;27:10,23; 28:3,8,12,15;29:23, 24;30:3,6,17,19,19; 31:1,6,8,20,23,23; 32:1,10;34:14,23; 36:7;38:19,23;39:25; 40:4,20;41:3;42:13, 14;43:10;44:3</p> <p>riot (1) 42:24</p> <p>risk (1) 3:12</p> <p>road (1) 31:1</p> <p>Roche (2) 19:12,17</p> <p>ROGERS (5) 1:12;2:13,23;3:4; 5:7</p> <p>room (1) 36:25</p> <p>rules (1) 5:14</p> <hr/> <p style="text-align: center;">S</p> <hr/> <p>safety (3) 3:20;20:14;21:2</p> <p>Sal (1) 26:22</p> <p>Same (5) 3:21;6:1;13:18; 14:23;41:12</p>	<p>satisfy (1) 6:14</p> <p>saw (3) 3:14;11:15;32:22</p> <p>saying (6) 14:2;32:3;34:23; 41:16,20;42:15</p> <p>SCARPELLI (73) 1:11;2:3,20,21,25; 5:4,7,11;7:8,12,21,25; 8:2,5,11,15,17,25; 9:18;10:10,15;11:1, 10,13,17,19;23:18; 24:7,23;25:2,7,12,21, 24;26:2,6,11,14;27:8, 23;28:3,7,18;29:12; 30:8,15,18,20;31:5, 11,18;32:10,13;33:3; 34:3,13;35:3;36:3; 40:12;41:4,11,15,23; 42:13,15,19;43:18,20, 23,25;45:3,9,10</p> <p>schedule (2) 24:17;35:19</p> <p>scheduled (1) 23:19</p> <p>school (1) 9:15</p> <p>Searle (2) 3:16,20</p> <p>second (8) 9:8;10:19;18:12; 19:5;43:22,24;44:1,1</p> <p>section (3) 39:16;41:2;44:4</p> <p>seems (2) 10:4;18:8</p> <p>send (3) 14:25;21:12;41:1</p> <p>sends (1) 23:2</p> <p>sense (3) 12:10;26:7;36:4</p> <p>separate (1) 14:21</p> <p>separately (1) 35:23</p> <p>September (2) 4:1;43:3</p> <p>seriously (1) 8:19</p> <p>service (4) 9:6,22;41:7;42:23</p> <p>services (5) 3:11,19;4:5;9:4,19</p> <p>SESSION (4) 1:6;43:9;44:12,15</p> <p>set (3) 16:19;32:9;38:18</p> <p>setbacks (1) 25:13</p> <p>several (1) 3:6</p>	<p>Shade (1) 3:5</p> <p>shall (1) 44:18</p> <p>share (1) 43:9</p> <p>short (5) 10:21;20:1;27:12, 17;28:5</p> <p>shortfall (2) 30:9;32:4</p> <p>shut (2) 31:6,7</p> <p>shutoff (1) 29:24</p> <p>sick (1) 35:15</p> <p>side (5) 25:9;41:9,12,24; 42:3</p> <p>sides (1) 41:25</p> <p>sign (1) 34:23</p> <p>significant (1) 12:9</p> <p>simple (2) 24:14,15</p> <p>Simultaneous (4) 32:23;33:9;35:9; 36:6</p> <p>Simultaneously (3) 18:5;21:3;24:22</p> <p>Singers (2) 43:5,5</p> <p>sit (2) 18:2;35:20</p> <p>situation (1) 21:13</p> <p>six (1) 9:20</p> <p>size (2) 25:21;30:16</p> <p>slideshow (1) 35:8</p> <p>sold (1) 4:7</p> <p>Solutions (1) 3:24</p> <p>somebody (1) 22:15</p> <p>someone (2) 12:10;29:24</p> <p>sometimes (3) 13:4,14;15:23</p> <p>son (1) 22:7</p> <p>sorry (1) 38:1</p> <p>sort (3) 13:12;26:7;32:20</p> <p>sound (1) 7:22</p>	<p>sounds (1) 7:24</p> <p>speaking (8) 18:5;21:3;24:22; 32:23;33:9;35:9;36:6; 39:11</p> <p>Special (3) 9:9;19:17;20:18</p> <p>specialized (2) 3:11,19</p> <p>specify (1) 30:22</p> <p>spend (1) 29:5</p> <p>spending (1) 9:23</p> <p>spoke (3) 8:20;32:24;39:5</p> <p>staff (1) 26:17</p> <p>Star (1) 2:9</p> <p>start (3) 3:3;8:4;20:11</p> <p>state (11) 5:15,16,18,21,24; 6:1,5,8,9;15:13;44:10</p> <p>statue (1) 16:20</p> <p>statute (6) 5:15;6:6,10;15:13; 16:5;44:23</p> <p>STEVEN (1) 1:12</p> <p>still (5) 14:19;19:21;24:5; 26:3;30:14</p> <p>stop (1) 29:23</p> <p>story (1) 31:14</p> <p>straighten (1) 19:1</p> <p>Strategic (1) 4:4</p> <p>streamlines (1) 21:15</p> <p>street (4) 41:17,25;42:1,1</p> <p>streets (1) 41:8</p> <p>stricter (1) 6:4</p> <p>stringent (1) 37:3</p> <p>Strumolo (1) 16:10</p> <p>stuff (7) 15:9;22:10;23:11; 27:4;29:2;36:12; 37:11</p> <p>subject (2) 15:22;26:25</p>	<p>suggested (1) 12:12</p> <p>summarize (1) 10:8</p> <p>summer (2) 31:16,22</p> <p>Sun (1) 2:9</p> <p>Sunday (1) 43:4</p> <p>supercede (2) 36:19;37:23</p> <p>supervisors (4) 33:12;35:16,17; 36:1</p> <p>supply (1) 14:11</p> <p>support (1) 10:3</p> <p>supporting (1) 10:9</p> <p>supposed (2) 3:3;14:7</p> <p>surcharge (1) 28:23</p> <p>sure (14) 5:1;11:19;13:21,24; 16:4,19;17:23;22:1, 11,15;26:19;28:15; 38:7;41:8</p> <p>surplus (1) 3:8</p> <p>surrounding (1) 6:13</p> <p>surveyed (1) 9:5</p> <p>SWAT (1) 20:25</p> <p>system (1) 3:25</p> <hr/> <p style="text-align: center;">T</p> <hr/> <p>table (1) 24:4</p> <p>talk (4) 21:21;34:10;38:9, 12</p> <p>talked (1) 22:7</p> <p>talking (1) 32:18</p> <p>tax (2) 30:12;32:4</p> <p>taxes (1) 9:14</p> <p>taxpayer (1) 28:20</p> <p>telephone (1) 3:24</p> <p>term (2) 18:18;20:1</p> <p>terms (5)</p>
--	--	---	---	--

12:22;14:20;15:22; 17:24;36:25 test (2) 37:6,10 testing (2) 37:6;38:5 that'll (1) 10:22 therefore (1) 44:13 there'll (1) 31:6 thing's (1) 13:18 THOMAS (1) 1:14 thorough (1) 34:1 though (4) 5:23;15:10;29:5; 38:17 thought (3) 13:2;16:10;35:10 three (1) 28:11 three-year (1) 4:4 Tilcon (1) 41:5 times (2) 19:23;22:2 today (2) 8:8;11:16 together (1) 16:4 Tommy (1) 13:20 tomorrow (1) 21:22 tonight (5) 8:10,19;11:15;17:5; 23:20 total (1) 4:1 totally (1) 6:11 touched (1) 43:16 Towing (2) 10:19,19 town (4) 2:11;40:8,11;42:3 towns (4) 27:7,9,10;39:19 TOWNSHIP (5) 1:1,18;44:10,14,20 Township's (1) 28:23 town-wide (1) 39:21 track (1) 15:1 Trading (1)	42:13 trail (1) 4:8 trained (5) 17:1,9,13;23:16,16 transfer (3) 5:9;9:12;10:20 transitional (2) 7:6,6 treasurer (1) 33:23 Tree (1) 3:5 tricky (1) 42:10 tried (2) 17:13;42:10 truth (1) 8:17 try (2) 29:18;34:9 trying (2) 23:21,23 TUCCI (63) 1:13;2:14,15,25; 3:2,15;4:17,21,24;5:2, 6,22;6:11,18,21,23; 7:2,18;8:14;10:11,13; 13:9,16;14:3,10,13, 17;15:10,15,25; 18:15;19:4,7;24:25; 25:6,11;26:12,16,21; 28:10;29:14;30:10, 21;31:8,21,24;32:7; 39:3,15,25;40:3,15; 41:19;42:9,14,17,20; 43:16;44:1,24;45:1,2, 4 twice (1) 29:10 Twin (1) 10:19 two (10) 5:7;9:13;10:11; 11:3,25;23:18,19,21; 33:11,17 typo (1) 4:16	25:4 unusual (1) 21:8 up (11) 7:15;8:24;18:13; 19:18;21:6;22:6; 27:12;29:18;41:15, 24,25 update (1) 9:6 updates (1) 34:21 updating (1) 16:20 usage (1) 28:5 use (3) 25:20;27:21,22 used (2) 28:1;29:19 usually (2) 4:17;14:24 utility (2) 32:3,5	what's (7) 9:7;30:5;34:18,22, 25;36:13;41:13 Whereas (3) 44:3,7,9 whole (6) 35:25;40:4,24;41:1; 42:1,12 who's (4) 13:12;15:3;18:17; 37:12 wiggle (1) 36:25 Williams (1) 9:15 within (1) 44:22 without (2) 25:1;44:19 witnesses (1) 37:10 word (1) 24:11 words (2) 20:14;37:25 work (5) 7:25;16:3,25;35:24; 42:17 worked (1) 20:4 working (2) 17:22;38:22 work's (1) 9:15 World (1) 5:8 Wow (1) 25:11 written (1) 24:16 wrong (1) 30:4	0 07110 (1) 1:4 1 1 (4) 3:16,22;4:1,11 10 (1) 43:5 11 (1) 10:18 11th (1) 10:20 14th (1) 2:8 16 (1) 39:6 18 (1) 4:1 19 (4) 3:16,22,22;4:11 1935 (1) 44:5 1975 (1) 2:7 1st (1) 34:10 2 2017 (1) 2:8 2018 (3) 1:8;2:5;10:18 2019 (1) 43:6 2020 (2) 3:17;4:1 230 (1) 44:4 231 (1) 2:7 25 (1) 28:5 253-18 (1) 4:10 28 (1) 25:4 29th (1) 35:15 3 30th (1) 4:1 31 (2) 4:11,12 31st (2) 3:17,22 350,000 (1)
		V	various (1) 32:14 vehicles (2) 3:8,8 violating (1) 16:4 violation (1) 23:6 voice (1) 39:11 voting (1) 25:1	
		W	Walter (2) 3:15,20 wants (3) 12:4,11;22:19 water (12) 26:14;27:5,19,20; 28:1;29:7,19;30:7,18, 23;32:3,5 way (13) 3:3;13:4,24;23:24; 27:6;29:17,20;30:1; 34:22;40:5;41:3,12; 43:14 Wednesday (1) 2:5 weeks (2) 11:21;33:17 weren't (1) 26:25 west (1) 41:9	
	U		Y	yards (1) 25:10 year (6) 8:23;27:11;32:5,6; 34:8;42:23 years (2) 10:11;28:11 yep (1) 8:7
			Z	zealous (1) 30:6 zone (2) 24:17;41:19

30:8 3RD (1) 1:3				
6				
6th (1) 4:6				
7				
7 (2) 1:8;2:5 7:05 (1) 2:5 70/30 (2) 25:5,7 75 (1) 28:5				
8				
8 (1) 44:4				
9				
950 (1) 25:22				

In The Matter Of:
Nutley Board of Commissioners

Transcript of Proceedings
November 7, 2018
Public Session



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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS
ONE KENNEDY DRIVE
3RD FLOOR COMMISSION CHAMBERS
NUTLEY, NEW JERSEY 07110

*** PUBLIC SESSION ***

DATE: November 7, 2018

BOARD OF COMMISSIONERS:

- JOSEPH P. SCARPELLI, MAYOR
- STEVEN L. ROGERS, COMMISSIONER (A/E)
- MAURO G. TUCCI, COMMISSIONER
- THOMAS J. EVANS, COMMISSIONER
- ALPHONSE PETRACCO, COMMISSIONER

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR SCARPELLI: Everybody please stand for
3 the flag salute.

4 (Pledge of Allegiace)

5 MAYOR SCARPELLI: Madam Clerk, if you will
6 stand --

7 THE CLERK: Thank you, Mayor. Board of
8 Commissioners Public Meeting, Wednesday November 7,
9 2018. The time is 8:20.

10 Pursuant to the requirement of the Open
11 Public Meetings Act, Chapter 231, Public Law 1975,
12 notice of this meeting was published in the
13 December 14, 2017, issues of the Nutley Sun, the Herald
14 News, and The Star Ledger. A copy of this notice has
15 posted on the Nutley Town Hall bulletin board, and a
16 copy is on file in the Municipal Clerk's Office.

17 Commissioner Rogers is absent, excused.
18 Commissioner Tucci?

19 COMMISSIONER TUCCI: Here.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Here.

22 THE CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Here.

24 THE CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Here.

1 THE CLERK: All present, except for
2 Commissioner Rogers. He is absent, excused, this
3 evening.

4 MAYOR SCARPELLI: Minutes?

5 THE CLERK: Minutes for September 4, 2018;
6 September 18, 2018; September 20th, 2018, continued
7 meeting; September 21st, 2018, continued meeting; and
8 October 2nd, 2018. Motion please?

9 MAYOR SCARPELLI: Move it?

10 COMMISSIONER EVANS: Second.

11 THE CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 THE CLERK: That's it for minutes, Mayor.

20 MAYOR SCARPELLI: Communications?

21 THE CLERK: The friends of Nutley Singer has
22 submitted a letter requesting to hold an Off-Premise
23 50/50 Cash Raffle on Sunday, March 10, 2019, at 3:00
24 p.m., at their address on 300 Franklin Avenue.

25 COMMISSIONER EVANS: Move it

Public Session

4

1 COMMISSIONER TUCCI: Second.

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 THE CLERK: That's it for Communications.

11 MAYOR SCARPELLI: Reports. I have various
12 multi-progress reports from Public Works. Commissioner
13 Tucci?

14 COMMISSIONER TUCCI: Yes, I have a Shade Tree
15 report for the month of October.

16 MAYOR SCARPELLI: Bills, madam clerk?

17 THE CLERK: Yes, Mayor, Bill list for
18 November 7, 2018. Public Affairs, \$98,641.27; Revenue
19 and Finance, \$7,367,539.37; Public Safety, \$77,656.79;
20 Public Works, \$83,841.27; Parks and Public Property,
21 \$631,682.44; Water Utility, \$91,521.67; Total Payroll,
22 \$826,230.70; for a grand total of \$9,177,113.51.

23 COMMISSIONER EVANS: Move Bills

24 COMMISSIONER TUCCI: Second.

25 THE CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 THE CLERK: That's it for bill, Mayor.

9 MAYOR SCARPELLI: Public comment on agenda
10 items only, madam clerk?

11 THE CLERK: All persons addressing the Board
12 of Commissioners regarding community concern should
13 approach the microphone and provide their name and
14 address for the record. Unless further time is granted
15 by the Board, each person shall limit their address to
16 three minutes.

17 All remarks to the Board and its individual
18 members must be addressed to the Mayor. The Mayor may
19 defer citizens comments to the appropriate member of
20 the Board.

21 Dialogue between citizens and others
22 addressing the Board shall be allowed unless the Mayor
23 or presiding officer or the majority of the membership
24 of the Board shall determine that the interest of
25 decorum and/or the expeditious conduct of municipal

1 business are being adversely affected by such dialogue.

2 MR. MOORE: Rory Moore, of 462 Chestnut
3 Street.

4 Mr. Scarpelli, I know you've put off the
5 density ordinance for this evening and that you wanted
6 to review it. And I did have one question if it could
7 be reviewed. It doesn't have to be answered this
8 evening. It just -- it came up.

9 In Page 3, Paragraph H, at Section 1, it
10 says, "The maximum density for a mixed-use building is
11 24 dwellings." I just want to define, what's a
12 dwelling? Is that a bedroom or an apartment? That
13 it's -- I just wanted to see if that could be
14 clarified.

15 MAYOR SCARPELLI: Well to further clarify
16 that, it's one of the questions that's come up,
17 Mr. Moore --

18 MR. MOORE: Yes. That's what I thought.

19 MAYOR SCARPELLI: -- to further clarify what
20 a dwelling unit is.

21 MR. MOORE: What a dwelling is. And when you
22 say per acre, could -- if that could be --

23 MAYOR SCARPELLI: That's the one that says
24 1250 per acre?

25 MR. MOORE: Twenty-eight dwellings per acre.

1 MAYOR SCARPELLI: Twenty-eight dwellings per
2 acre.

3 MR. MOORE: If we could define what a
4 dwelling is, and if you could define per acre, to say
5 "a lot size," or, you know, what is the equivalent lot
6 size so you have some type of reference to it.

7 MAYOR SCARPELLI: You mean the square footage
8 of an acre?

9 MR. MOORE: Some -- not a square footage.
10 But say 50 by 100 is one acre, whatever that is. I
11 don't know what the number is precisely. But that --

12 MAYOR SCARPELLI: It's a square footage
13 number?

14 MR. MOORE: Yes.

15 MAYOR SCARPELLI: So we'll see what we can do
16 to clarify it.

17 MR. MOORE: I would just -- since you're
18 going back to the engineers with it, that was one -- if
19 that could be clarified it would probably save a lot of
20 questioning. And I would appreciate that. Thank you.

21 MAYOR SCARPELLI: Anybody else wish to
22 address the Board of Commissioners on agenda items
23 only?

24 MS. CELENTO: Hello. Amy Celento, 70 Newman
25 Avenue.

1 So I just heard from Mr. Moore that the
2 public hearing on the proposed Ordinance Number 3397 is
3 not happening this evening. Is that correct?

4 MAYOR SCARPELLI: It's actually going to be
5 tabled indefinitely because we're going to come back
6 and then reintroduce it with more specifics.

7 We had our -- both planners, the Planning
8 Board planner and our planner on redevelopment, looking
9 at the ordinance. There's a lot of conflicts with the
10 existing ordinance and the existing zones and what's
11 allowed on the setbacks.

12 They also had some comments on the size of
13 the unit, the 950 square foot for one bedroom as being
14 a little too big. So there are some comments that our
15 planners have had that we want to incorporate and get
16 it right and come back and reintroduce it.

17 MS. CELENTO: So this -- the proposed
18 ordinance has been about 10 years in the making
19 according to the summary that a citizen put together
20 and presented at the February --

21 MAYOR SCARPELLI: That's not quite -- that's
22 not quite true, that the ordinance has been in --

23 MS. CELENTO: Okay.

24 MAYOR SCARPELLI: The ordinance has actually
25 been in the last two years. That's it.

1 MS. CELENTO: Okay. So we're going to call
2 it 24 months, approximately.

3 MAYOR SCARPELLI: Twenty-four months. That's
4 fair.

5 MS. CELENTO: And we have planners that we
6 pay for. You're saying "our planner and the Planning
7 Board planner." Both of those planners are paid for by
8 the township. Is that correct?

9 MAYOR SCARPELLI: They're paid for -- they
10 haven't been paid for on this project, which is another
11 issue.

12 MS. CELENTO: So they're working for free?

13 MAYOR SCARPELLI: That's what I'm saying.
14 They have to be -- that's one of the issues that has to
15 be resolved too.

16 MS. CELENTO: So is this a surprise? I mean,
17 how was this not known before the ordinance was
18 proposed?

19 MAYOR SCARPELLI: It's not in their contract
20 to -- it's not in their present contract.

21 MS. CELENTO: So I'm saying, the ordinance
22 was proposed on September 4th. It came from the
23 Planning Board --

24 MAYOR SCARPELLI: It came from the Planning
25 Board.

1 MS. CELENTO: -- to the Board of
2 Commissioners.

3 MAYOR SCARPELLI: Correct.

4 MS. CELENTO: Supposedly, last year, it was
5 sent to all of you but it never made it onto an agenda
6 or docket. So I'm asking, is this is a surprise that
7 two different planners hired by the Township -- one for
8 the Planning Board and one for the Board of
9 Commissioners -- I'm not actually sure why we have two
10 planners, but maybe that's a checks and balances issue
11 that we need two different planners.

12 MAYOR SCARPELLI: Well one's our
13 Redevelopment Council -- planner. And the other is the
14 Planning Board.

15 MS. CELENTO: Okay. And you're saying -- and
16 they haven't been paid to work on this project. So in
17 the last two years, nobody has put forth that those
18 planners need to be hired to participate in developing
19 this proposed ordinance?

20 MAYOR SCARPELLI: They weren't involved in
21 the planning of the ordinance. No, they were not.

22 MS. CELENTO: So who has the responsibility
23 for either involving them or having not involved them?

24 MAYOR SCARPELLI: Well I guess that would
25 fall on me, Ms. Celento. But I could tell you that

1 this proposal on the acreage was first proposed four
2 years ago on 32 per acre. It was re-proposed at 28.

3 The Planning Board came back, looked at it
4 again and did a lot more investigation over those 24
5 months, and then came back with their final
6 recommendation which then had to be put in the form of
7 an ordinance. All they had was just the specifics of
8 what they wanted to address.

9 Putting that into the ordinance, it became
10 confusing because they were trying to be specific on
11 things, but actually it made it more confusing.

12 MS. CELENTO: Okay.

13 MAYOR SCARPELLI: In looking at this with the
14 planners and with people who made the suggestions on
15 the Planning Board, we're now at a point where we're
16 going to clarify it and get it down so it all makes
17 sense because there's a lot of things that are
18 interchangeable in there.

19 When you start talking about the size of a
20 unit, when you start talking about the percentage of
21 two bedrooms versus one bedroom, when you talk about
22 the number of parking spots that'll comply with the
23 number of bedrooms, if you start changing those, you
24 change everything. And so that really needs to be
25 looked at from a planning perspective and not just the

1 Planning Board perspective because those are not
2 professional planners. And that's where we're at.

3 MS. CELENTO: And thank you very much. And
4 to that point, as you just provided, the Planning Board
5 members are appointed.

6 MAYOR SCARPELLI: Correct.

7 MS. CELENTO: They're citizens. In some
8 cases, employees, and in some case, elected officials.
9 So they worked on this, they put forward a proposal. I
10 understand it had to be put into an ordinance format.
11 They never involved a hired planner or their planner.
12 So that, to me, says that there is a very large gap
13 somewhere in the process. Am I wrong about that?

14 MAYOR SCARPELLI: Not necessarily,
15 Ms. Celento. Not necessarily. Because their planner
16 looked at it, but he didn't look at in the specifics of
17 putting it into the ordinance and what other conflicts
18 it would create within the ordinance. Once it goes
19 into the ordinance and you see that, you know, well,
20 when the B-4 zone, it says this --

21 MS. CELENTO: Yes.

22 MAYOR SCARPELLI: -- and a B-1 zone, it says
23 this --

24 MS. CELENTO: A reconciliation.

25 MAYOR SCARPELLI: -- and those are conflicts

1 between what is proposed in the mixed-use ordinance.

2 MS. CELENTO: Okay. And so thank you for
3 clarifying that.

4 I thought based on the February joint
5 Planning Board -- Board of Ed/Board of
6 Commissioners/Zoning Board meeting that some of that
7 was raised and there was already discussion about how
8 our Code Enforcement Department was going to meet with
9 some people because there were some, I guess,
10 inconsistencies between, as you said, what's already
11 code today versus what -- so it just seems like this is
12 taking an awful long time.

13 MAYOR SCARPELLI: Well those were different
14 inconsistencies than these inconsistencies.

15 MS. CELENTO: Okay. So they're different
16 inconsistencies. Thank you.

17 So maybe I'll ask this question. Since COAH
18 is on the table for the town having to comply for X
19 number of units, whether it's 25 or 55, I'm not sure,
20 but are there guidelines under COAH that actually speak
21 to square footage of apartment, number of parking
22 spots? I'm curious.

23 MAYOR SCARPELLI: Not that I'm aware of.

24 MS. CELENTO: Okay. So since we may be
25 hiring two different planners to work on these issues,

1 one of those planners or those firms, I believe, could
2 be the firm that the Township has hired to address
3 COAH. Inglesino? Is that correct?

4 MAYOR SCARPELLI: No.

5 MS. CELENTO: Are they a planner?

6 MAYOR SCARPELLI: No. They're not the
7 planner.

8 MS. CELENTO: Okay. So they're a law firm.

9 MAYOR SCARPELLI: Correct.

10 MS. CELENTO: Well could we ask them that
11 question?

12 MAYOR SCARPELLI: Well COAH is a much
13 different issue. And this is a mixed-use and not COAH
14 apartments. So this is mixed-use apartments which is a
15 little bit different than a regular apartment building.

16 MS. CELENTO: Okay. And I do understand that
17 in 2015, the Board of Commissioners hired a planner to
18 look at opportunities in Nutley, and I believe that
19 planner said that you should have -- that mixed-use is
20 appropriate. You need to bring people into the
21 downtown by having apartments, but I believe they also
22 recommended a higher rate or a higher percentage of
23 retail. So is that the same planner that you might be
24 hiring that is currently not hired today?

25 MAYOR SCARPELLI: No.

1 MS. CELENTO: It's a different planner?

2 MAYOR SCARPELLI: That was a different
3 planner.

4 MS. CELENTO: Okay. So how does it -- how do
5 these planners get hired? Are there --

6 MAYOR SCARPELLI: We didn't hire that
7 planner. The Planning Board --

8 MS. CELENTO: No. No. Other -- no, no. I
9 mean, the future planners, the planners you're trying
10 to use today that you've tabled the Ordinance 3397 for
11 because you have to go back to planners. I don't see
12 it on the table that someone is proposing that we spend
13 X amount of money to hire a planner. Did I miss
14 something on the agenda?

15 MR. GENITEMPO: Mr. Mayor? Just, you
16 know, if I may.

17 MAYOR SCARPELLI: Go ahead, Commissioner
18 .

19 MR. GENITEMPO: Three minutes has
20 well passed, and this is not public comment. This is
21 question and answer.

22 I think it's clear that this is a process
23 that's been going forward. We've had meetings with the
24 planners. There's been a long time going. We've met
25 with the Planning Board members who are on the

1 Committee in the last few weeks to try to clarify this.

2 It's a process, and I think the Commissioners
3 are handling appropriately, and I don't think this is
4 appropriate public comment to continue back and forth
5 when other people may want to address the microphone.

6 But three minutes is what we're required.

7 Thank you.

8 MS. CELENTO: Okay.

9 MAYOR SCARPELLI: Anybody else wish to
10 address the Board of Commissioners on agenda items
11 only?

12 Seeing none, Board of Commissioners
13 announcements. Commissioners?

14 COMMISSIONER TUCCI: Just one. I'd just like
15 to thank the people on Ridge Road. On Saturday, we had
16 a massive tree come down with a sudden burst of wind
17 and knocked out the power, not only on Ridge Road but
18 on Chestnut Street and a lot of the surrounding roads,
19 and I just want to thank all those folks who were very
20 patient while our Shade Tree Department and Public
21 Service came and shut the power off so we could clear
22 the road and remove the tree and then get the power
23 restored.

24 So the patience of the folks there under a
25 very trying situation did not go unnoticed, and I'd

1 just like to thank them publicly for that.

2 MAYOR SCARPELLI: Thank you, Commissioner.

3 COMMISSIONER PETRACCO: I'd just like do a
4 little dovetail on that.

5 Actually, I did go up on Ridge Road that
6 afternoon. It was actually the Nutley-Belleville
7 football game when I got the call which I thought went
8 really, really well. And congratulations to our Nutley
9 Raiders. It was really good to see that game go on in
10 the oval to bring some of that tradition back to the
11 town.

12 But with that being said, I did run up there
13 and I have to tell you, Mauro, your guys -- I mean, the
14 tree was probably one of the biggest trees I've ever
15 seen in Nutley. And they did a great job. And I have
16 to also commend Public Service because --

17 COMMISSIONER TUCCI: I think your three minutes
18 are up.

19 COMMISSIONER PETRACCO: My three minutes is up.
20 But --

21 THE CLERK: Sorry.

22 COMMISSIONER PETRACCO: -- I really want to
23 commend Public Service as well because those guys
24 really look out for us here in Nutley, and --

25 COMMISSIONER TUCCI: They did.

1 COMMISSIONER PETRACCO: The power could have
2 been off for a couple days, and they really got it up
3 and running. So kudos to your --

4 COMMISSIONER TUCCI: Yeah. it was up by
5 eleven o'clock the next day which was great.

6 COMMISSIONER PETRACCO: It was unbelievable,
7 really, for the damage that was there.

8 MAYOR SCARPELLI: Anything else?

9 Let's move on to Ordinance Introductions.

10 This is an ordinance on behalf of the Board
11 of Commissioners. The ordinance of the Board of
12 Commissioners of the Township of Nutley in the County
13 of Essex creating Chapter 115, Officers and Employees,
14 Article XXV, Custodian of Records, of the Township
15 Code.

16 I move that this ordinance be passed to a
17 second reading advertised in the Nutley Sun together
18 with the notice required by law, and that further
19 consideration of said ordinance for final passage by
20 the Board of Commissioners be held at its second
21 reading on December 4th, 2018.

22 I move the ordinance.

23 COMMISSIONER TUCCI: Second.

24 THE CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 MAYOR SCARPELLI: Ordinance Number 3402, an
8 ordinance of the Board of Commissioners of the Township
9 of Nutley in the County of Essex, amending Chapter 320,
10 Fees, Article I, copies of public records, of the
11 Township Code.

12 I move this ordinance to be passed to a
13 second reading advertised in the Nutley Sun together
14 with the notice required by law, and that further
15 consideration of said ordinance for final passage by
16 the Board of Commissioners is to be held at the second
17 reading on December 4th, 2018.

18 Move the ordinance.

19 COMMISSIONER TUCCI: Second.

20 THE CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 MAYOR SCARPELLI: Commissioner Evans?

4 COMMISSIONER EVANS: Thank you, Mayor.

5 This 3403 is an ordinance on behalf of the
6 Board of Commissioners. Just in summary, this is an
7 ordinance establishing pay-to-play rules consistent
8 with the State statutes that already exist and
9 establishing it on our local books.

10 As an entity, our municipality receives
11 transitional state aid. The State is asking that we
12 have the State ordinance on our local books. So we're
13 basically incorporating that as a compliance
14 requirement. We have historically -- have been
15 following the State statutes with regard to pay-to-play
16 rules.

17 So having said that, Ordinance 3403 is an
18 ordinance establishing that a business entity which
19 makes political contributions to municipal candidates
20 and municipal and county political parties in excess of
21 certain thresholds shall be limited in its ability to
22 receive public contracts from the Township of Nutley in
23 the County of Essex.

24 I move that this ordinance be passed to a
25 second reading and advertised in the Nutley Sun

1 together with the notice required by law, and that
2 further consideration of said ordinance for final
3 passage by the Board of Commissioners be held at its
4 second reading on --

5 THE CLERK: December 4th.

6 COMMISSIONER EVANS: -- December 4th, 2018.

7 So moved.

8 COMMISSIONER TUCCI: Second.

9 THE CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 THE CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 THE CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 MAYOR SCARPELLI: Public Hearings. We
18 discussed 3397, 3399 of the public hearing will be held
19 at our next meeting. What date is that, November 21st?

20 THE CLERK: The -- November 20th.

21 MAYOR SCARPELLI: No. November 20th.

22 THE CLERK: I'm sorry, November 20th.

23 COMMISSIONER EVANS: November. Yeah, and
24 it's --

25 MAYOR SCARPELLI: Commissioner Rogers

1 resolutions. I'll read those.

2 Whereas, 3.3 million people have diabetes,
3 9.4 percent of the U.S. population, another 84.1
4 million adults age 18 years or older have pre-diabetes.

5 Now, therefore, be it resolved by the Board
6 of Commissioners, Township of Nutley, County of Essex,
7 State of New Jersey, declare November as National
8 Diabetes Awareness month and recognize November 14th as
9 World Diabetes Day.

10 I move the resolution.

11 COMMISSIONER TUCCI: Second.

12 THE CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 THE CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 MAYOR SCARPELLI: Be it resolved that the
21 Board of Commissioners, Township of Essex County --
22 County of Essex, New Jersey, that in accordance with
23 Provision R.S. 40A:4-58, the following transfers of
24 appropriations in the 2018 budget be and the same are
25 hereby authorized and approved.

1 From Garbage and Trash Removal, other
2 expenses, \$25,000, to Health Department, other
3 expenses, \$25,000.

4 I move to resolution.

5 COMMISSIONER TUCCI: Second.

6 THE CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye. Commissioner Tucci?

14 COMMISSIONER TUCCI: Yes, thank you, Mayor.

15 Whereas, the Township of Nutley received
16 sealed bids for surplus equipment no longer in use by
17 the township on October 24th, 2018; and

18 Whereas, Jersey One Auto Sales, 495 Tonnele
19 Avenue, Jersey City, and Marczaks, Inc., 247 Central
20 Avenue, Metuchin, were the highest bidders. The
21 equipment was a 2003 Toro 328D 4-wheel drive with
22 blower, in the amount of \$900; a 2000 GMC pickup 4x4 at
23 the Jersey One Auto in the amount of \$763; and a
24 2006 Bluebird bus in the amount of \$357.

25 Now, therefore, be it resolved by the Board

1 of Commissioners of the Township of Nutley, County of
2 Essex, State of New Jersey, that the surplus items be
3 sold to the highest bidders, Jersey One Auto Sales and
4 Marczaks, Inc.

5 I move the resolution.

6 COMMISSIONER EVANS: Second.

7 THE CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER TUCCI: Whereas, the Township of
16 Nutley has the need to acquire specialized professional
17 services for a Consultant and Risk Manager for the
18 Township of Nutley through a fair and open process
19 pursuant to N.J.S.A. 19:44A-20.5; and

20 Whereas, the RFQ and Risk -- for Consultant
21 and Risk Manager were received and opened on October 24,
22 2018, by the Township Clerk; and

23 Whereas, C. Walter Searle Insurance
24 Agency, LLC, 410 Franklin Avenue, Nutley, New Jersey,
25 was the most responsible and responsive request for

1 qualifications; and

2 Whereas, a contract for professional risk
3 management consulting services is required in the
4 by-laws of the Suburban Essex Liability Joint Insurance
5 Fund, this contract shall not exceed \$40,000 from
6 January 1, 2019, through December 31st, 2019, and the
7 funds are available from the Suburban Essex Liability
8 Joint Insurance Fund.

9 Now, therefore, be it resolved that the
10 Board of Commissioners of the Township of Nutley,
11 County of Essex, State of New Jersey, authorizes a
12 contract to be entered into with C. Walter Searle
13 Insurance Agency as described herein.

14 And be it further resolved that the response
15 to the Request for Qualifications for a Consultant and
16 Risk Manager be placed on file with this resolution.

17 I moved the resolution.

18 COMMISSIONER EVANS: Second.

19 THE CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 THE CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 COMMISSIONER TUCCI: Whereas, the Township of
3 Nutley has the need to acquire specialized professional
4 services as a fair and open contract pursuant to the
5 provision of N.J.S.A. 19:44A-20.5; and

6 Whereas, the request for Qualification for
7 Insurance Accident and Safety Review Board Meetings
8 were received and opened on October 24, 2018, by the
9 Township Clerk; and

10 Whereas, C. Walter Searle Insurance Agency,
11 410 Franklin Avenue, Nutley, New Jersey, has provided
12 these services in the past to the Township of Nutley,
13 and is particularly suited to provide continued
14 service; and

15 Whereas, the term of this contract is for a
16 one-year period commencing on January 1, 2019, and
17 continuing through December 31, 2019, with the option
18 to extend one year; and

19 Whereas, funds are available from
20 account 9-01-516-245 in the amount of \$10,000 have been
21 certified with the Chief Financial Officer, said
22 certification being attached to this resolution.

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

1 to C. Walter Searle Insurance Agency, LLC, as described
2 herein, and the response to the Request for
3 Qualification be placed on file with this resolution.

4 I move the resolution.

5 COMMISSIONER EVANS: Second.

6 THE CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 COMMISSIONER TUCCI: Whereas, the Township of
15 Nutley has the need for analog copper phone lines for
16 existing alarm systems and departmental fax lines; and

17 Whereas, N.J.S.A. 40A:11-5(f) permits the
18 award of contract without bidding for the supply of any
19 services which is a public utility subject to the
20 jurisdiction of the BPU; and

21 Whereas, the proposal for Princeton Hosted
22 Solutions, 700 Goodwin Avenue, Suite 330, Midland Park,
23 New Jersey, will result in a substantial savings and
24 improve quality, and is recommended by the Township's
25 Office of Information Technology for \$1,998 per month

1 for a total amount of \$47,952, beginning September 1,
2 2018, through June 30, 2020; and

3 Whereas, funds are available from
4 account 8-01-510-237 in the amount of \$11, 998, and
5 have been certified by the Chief Financial Officer,
6 said certification is attached to this resolution and
7 account number 9-01-510-237, in the amount of \$23,976,
8 subject to the adoption of the 2019 Municipal Budget,
9 and also account number 0-01-510-237, in the amount of
10 \$11,988, subject to the adoption of the 2020 Municipal
11 Budget.

12 Now, therefore, be it resolved by the Board
13 of Commissioners of the Township of Nutley, County
14 Essex, State of New Jersey, that the Mayor and Township
15 clerk be and they are hereby authorized to enter into a
16 contract with Princeton Hosted Solutions for the
17 provision of analog phone lines throughout the Township
18 of Nutley.

19 I move the resolution.

20 COMMISSIONER EVANS: Second.

21 THE CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 COMMISSIONER TUCCI: Whereas, Strategic
5 Products and Services, 300 Littleton Road, Parsippany,
6 New Jersey, has been awarded a contract for the
7 Township's Avaya Phone System Maintenance pursuant to
8 the provision of N.J.S.A. 40A:11-5(t) on July 19 2016,
9 via Resolution 187-16; and

10 Whereas, the Township of Nutley entered into
11 a contract with Strategic Products and Services for a
12 three-year agreement in the amount of \$17,354.04 per
13 year; and

14 Whereas, ConvergeOne, Inc., 3344 Highway 149,
15 Eagan, Minnesota, acquired Strategic Products and
16 Services; and

17 Whereas, all agreements currently in place
18 between Strategic Products and Services have been
19 assigned to ConvergeOne, Inc., effective November 6,
20 2017.

21 Now, therefore, BE IT RESOLVED by the Board
22 of Commissioners of the Township of Nutley, County of
23 Essex, State of New Jersey, who authorizes and approves
24 the amendment of the contract for the Township's Avaya
25 Phone System Maintenance with ConvergeOne, Inc.,

1 effective November 6, 2017, through the remainder of
2 the existing agreement with Strategic Products and
3 Services.

4 I move the resolution.

5 COMMISSIONER EVANS: Second.

6 THE CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 COMMISSIONER TUCCI: That's all I have,
15 Mayor.

16 MAYOR SCARPELLI: Commissioner Evans?

17 COMMISSIONER EVANS: Thank you, Mayor.

18 Be it resolved by the Board of Commissioners
19 of the Township of Nutley, County of Essex, State of
20 New Jersey, that the Municipal Clerk be and is hereby
21 authorized and directed to advertise for a Request for
22 Proposals for Banking Services;

23 Be it further resolved that the Request for
24 Proposals shall be due on Tuesday, November 27th, 2018,
25 at 3:00 p.m., addressed to the Municipal Clerk,

1 Township of Nutley, One Kennedy Drive, Nutley.

2 So moved.

3 COMMISSIONER TUCCI: Second.

4 THE CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 COMMISSIONER EVANS: The next resolution I
13 read is for a change order for special legal counsel
14 services. Before I read it, I want to note that these
15 fees are reimbursable through our redevelopers
16 agreement that's currently being negotiated with the
17 redeveloper of the Hoffmann La-Roche property.

18 Whereas, the law firm of Inglesino, Weber,
19 Wyciskala, and Taylor, 600 Parsippany Road, Suite 204,
20 Parsippany, New Jersey, has been awarded a non-fair and
21 non-open contract as a professional service pursuant to
22 the provisions of N.J.S.A. 19:44A-20.4 and 20.5, as
23 appropriate, to provide Special Development Counsel on
24 January 2nd, 2018, by Resolution 4-18; and

25 Whereas, such services have exceeded the

1 original contract amount of \$95,000; and

2 Whereas, the Director of Revenue Finance and
3 Code has recommended the following change order from
4 said contract:

5 Change Order Number 1: Provide Special
6 Development Counsel in the amount of \$15,000.

7 Whereas, funds are available from
8 account 8-01-226-205 and have been certified by the
9 Chief Financial Officer, said certification being
10 attached to this resolution; and

11 And now, therefore, BE IT RESOLVED by the
12 Board of Commissioners of the Township of Nutley,
13 County of Essex, State of New Jersey, that Change Order
14 Number 1 in the amount of \$15,000 be in and is hereby
15 approved.

16 So moved.

17 COMMISSIONER TUCCI: Second.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 THE CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

1 COMMISSIONER EVANS: BE IT RESOLVED by the
2 Board of Commissioners of the Township of Nutley,
3 County of Essex, State of New Jersey, that the
4 Treasurer be and she is hereby authorized to refund
5 overpayments of tax charges in the amount of \$1,683.81
6 for Block 2601, Lot 13.

7 So moved.

8 COMMISSIONER TUCCI: Second.

9 THE CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 THE CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 THE CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 COMMISSIONER EVANS: BE IT RESOLVED by the
18 Board of Commissioners of the township of Nutley,
19 County of Essex, New Jersey, that in accordance with
20 the provisions of R.S. 40A:4-58, the following
21 transfers of appropriations in the 2018 budget be and
22 the same are hereby authorized and approved from
23 Treasurer's Office Salary and Wage, \$35,000, to
24 Treasury Office O&E, \$35,000.

25 So moved.

1 COMMISSIONER TUCCI: Second.

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 COMMISSIONER EVANS: Whereas, the billing
11 department has received a payment in the amount of
12 \$16,825.16 for the safety and stabilization guarantee
13 for site plan application of Kingsland Street Urban
14 Renewal for the property located to 340 Kingsland
15 Street;

16 And whereas, the safety and stabilization
17 guarantee was collected, as required, by Municipal Land
18 Use Law N.J.S.A. 40:55D-1, et seq., specifically,
19 N.J.S.A. 40:55D-53(a)(1)(d), and said amount was
20 deposited in account T-15-912-914; and

21 Whereas, the construction official has
22 reviewed and determined that the \$16,825.16 due to
23 Kingsland -- or is due to Kingsland Urban Renewal.

24 Now, therefore, be it resolved by the Board
25 of Commissioners of the Township of Nutley, County of

1 Essex, State of New Jersey, that the Treasurer be and
2 she is hereby authorized to refund the safety
3 stabilization guarantee in the amount of \$16,825.16 to
4 Kingsland Street Urban Renewal, LLC.

5 So moved.

6 COMMISSIONER TUCCI: Second.

7 THE CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER EVANS: Thank you, Mayor.

16 MAYOR SCARPELLI: Commissioner Petracco?

17 COMMISSIONER PETRACCO: This Resolution

18 Number 249-18 is -- it's

19 Whereas, the Township of Nutley determined
20 that property described on Schedule A attached to --
21 hereto and incorporated herein has been abandoned by
22 its owner and titled as junk, along with standard
23 title. This is for auction -- let me just see the
24 date -- for Tuesday, December 11th, for a 2003 Nissan,
25 a 2009 Toyota, and 2003 Honda.

1 I move the resolution.
2 COMMISSIONER TUCCI: Second.
3 THE CLERK: Commissioner Tucci?
4 COMMISSIONER TUCCI: Aye.
5 THE CLERK: Commissioner Evans?
6 COMMISSIONER EVANS: Aye.
7 THE CLERK: Commissioner Petracco?
8 COMMISSIONER PETRACCO: Aye.
9 THE CLERK: Mayor Scarpelli?
10 MAYOR SCARPELLI: Aye.
11 COMMISSIONER PETRACCO: The next resolution
12 is 250-18. It's also for Tuesday, December 11th, 2018,
13 at 2:00 p.m., at Twin Towing. They'll be auctioning
14 off a 2000 Volkswagen, a 2005 Honda, and a 2012 Ford.
15 I move the resolution.
16 COMMISSIONER TUCCI: Second.
17 THE CLERK: Commissioner Tucci?
18 COMMISSIONER TUCCI: Aye.
19 THE CLERK: Commissioner Evans?
20 COMMISSIONER EVANS: Aye.
21 THE CLERK: Commissioner Petracco?
22 COMMISSIONER PETRACCO: Aye.
23 THE CLERK: Mayor Scarpelli?
24 MAYOR SCARPELLI: Aye.
25 COMMISSIONER PETRACCO: Be it resolved by the

1 Board of Commissioners, Township of Nutley, County of
2 Essex, New Jersey, that in accordance with the
3 provisions for R.S. 40A:4-58, the following transfers
4 of appropriations in the 2018 Budget be and the same
5 are hereby authorized and approved:

6 Fire Salary and Wage, \$200,000, to Fire O&E.

7 I move resolution.

8 COMMISSIONER TUCCI: Second.

9 THE CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 THE CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 THE CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 COMMISSIONER PETRACCO: That's all I have.

18 MAYOR SCARPELLI: Be it resolved by the Board
19 of Commissioners of the Township of Nutley, in the
20 County of Essex, State of New Jersey, that the Township
21 Treasurer is hereby authorized to refund \$100 to Oliver
22 Syto, 476 Walnut Street, Nutley, New Jersey, for a
23 refund of payment for a Municipal Parking Permit.

24 I move the resolution.

25 COMMISSIONER TUCCI: Second.

1 THE CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 THE CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 THE CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 Whereas, raffle applications have been
10 received from the following organizations:

11 Friends of Nutley Singers, License No. 40-18,
12 and On-Premise Merchandise Raffle on License No. 41-18,
13 50/50 Cash Raffle, both to held Friday, January 11,
14 2019;

15 Friends of Nutley Singers, License No. 42-18,
16 On-Premise 50/50 Cash Raffle to be held Sunday,
17 March 10th, 2019;

18 Organization of Parents & Educators, License
19 No. 43-18, On-Premise 50/50 Cash Raffle and License
20 No. 44-18, Off-Premise 50/50 Cash Raffle, both to be
21 held Friday, February 8th, 2019.

22 Whereas, the applications have been reviewed
23 and approved by the Municipal Clerk and the Police
24 Department;

25 Now, therefore, be it resolved by the Board

1 of Commissioners, of the Township of Nutley, County of
2 Essex, State of New Jersey, that the aforementioned
3 licenses are approved and the Municipal Clerk is
4 authorized to issue the raffle licenses.

5 I move the resolution.

6 COMMISSIONER TUCCI: Second.

7 THE CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 Resolution No. 247-18 has been pulled,
16 248-18.

17 Whereas, Nutley is a member of the Morris
18 County Cooperative Pricing Council;

19 Whereas, the Morris County Co-op awarded a
20 bid for road resurfacing (Contract Number 6 - Cat A -
21 Hot Mix Asphalt, Cat B - Bituminous Concrete in Place,
22 Cat C - Milling of Bituminous Concrete in Place, and
23 Cat I - Resurfacing Preparations) to Tilcon New
24 York, Inc., 622 [sic] Mt. Hope Road, Wharton, New
25 Jersey, for the period of January 1, 2018, to

1 December 31st, 2018; and

2 Whereas, Nutley wishes to resurface Highfield
3 Lane (Washington Avenue to River Road) in Nutley; and

4 Whereas, contracts that exceed the bid
5 threshold are required to be awarded by resolution; and

6 Whereas, funds are available from Account
7 No. G-04-104-401 and Ordinance No. 3345A, and have been
8 certified by the Chief Financial Officer, said
9 certification being attached to this resolution.

10 Now, therefore, be it resolved by the Board
11 of Commissioners of the Township of Nutley, County of
12 Essex, State of New Jersey, that a contract be awarded
13 to Tilcon New Jersey [sic], not to exceed \$24,504, and
14 that the Mayor and the Township Clerk be and they are
15 hereby authorized to enter into and sign said contract
16 for the Township of Nutley.

17 I move the resolution.

18 COMMISSIONER TUCCI: Second.

19 THE CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 THE CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 That concludes the business portion of our
3 meeting.

4 THE CLERK?

5 THE CLERK: Yes, Mayor.

6 All persons addressing the Board of
7 Commissioners regarding community concerns should
8 approach the microphone and provide their name and
9 address for the record. Unless further time is granted
10 by the Board, each person shall limit their address to
11 five minutes.

12 All remarks to the Board and its individual
13 members must be addressed to the Mayor. The Mayor may
14 defer citizens comments to the appropriate member of
15 the Board.

16 Dialogue between citizens and others
17 addressing the Board shall be allowed unless the Mayor
18 or presiding officer or the majority of the membership
19 of the Board shall determine that the interest of
20 decorum and/or the expeditious conduct of municipal
21 business are being adversely affected by such dialogue.

22 MR. MOORE: Rory Moore, 462 Chestnut Street.

23 Mr. Scarpelli, I have only about two
24 questions.

25 I heard a rumor, and that's why I came here.

1 Did you hear anything about the Nutley Pool being sold
2 and possibly having apartments over that way?

3 MAYOR SCARPELLI: Continue, Mr. Moore.

4 MR. MOORE: That's -- heard a rumor.
5 That's -- but I was just wondering if it was true or
6 not.

7 MAYOR SCARPELLI: Continue, Mr. Moore.

8 MR. MOORE: Oh, okay. Okay.

9 On the bill list, water utility was added.
10 Is there -- there was a column, but that's the first
11 time I noticed it. Maybe it's been there and I hadn't
12 noticed it before. Is that a new category?

13 MAYOR SCARPELLI: Continue, Mr. Moore.

14 MR. MOORE: No. I'm just curious because you
15 added a special --

16 MAYOR SCARPELLI: We will answer your
17 questions, Mr. Moore, but right now --

18 MR. MOORE: Pardon me? I'm sorry.

19 MAYOR SCARPELLI: We will answer your
20 questions. Not right now.

21 MR. MOORE: Okay. Thank you.

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

24 MR. ODRIA: Michael Odria (phonetic),
25 134 High Street.

1 I've been watching a movie lately, obviously,
2 I'm sure it's old news (indiscernible). And our
3 attorney general, Gurbir Gewal, he has an Office of
4 Public Integrity and Accountability going on, and I
5 believe -- maybe -- I think there's another
6 (indiscernible) that there have been some
7 investigations in some towns in Essex County, Hudson.
8 And they're investigating DPWs, department -- I think
9 it was (indiscernible) department in another town.

10 Are there any investigations going on in this
11 town that you know of?

12 MAYOR SCARPELLI: Do you have any other
13 questions, Mr. Odria?

14 MR. ODRIA: Can it be answered now?

15 MAYOR SCARPELLI: You'll be answered, but not
16 right now.

17 MR. ODRIA: Isn't that part of the reason for
18 Open Public Meetings Act?

19 MAYOR SCARPELLI: This is public comment, and
20 we will answer your questions.

21 MR. ODRIA: Okay. All right. Just curious
22 about that.

23 And (indiscernible) but this -- the answer to
24 the question's very important to many people in this
25 town because it does go to what we just went through

1 yesterday and at the same time -- almost the same time
2 the year before, and this proves homeowners of this town shot
3 down two very extensive referendums.

4 And I kind of hope (indiscernible) or realize
5 that we don't want any more referendums.

6 The people for a second time in two short years --
7 well, actually one short year, has sent another strong
8 message that we know. (Indiscernible) too, but it has
9 to stop. It pushed (indiscernible) my first question.

10 MAYOR SCARPELLI: Thank you, Mr. Odria.

11 Anybody else wish to address the Board of
12 Commissioners this evening?

13 MS. ROSSI: Tammy Rossi, 28 Colonial Terrace.

14 Just to add a little clarification. Earlier
15 Ms. Celento had made a comment about the Planning Board
16 creating the definition for mixed-use and density for
17 10 years.

18 The reality is the Zoning Board has been
19 asking for guidance from the Planning Board since 2008.
20 So between 2008 and 2016, there were sessions, meetings
21 to discuss the definition. Why you took all that time
22 to actually create some recommendations in 2016 --
23 that's a long time, and now you are consistently
24 delaying the process because more questions keep coming
25 up. So I mean, if all of this had been addressed back

1 in 2010, '11, '12, I think this issue would have been
2 put to bed. So that's that's my comment on that.

3 I'm holding in my hand the signatures of
4 Nutley citizens who signed the petition for term limits
5 for you, the Board of Commissioners, to enact a
6 resolution for term limits for two consecutive 3-year
7 terms for board members on the following boards:
8 Planning, Zoning, Rent Leveling, and the Library. I
9 present these signatures to you and request that you
10 listen to the voters of Nutley and vote yes to
11 Commissioner Rogers resolution.

12 The Nutley Coalition for Change is a
13 grassroots team of citizens that is growing, and we
14 look forward to sharing our next initiative at the next
15 meeting in two weeks. Your yes vote for this term
16 limit signifies change that is wanted by citizens and
17 voters of Nutley. Thank you.

18 MAYOR SCARPELLI: Could you hand those to the
19 Clerk, please?

20 MS. ROSSI: I sure can.

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

23 MS. BOZZA: Maria Bozza, 209 Highfield Lane.
24 I just would like to address this to Mr. Genitempo. I
25 was going to bring it up at the last meeting but there

1 were so much going on with other, you know, you were
2 giving away whatever, and I didn't want to embarrass
3 anyone.

4 But since that last tirade at the town
5 meeting before that, I contacted Trekman (phonetic). I
6 spoke to several very informative people who emailed me
7 the generic description of the town clerk -- town
8 attorney rather. And, as a town attorney, I'm not
9 going to read you what -- you know, what your job, but
10 as -- when I read over that description, it does --
11 you're not an elected official but rather an appointed
12 one. And nowhere in that description does it say that
13 you have the responsibility or the right to use your
14 position to bully, insult, reprimand, or raise your
15 voice to any -- or chastise a taxpayer because he asks
16 for too many OPRA requests or because you just don't
17 happen to like him.

18 If the tables were turned, I think, and we
19 the citizens began to scream and yell like you people
20 here, I know that the police officer would step in, and
21 rightly so. Your behavior, I thought, was
22 unprofessional, undignified, and arrogant for anyone,
23 but most especially for someone who was paid yearly by
24 the taxpayers whom you insulted. What is even more
25 shocking to me was that not one of you felt the need to

1 say something to him. So I have to conclude that you
2 agree with his behavior and think it's perfectly okay.

3 And secondly, I don't know why he felt the
4 need to defend Mr. Evans or the town clerk, since the
5 questions were not asked of him, but rather of the
6 Commissioner.

7 And, Mr. Genitempo, you know, don't think we
8 are all stupid that sit on this side of the podium.
9 And we know that politics isn't always what it appears
10 to be. Based on this, I do think you owe people in
11 this audience an apology.

12 And to bring up term limits again, you are
13 the classic reason we need term limits, not only for
14 elected officials, but for appointed ones as well
15 because it seems that you and others, after 10, 12, 16
16 years, carve your initials in the seat and think that
17 the town belongs to you and that we have nothing to say
18 about it and we should not question your authority.
19 Please never forget that your authority comes from this
20 side of the podium and not that side of the podium.

21 MAYOR SCARPELLI: Thank you, Mrs. Bozza.
22 Anyone else wish to address the Board of Commissioners
23 this evening?

24 MS. CELENTO: Yes, Amy Celento, 70 Newman
25 Avenue, Nutley. And I appreciate Marie's comments

1 because what I'm interpreting here, what's happening
2 right now is that public comment is now considered a
3 time where we can ask questions, but you're not going
4 to answer them. That's just what's happened with
5 several people. So I have not seen any published rules
6 that indicate that you won't be answering questions
7 presented during open public comment. Is this now a
8 new rule for this -- in the last 15 minutes?

9 MAYOR SCARPELLI: Ms. Celento, we're going to
10 answer your questions. We're not going to answer in a
11 back-and-forth manner.

12 MS. CELENTO: Okay. So when are they going
13 to be answered? Because there have been questions --

14 MAYOR SCARPELLI: I'd say most of them will
15 be answered tonight.

16 MS. CELENTO: Okay. So thank you very much.

17 So I have a couple of things in terms of the
18 ongoing investigation and discussions with
19 Skender (Kenny) Meka and his development company or
20 companies. There haven't been any updates provided as
21 of late and it's my understanding that the discussions
22 continue. These don't seem to involve anything in
23 terms of them breaking any rules, and I'm not really
24 sure why the statutes don't apply to them. So I'm
25 asking the question, how is it that converting

1 approved one-bedroom apartments to two-bedroom
2 apartments, which is how it's been presented, at least
3 to me, and I believe to the people in this audience in
4 past meetings in the past six months, how has it been
5 that those didn't break a law? So that's a question.
6 And if they did break a law, when will charges be filed
7 and through what organization?

8 I believe that we have a Town Prosecutor that
9 the Township and the taxpayers pay for. So will the
10 Prosecutor be brought in in terms of the laws or the
11 statutes that have been transgressed, we'll say, by the
12 developer?

13 I have other questions. We've had planners
14 that the Township has hired in 2015 -- I know JGSC or
15 something -- about looking at the entire downtown.
16 You've indicated tonight that you're not really using
17 that planner or the information provided by that
18 planner. You've hired a planner about the Ciccolini
19 building. There was money approved more than two years
20 ago, so what are the results of that study? When will
21 they be presented? And is that same planner the
22 planner that you're considering working with in terms
23 of the discussion we had earlier about density and
24 mixed use? And then is that also the same planner that
25 we've been using in terms of the redevelopment of the

1 former LaRoche site or is that the different planner?

2 So I'd like to know who all those planners
3 are, and I'd like to understand timelines in terms of
4 what we've already hired them to do, when plans or
5 responses have been delivered, and if they haven't been
6 delivered, when will they be delivered?

7 There's also the issue of an upcoming Master
8 Plan Revision which will be required by law. So has a
9 Planner been designated? Is it one of the
10 aforementioned planners? If not, when will that
11 planner be designated? What will the process be in
12 terms of hiring that planner? And what's the timeline
13 to execute hiring that planner in advance of revising
14 the master plan?

15 Additionally, in terms of the situation with
16 Meka or any other developer and the -- I guess we'll
17 say the set-aside of Ordinance 3397 at this time, I'm
18 requesting that there be a suspension of apartment
19 development, mixed-use development, or maybe
20 establishing a moratorium until the Town figures this
21 out.

22 And as you're well aware, over 50 percent the
23 voters that turned out at the polls on Tuesday,
24 November 6, 2018, voted "no" regarding referendums of
25 almost \$70 million to expand our schools to address

1 overcrowding. There has been some question in terms of
2 whether overcrowding comes from apartment development
3 of it comes from homes being sold by empty nesters and
4 people moving in that have children. I don't think
5 anyone's done a really clear study on that, but in the
6 absence of study, I am requesting that a moratorium on
7 apartment development be established. And I've run out
8 of time.

9 MAYOR SCARPELLI: Thank you, Ms. Celento.

10 MS. CELENTO: Thank you.

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

13 MR. ALESSIO: Carmine Alessio, 81 East Centre
14 Street. I guess the word would be "reiterate" Amy's
15 comment about the 18 one-bedrooms that were converted
16 to two-bedrooms on -- or at 113 East Centre.

17 I don't see how this was not a known thing,
18 and no one seems to want to comment about it. When --
19 you know, I live right there, and I actually sat
20 through the Planning Board meetings and heard all the
21 testimony in that, and it seems like this was a plan in
22 the making to conduct this type of activity with the
23 making of the one-bedrooms or the studios into two-
24 bedroom.

25 And during the testimony, the Planning Board

1 did stipulate or kind of -- they were kind of firm on
2 they didn't want any of the grassland taken away from
3 the buildings in the back there between B and C. And a
4 year later I heard the jackhammers going, and between B
5 and C there was additional parking made. Now, you
6 know, my concern is the over-development of the area,
7 it always was, and to try to see fit for that zone,
8 even though the Town has the right to, you know, change
9 things accordingly.

10 So my concern is, you know, I went to the
11 Code Enforcement and actually said, hey, what are you
12 doing over there? And no one seems to get any kind of
13 answer except for maybe that we didn't change the
14 footwork of the parking area that went from grassland
15 that was ordered by the Planning Board not to happen.

16 That's one thing, along with the testimony by
17 that contractor and his attorney, was that that parcel
18 of land be a gated community. That didn't seem to
19 happen. Along with the two-carriage road that goes
20 from East Centre Street into the complex that was
21 ordered by the Planning Board to get some kind of a
22 title or disclosure or foreclosure from the County in
23 order to proceed with the project within 45 days.

24 That was swept under the carpet and the
25 project went forward. Like, this is the thing. You

1 know, why am I standing up here? Because it affects me
2 and my community. It affects the property value of my
3 property. It affects my property being served maybe as
4 an entrance to a project like that, which is a multi-
5 million-dollar project to maybe -- you know, I'm there
6 to try to fit in the community and maybe make some
7 money. But, you know, that's okay. You went around
8 me.

9 Now the Planning Board ordered a title search
10 for that property and the attorney was there saying
11 that he would pay back taxes for that, quote/unquote,
12 "Springer Lane" road. And three years after the
13 project was built, Mr. Genitempo went to the County,
14 and the Town of Nutley seems to own that road going
15 into the back there. Now, that affects me. It creates
16 density, which I've been complaining about for years,
17 coming up there between the park.

18 It's like, you know, I'm a part of the
19 community too. We've been here since the 1920s. I'm
20 speculating, just like my neighbor next door has an
21 empty lot with trucks running out of it continuously.
22 So, you know, I mean, like, get your act together.
23 It's supposed to be a two-carriage road on the left and
24 the two on the right that enter this facility. There's
25 a driveway that leads back into the complex on the

1 left. Now, what's my concern? I walk down my driveway
2 when it's empty and I --

3 MR.GENITEMPO: Mr. Mayor, that's five
4 minutes.

5 MR. ALESSIO: I'm aware of it. I got --

6 MR.GENITEMPO: Five minutes is up for
7 you.

8 MR. ALESSIO: Can I ask for 10 seconds?

9 MAYOR SCARPELLI: Wrap it up.

10 MR. ALESSIO: I'm walking down my driveway
11 and cars are going up my -- a car went up my driveway.
12 I almost got hit by a car because the safety issue here
13 is there should be two two-carriage roads there, not
14 one owned by the Town of Nutley, which hinders my sale
15 and is totally illegal according to the Municipal Land
16 Use Act. You're supposed to own the property abutting
17 the road, which they don't own. And the driveway,
18 that's another issue. You can -- there's not supposed
19 to be driveway there. Thank you so much. Have a nice
20 evening.

21 MAYOR SCARPELLI: Yes. Thank you,
22 Mr. Alessio.

23 Anybody else wish to address the Board of
24 Commissioners this evening?

25 MS. DONAHUE: Hi. My name is Emily Donahue.

1 I live at 88 McKinley Street. A lot of the people here
2 already spoke to my concerns which involve multi-use
3 buildings with residential properties. The Ordinance
4 No. 3397 that was tabled for this evening stated that
5 70 percent of the dwellings shall be two bedrooms or
6 more. These apartments will undoubtedly have children,
7 and we are now slated to gain a double-wide stacked
8 trailer at Spring Garden in the fall, as well as
9 additional trailers at Washington School.

10 I know some people spoke of the Referendum
11 Proposal 1, which would have expanded those schools
12 only was voted down by 168 votes at last count. So I
13 wouldn't say that it was an overwhelming no from the
14 town; however, it was voted down at this time. And I
15 just want to know if you have ever considered sitting
16 down with the Board of Education to sort of collaborate
17 on some creative problem-solving to solve this issue
18 that affects a large part of our community, as many of
19 us have children, many of us are children and we need
20 to be fairly educated in safe and proper building
21 spaces.

22 So I'm wondering when this Board and Board of
23 Ed will sit down together and collaborate on some
24 different ideas since the community seems to be in a
25 split over spending more money. Thank you.

1 MAJOR SCARPELLI: Thank you. Anybody else
2 wish to address the Board of Commissioners this
3 evening?

4 MR. WALLACE: Good evening. Glenn Wallace,
5 106 Hopper Avenue. First of all, I'd like to ask is
6 there a policy on the public comment portion of your
7 town meeting? And if there is, I'd like to see that.

8 My first subject is Hoffmann-LaRoche. I'm
9 looking for a number; not a song and dance, just a
10 simple number. With the existing structures that we
11 have there and the occupants that we have now, what
12 will be our tax income for the year 2019?

13 The next subject is our handbook, the
14 Township handbook. Okay? I want to know whose job it
15 is to take care of the handbook, to update it on an
16 annual basis, as it states in the handbook, and why has
17 it been 21 years since that handbook has been updated?
18 And so are we paying somebody to do this? Are they not
19 doing their job? This is the questions I'd like
20 answered.

21 The next subject is Ciccolini. I don't
22 believe everything I read, so that's why I'm going to
23 ask you a question. I did read that that building is a
24 tear-down. If so is it safe for people to be entering
25 that building, which I believe is true?

1 And, lastly, people have been fighting for
2 transparency and accountability for a long time, and I
3 think probably as important as that is respecting
4 truthfulness. And I've witnessed personally the lack
5 of that. I don't have to point out anybody, but I
6 think it's something that really needs to be taken a
7 look at. It makes one wonder what the kind of behavior
8 is behind closed doors with one's mother, wives, or
9 daughters if it's conducted that way here. Thank you.

10 MAYOR SCARPELLI: Thank you, Mr. Wallace.

11 Anybody else wish to address the Board of
12 Commissioners this evening?

13 MS. ROSSI: Tammy Rossi, 28 Colonial Terrace.
14 So just a real quick question about the employee
15 handbook. Is there a conflict of interest policy in
16 that handbook, and is there an anti-nepotism policy in
17 that handbook?

18 Next question, a few meetings ago,
19 Mr. Inglesino had presented his ability to negotiate
20 the requirement for affordable housing down to a number
21 of 55. And while it was celebrated, I heard a comment
22 that we were good until 2025 with that number of 55
23 requirement. Come 2025, will we then be required to
24 fulfill the remaining number of affordable housing
25 units that the State is asking of us?

1 And then my last question is, was a municipal
2 garage placed behind the Ciccolinis? Because I live
3 two blocks up, and I hear the beeping of the trucks
4 backing up at six o'clock in the morning. And I'm an
5 early riser, but I know people -- other people do sleep
6 a little later, and especially on a Saturday. People
7 down on Hillside, their backyards back right up to that
8 garage. Now, I'm just wondering if that's an absolute
9 necessity. Is there any way to minimize that? Pardon?

10 MAYOR SCARPELLI: There's no garage.

11 MS. ROSSI: Is there any way to minimize that
12 noise?

13 COMMISSIONER PETRACCO: But are you asking
14 about a garage also or --

15 MS. ROSSI: There's something -- something --
16 there's trucks that they're making a tremendous amount
17 of noise --

18 COMMISSIONER PETRACCO: Behind Ciccolinis?

19 MS. ROSSI: Back there, yeah, in the wee
20 hours of the morning.

21 COMMISSIONER PETRACCO: I mean, the only
22 garage that I'm aware of is behind Bella Luce's --

23 MS. ROSSI: Oh, maybe that's it.

24 COMMISSIONER PETRACCO: -- where --

25 MS. ROSSI: Maybe that's --

1 COMMISSIONER PETRACCO: -- we have our, you
2 know, the fire department has Hazmat there. And I
3 think there's a --

4 MAYOR SCARPELLI: Yeah, we'll answer it.

5 COMMISSIONER PETRACCO: Okay.

6 MS. ROSSI: I'm just commenting because some
7 residents on Hillside have made comments about it and
8 asked me to bring that to your attention this evening.
9 That's all. Thank you.

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

12 MS. RUBINO: Joan Rubino, 48 North Road.
13 There are so many questions asked tonight, and I only
14 heard, I think, one being answered and that is the last
15 one about the noise. Am I missing something here?

16 MAYOR SCARPELLI: Ms. Rubino, we're going to
17 go through them after public comment portion is over.

18 MS. RUBINO: I don't quite understand that.
19 Now, how was that going to -- how are you going to do
20 that?

21 MAYOR SCARPELLI: I've got a list of the
22 questions as they were asked.

23 MS. RUBINO: And you're going -- we have to
24 sit here and listen to all the answers to the questions
25 that were asked? Is that it?

1 MAYOR SCARPELLI: Correct.

2 MS. RUBINO: Okay. Don't you think it's a
3 little bit easier to do it as they come up?

4 MAYOR SCARPELLI: It would be nice if we
5 asked questions, then we answered questions and we
6 didn't get back into a back-and-forth, but this way
7 we're going to answer everything that was asked.

8 MS. RUBINO: All right.

9 MAYOR SCARPELLI: Anybody else wish to
10 address the Board of Commissioners this evening?
11 Seeing none, could I have a motion to close the public
12 comment portion of the meeting?

13 COMMISSIONER PETRACCO: Move it.

14 COMMISSIONER EVANS: Second.

15 THE CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 THE CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 THE CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 Let's see if we can go through these. The
24 pool, and being sold, I have no information that the
25 pool club has sold. Anybody else have any information?

1 COMMISSIONER EVANS: I'm not aware of any.

2 MAYOR SCARPELLI: Mr. Genitempo?

3 MR. GENITEMPO: No, Mr. Mayor.

4 MAYOR SCARPELLI: As far as the water utility
5 being on the bill list, I think it's been on there for
6 a while. I don't know exactly how long, but it's been
7 on there.

8 Investigations, Mr. Genitempo?

9 MR. GENITEMPO: Yes, Mr. Mayor. I've heard
10 the same rumor, Mr. Mayor, but I am not at liberty to
11 comment on it and I will not comment on it.

12 MAYOR SCARPELLI: Density was brought up a
13 number of times. All I can tell you is we're trying to
14 get that ordinance right. We're going to -- you know,
15 it's very complicated and it's been complicated and,
16 yes, it's been going on a long time. All I can say is,
17 at this point, as the mayor, we're moving it forward
18 and we're going to have something that makes sense and
19 something that we think will not have any conflict with
20 the rest of our zoning ordinance.

21 Anybody else wish to comment on density?

22 COMMISSIONER PETRACCO: I'd like to add
23 something on that if I can. Actually, that has been
24 going back and forth and it is a very complex document.
25 It started when I was the mayor, trying to get that

1 through the channels, and every time you do one thing
2 it seems like it affects another thing. So it's not
3 that anybody here is trying to delay it. At the last
4 commission meeting, or two of them beforehand, when we
5 went to introduce this, I did recommend that we send it
6 to planners and make sure that, you know, we get this
7 exactly right, you know, for the future, but it seems
8 like every time we address one issue, another one
9 arises.

10 And it's not that we're trying to delay. We
11 don't -- you know, like somebody said at the mic, we're
12 the voice -- we're supposed to be the voices of the
13 people here. You know, we're supposed to listen to the
14 people and do what the majority of the town wants, and
15 that's how I run my life as an elected official. But
16 just to kind of wing it at this point, coming this far,
17 you know, it won't stop the development in the future.

18 When we got this information up to us with
19 the 28 units per acre, you know, that raised a
20 tremendous red flag if we're not going to develop in
21 Nutley anymore. And I think that the Zoning Board has
22 been asking us for a long time to get this done so
23 they're not making these big decisions in town of how
24 many apartments should go on a property, so forth and
25 so on. And I think it's our obligation, you know, to

1 reach out to the professionals, because I'm not a
2 professional planner myself, and I want to make sure
3 that that document is spot on moving forward, that we
4 are not on putting a lot of pressure on our Zoning
5 Board or our Planning Board members to make these
6 decisions that really impact the town immensely in the
7 future.

8 MAYOR SCARPELLI: Commissioner Tucci?

9 COMMISSIONER TUCCI: Can I also address that?
10 Yeah, we've been doing this for far too long, in my
11 opinion, but we do need to get it right. There are
12 many items that are contained in that ordinance that I
13 do not agree with. All right? And I'd like to hear
14 what the rationale is, all right, from what
15 professionals as to why things are in there. And I'll
16 give you a couple of examples.

17 The number of two- and three-bedroom
18 apartments that are called for in that I don't agree
19 with. The density at 28 I do not agree with. All
20 right? I'm not a proponent of more multifamily
21 housing. All right? So I want to make sure that we
22 protect the town moving forward and we don't over
23 develop and we have folks moving in who are planting
24 shallow roots and will move out. All right?

25 We've been known for years and years as a

1 community that has deep roots, all right, parents,
2 children, grandchildren, and so forth and so on,
3 staying here, establishing themselves here and keeping
4 this the community it is. So I know it's been a long
5 time, far too long, all right, and I'm sure there are a
6 lot of good reasons. I don't know what they all are,
7 all right, but we will do it and we will get it right.
8 And once my questions are answered, then I will respond
9 accordingly.

10 COMMISSIONER EVANS: Just -- I don't want to
11 repeat what Commissioner Tucci just said because I
12 think it was a very good summary of not just his
13 concerns, but actually the concerns of the Board of
14 Commissioners. It was raised that I sit on the
15 Planning Board. And I sat on the -- I only sit on the
16 Planning Board recently. When the matter was discussed
17 at the Planning Board level, it was at a time when
18 there was more vocalness on the part of residents to
19 want this ordinance brought forward and a
20 recommendation from the Planning Board brought forward.

21 There were questions that needed to be
22 resolved at the Planning Board level, but in the
23 interest of actually trying to expedite this, was to
24 move it from the Planning Board because ultimately, in
25 order for anything to be adopted in the town, it has to

1 be done by ordinance by this Board. So by actually
2 moving it from the Planning Board with several open
3 questions, we're actually getting it to the final
4 destination where a determination could be made.

5 It has been raised several times about the
6 planners and, yes, there is a planner for the Planning
7 Board who is specifically hired to address Planning
8 Board and Zoning Board applications for subdivisions,
9 variances, and so on, and who also assisted some of the
10 development of the mixed-use recommendation. But
11 bringing it to the Board of Commissioners, recognizing
12 that over the past few years there's been a
13 redevelopment of what I would characterize as
14 distressed properties in town, and so it's very
15 important for us to determine what the impact is on the
16 town of any continued development, which is why we have
17 requested a planner to actually take a very
18 comprehensive look at what the ordinance requires.

19 So in addition to what Commissioner Tucci
20 said, there is one thing in the ordinance that says
21 that you have to have side yard setbacks on Franklin
22 Avenue, basically 3 feet on one side or 4 feet on one
23 side, 10 feet on the other, or 14 feet. How do you, on
24 Franklin Avenue, put 14 feet between buildings?
25 They're all connected. So you actually turned -- if we

1 were to adopt the ordinance with that provision still
2 in there, that would make every business on Franklin
3 Avenue a nonconforming use.

4 So there are things that are technical in the
5 ordinance that we want to make sure that are corrected,
6 in addition to what should be the size of an apartment,
7 what should be the mix between one- and two-bedrooms,
8 and what should be the number of units that would be
9 allowed per acre. We are all very concerned about
10 that, and so therefore we've asked for professional
11 input so that we can actually make a better decision.

12 MAYOR SCARPELLI: Next were the term limits,
13 and we look forward to Commissioner Rogers coming
14 forward with his resolution. The Meka properties --

15 COMMISSIONER EVANS: Just one thing on the
16 term limits. We're going to have to investigate
17 because, for example, with the library board, there's a
18 state statute that says that library members are
19 appointed to a term of five years and they're appointed
20 by the mayor. So there has to be clarity around if a
21 ordinance was -- as suggested, was to be introduced,
22 would that violate state statute. And so we've asked
23 questions to start to get better clarity around what
24 are the state statutes around board appointments, not
25 just at the Library Board but also at the Zoning Board

1 of Adjustment and the Planning Board.

2 MAYOR SCARPELLI: Mr. Genitempo, you want to
3 clarify anything on the Meka properties and where that
4 is?

5 MR. GENITEMPO: Yes. Just one second on what
6 Commissioner Evans just said. We're doing research on
7 the Land Use Act and also the Library Board Act to make
8 sure what the situation is relative to term limits.

9 With regard to the Meka properties, I can
10 report that a letter has been delivered to Mr. Meka
11 advising him of his violations, the Township's position
12 legally on the issue. We're waiting for a response, at
13 which point we'll take additional action, if necessary.
14 We've had an opportunity to vet all the investigation
15 issues, and hopefully this will move forward much
16 quickly -- much more quickly now and see if we can get
17 a resolution that the town is agreeable to. So I can't
18 reveal the details of it. Obviously, it's a potential
19 litigation still, but at least I can report on that
20 issue.

21 MAYOR SCARPELLI: Thank you, Mr. Genitempo.

22 Commissioner Evans, do you want -- JVC, they
23 weren't really a planner, were they? They were --

24 COMMISSIONER EVANS: No, they were -- that
25 was part of the study that was done to survey the

1 inventory of retail properties in town, as well as the
2 vacancies in town, as well as to survey the population
3 as to their -- what they wanted to provide in terms of
4 feedback to us in terms of the issues.

5 They did summarize in their report several
6 recommendations, one of which related to signage,
7 way-finding signs, not just on Franklin Avenue, but
8 also on the -- actually the perimeter of the town; some
9 recommendations as to ordinances as to retail space
10 standards, so how to create a common look of retail
11 space.

12 They did note that to create an effective
13 corridor effect to a business area, that it was
14 important in today's environment to increase allowable
15 density in the -- and so increasing the density
16 available on Franklin Avenue, which we have significant
17 concerns about.

18 They did raise a recommendation about
19 establishing with the Chamber of Commerce a special
20 improvement district, which would entail a hiring of a
21 manager for the business district to actually do the
22 work to, in effect, promote the business area, as well
23 as look at the various types of businesses that we
24 would look to seek to have occupy the space in our
25 business districts around the town.

1 We have had great -- we've had previous
2 discussions regarding the Special Improvement District,
3 and with the variable out there at the time related to
4 Hoffmann-LaRoche, that was -- that's been held until we
5 have greater clarity.

6 MAYOR SCARPELLI: It was asked about the
7 planner for Ciccolini, on the density, and
8 Hoffmann-LaRoche. Yes, that's one planner, that's
9 Topology. They're the ones that have been working on
10 Hoffmann-LaRoche and the density and looking at
11 Ciccolini property.

12 Master plan revision, I know of no going
13 forward with a master plan revision at this time.

14 COMMISSIONER EVANS: It's required by law to
15 be reviewed every ten years. The last time it was -- a
16 comprehensive review was completed was in 2012, so it's
17 due for another comprehensive review in 2022. And at
18 such time, when the preparation is to do that, the -- a
19 planner will be hired to provide that special service.

20 I recall the last time we hired -- the
21 Planning Board hired a planner, it cost \$50,000 to do
22 that. We're obviously prepared to support that, but
23 the timing is it's required by statute every ten years.

24 MAYOR SCARPELLI: Moratorium, the legality of
25 a moratorium, I think Commissioner Tucci is still

1 working on a white paper on that subject.

2 COMMISSIONER TUCCI: That is correct. And
3 I'm in the final stages of that and I would like
4 nothing better than to have this Board issue a
5 moratorium, and I know that's a sentiment of many
6 members here. All right? However, we are not at
7 liberty to do that. It is, in fact, illegal to do
8 that. All right? So that's where we stand with that.

9 And just one more comment on the Ciccolini
10 building. Commissioner Evans did a fine job of
11 bringing everyone up to date as to where we are. Once
12 we get the results of Topology's review and their
13 recommendations, we obviously will move forward. We
14 have many needs, all right, on Franklin Avenue, ranging
15 from parking to better shopping and better utilization
16 of space. And there are several folks who are, in
17 fact, interested in purchasing that building, the same
18 as -- and I don't want to raise this up, but I will,
19 the old bike shop next to the middle school. I will be
20 corresponding in the very near future with the Board of
21 Education because, as you recall, we purchased that
22 building for them, all right, so that there wasn't some
23 other use in there that would preclude them from
24 expanding the middle school and helping to alleviate
25 that space problem. So I believe they do have the

1 funding in place and I will verify that, and we will be
2 looking to sell that to the Board of Education so that
3 they can use it in the future to alleviate their space
4 problem.

5 MAYOR SCARPELLI: Thank you, Commissioner.

6 COMMISSIONER TUCCI: Thank you, Mayor.

7 MAYOR SCARPELLI: Talked about the referendum
8 and us communicating with the Board of Ed. We
9 communicate with the Board of Ed on an ongoing basis.
10 You can look at their demographers, at the
11 demographer's report. They've had two demographers or
12 two reports on -- that I think are pretty accurate on
13 what's going on in the town. And it was also brought
14 up about mixed use and their impact, and I don't want
15 to say mixed use doesn't have an impact because that
16 would be false, but if you look at Spring Garden where
17 a young lady back there brought up about having the
18 trailer next year, there's no mixed-use buildings in
19 the Spring Garden area and we have overcrowding issue
20 there. So there's other issues besides mixed that
21 we've gone over in the past, a full day kindergarten,
22 Special Education, turn over of one-family homes, all
23 impacting on our overcrowding issue.

24 COMMISSIONER PETRACCO: I'd like them just make
25 one more comment on that, if I may, Mayor.

1 MAYOR SCARPELLI: Sure.

2 COMMISSIONER PETRACCO: You know, as far as the
3 Board of Ed and the trailers that you brought up, and I
4 happen to have son at Spring Garden, a fifth grader,
5 and I have two kids that -- excuse me -- that went
6 through there. And I think that the referendum, the
7 feeling that I get from the people of the town, is
8 that, you know, the \$70 million is a lot of money. And
9 I know we're not far apart.

10 The thing that I was looking for with this
11 referendum, and even before the referendum with these
12 trailers, because I don't think anybody here wants to
13 see trailers, but I think that what the people are
14 looking for is options that -- not if it's -- if a
15 \$70 million referendum doesn't pass, well, what is the
16 option? A trailer. To me, that's not a good enough
17 answer. I think that we have to, you know, figure
18 things out rather than just put trailers in front of
19 these schools and, you know, and have a long-term plan
20 in place.

21 And it's not a stone thrown at the Board of
22 Ed because I know they've worked very, very hard on all
23 these issues and trying to get it passed, but just to
24 say that, you know, if these referendums don't pass,
25 there's no other options, I think that there's always

1 options. And I think that we owe it to the public and
2 the taxpayers here to research every possible option
3 that we could have to fix these problems. And, like
4 Commissioner Tucci said, when we bought and purchased
5 the Bike Shop, you know, we had intentions that, you
6 know, we were going to be able to, you know, do
7 something.

8 So moving forward, I still think that there's
9 going to be extra funds needed to solve the problem.
10 You know, a lot of people -- I have this discussion in
11 my store every day, you know, about, you know, the
12 referendum, about school population, about the
13 building. You know, when we developed the sections of
14 Nutley that we did, you know, and especially when I was
15 the mayor at the time, it was one-bedroom apartments.
16 And when I graduated in 1983 here in Nutley, I believe
17 my graduating class was over 550 kids. You know, now
18 we get about 350 graduating here. So, you know, the
19 future of the demographer, Mayor, and, you know, which
20 the mayor brought up, you know, these are work in
21 progress.

22 You know, there's a lot there's a lot of
23 different views on it, but the only thing that I'm
24 looking for, as a commissioner and as a taxpayer, is
25 this more options rather than it's, you know, it's this

1 referendum on trailers.

2 MAYOR SCARPELLI: Thank you, Commissioner.

3 Next was 113 East Centre and Springer Lane. I
4 don't know if we have any information on that.

5 Mr. Genitempo, do you have --

6 MR. GENITEMPO: Yes, Mr. Mayor. We do
7 actually have title to that. Part of the resolution
8 originally was to require the developer to buy that
9 through the township. And that's still -- that's one
10 of the issues that we're still looking to resolve with
11 the developer. So it has not been resolved yet, but it
12 is one of the requirements of the Planning Board.

13 MAYOR SCARPELLI: And --

14 COMMISSIONER TUCCI: Mayor, if I might.

15 MAYOR SCARPELLI: Sure.

16 COMMISSIONER TUCCI: So was that one of the
17 violations that were --

18 MR. GENITEMPO: Yes.

19 COMMISSIONER TUCCI: -- included in that
20 correspondence?

21 MR. GENITEMPO: Yes, absolutely.

22 COMMISSIONER TUCCI: Okay. Great. Thank you.

23 COMMISSIONER EVANS: It's a compliance
24 violation with the resolution.

25 MAYOR SCARPELLI: That was brought up about

1 the 70 percent of two-bedroom in the mixed use
2 ordinance. And I don't -- I'm not going to -- I'll
3 speak for everybody. You guys can -- none of us are in
4 favor of 70 percent two-bedroom.

5 (Simultaneously speaking)

6 MAYOR SCARPELLI: None of are in favor of
7 that. And that's one of the -- it's one of the issues
8 that needs to be resolved.

9 Tax income from Hoffmann-LaRoche, I don't
10 know if anybody has that off the top of your head.

11 COMMISSIONER EVANS: Sure. The -- today, the
12 2018 tax revenue for all of Hoffmann-LaRoche, which is
13 the existing buildings and the land is \$4.3 million.
14 In 2013 when Hoffmann-LaRoche announced that they were
15 closing the property, the revenue at that time was
16 \$10 million.

17 So the demolition of many buildings on the
18 Nutley side, plus the change in the use of the property
19 under law, we had to adjust the assessed value of the
20 property from \$313 million down to \$126 million, or
21 roughly a \$187 million reduction in a commercial
22 ratable. The loss in revenue was projected to be
23 \$6 million that we, as taxpayers, would have had to
24 absorb.

25 Recognizing that, we went to the State and

1 actually wrote modifications to the existing
2 Transitional Aid definition that actually allowed a
3 town like Nutley to be included in the Transitional Aid
4 discussion, because absent the impact at LaRoche,
5 Nutley did not qualify for aid under the state formula
6 because our -- of two things: Our median income of the
7 town as well as the assessed values of our property.

8 And, in fact, in the negotiations that I was
9 involved with this year, when pushing for aid, I was
10 told that on the list of communities that it was in
11 need of aid, Nutley ranked number 323 on the list. So
12 because of what we did in 2013 to change the
13 Transitional Aid formula to include the departure of a
14 major commercial ratable from the State of New Jersey,
15 we qualify for aid on that basis. It had to be 50
16 percent of commercial ratable and at least 9 percent of
17 our tax levy in order to qualify for aid, and it had to
18 leave the state.

19 Hoffmann-LaRoche qualified for that. As a
20 result, we've been able to get state aid -- additional
21 state aid each year. So in 2014 we got \$2.7 million
22 because of the adjustments, in 2015 and '16 we got \$5.5
23 million each year, in 2017, we received
24 3.6 million, and for the current year we received
25 4.1 million. So each year that aid money is covering

1 what that loss is on the Town.

2 We also had the benefit of the new
3 development in town, which, in and of itself, is
4 providing annually \$2.2 million of new ratables. So
5 absent the state aid, absent the new ratables in town,
6 the amount of taxes we would have to consider raising
7 or look at cost avoidance increase would be \$6 million,
8 which we've been avoiding since 2014. And we continue
9 to work through that each year in order to help us get
10 to the point where the conversion of the
11 Hoffmann-LaRoche property from where it is today to
12 what it will become generates the -- some of the tax
13 revenues that we lost so that the taxpayers of Nutley,
14 the residential taxpayers, did not have to absorb those
15 costs.

16 So it's very complex. There is, to be clear,
17 because -- but in full disclosure, there is a tax
18 appeal that's pending on the property from the
19 developer for years '16, '17 and '18 to try and take
20 the 126 million that it's currently assessed at and
21 lower it, which would increase the shortfall of revenue
22 until it is transitioned.

23 So the other thing that we face is, just like
24 we looked at with the medical school, in order to allow
25 a medical school to be established on that property, we

1 negotiated, insisted, that the building be subject to
2 tax;, that the medical school only occupies four floors
3 of the building so that the pilot agreement for it only
4 cover four floors of the building and not the rest of
5 the property; but the pilot agreement itself had to pay
6 100 percent of the municipal and school tax which is --
7 which we required.

8 Pilot agreements normally do not pay school
9 tax because they did not contribute to the schools in
10 any way. In Nutley, we insisted that the taxing
11 agreement include full local taxation. What's more is
12 we insisted full local taxation from a hospital and a
13 university, which historically do not pay any taxes at
14 all. So we have a taxing agreement in place for the
15 medical school for the four floors. The rest of the
16 property, subject to the medical school, is subject to
17 regular taxes like everyone else.

18 We are in the process of negotiating a pilot
19 agreement on Building 1, which is the building that
20 will be occupied by Ralph Lauren, on the same
21 principle, that they must pay the full extent of the
22 municipal and the school tax. The reason why I'm not
23 saying the county is because, under pilot law, only 5
24 percent is paid to the county; the rest of it's not
25 paid. So what we are negotiating is the fact that

1 whatever the taxes are, Nutley gets 100 percent of its
2 share.

3 Again that same position is the building and
4 the business of Ralph Lauren does not add school
5 children to the school system. Maybe people living in
6 town who work there might, but the building itself
7 doesn't. But we're insisting on full local taxation,
8 and we'll continue to have that posture. The reason
9 for that is we need every penny we can get to reverse
10 the negative effect of the departure of
11 Hoffmann-LaRoche and the demolitions that have occurred
12 on the property.

13 So I know that's more than what you had asked
14 for, Glenn, but I thought it was valuable to give you
15 that fuller picture.

16 MAYOR SCARPELLI: Thank you, Commissioner.

17 The employee handbook, we actually received a
18 draft tonight, along with policies and procedures for
19 supervisors, and that's under review by the Board of
20 Commissioners. And we should be passing a resolution
21 adopting that perhaps at the next meeting.

22 It was brought up about the Ciccolini
23 building being a tear-down. I'll let Commissioner
24 Tucci speak on the condition of the building, but I
25 think that was in the context of could it be used as a

1 school building, and so --

2 COMMISSIONER TUCCI: Yeah. The Ciccolini is
3 obviously in need of some repairs and was, in fact, in
4 need of some repairs when the Ciccolinis occupied it.
5 There are some leaks on the roof. I do not believe the
6 building is structurally unsound. If it was to be used
7 in the present square footage that's there, yes,
8 absolutely, it would need to be -- it would need to be
9 improved. A tear-down, that's very subjective,
10 depending on what the use will be moving forward. And
11 that parcel is large enough where, I believe, we can
12 get several different uses that will be beneficial to
13 the town.

14 And, Mayor, if I might, I just want to
15 digress for one minute, just to follow up on what
16 Commissioner Evans was just talking about as far as
17 taxes. And I totally agree with Commissioner Petracco
18 on the school board referendum for that house assessed
19 at \$313,000 that we joke about all the time. I believe
20 the increase --

21 COMMISSIONER PETRACCO: Three twenty-five.

22 COMMISSIONER TUCCI: Three twenty-five, I'm
23 sorry. Thank you. I believe that increase would have
24 been about \$394, \$395 for both proposals. For many of
25 us that's not a true figure. I can speak for myself.

1 All right? I know it would have been at least double
2 that. All right? And that's before you get the normal
3 increases. So my increases moving forward for the next
4 15, 20 years however -- however long -- excuse me --
5 however long they went out for those bonds, would have
6 probably been in excess of a \$1,000 a year. Okay?

7 Do we need to address this space issue? We
8 absolutely need to. And while my baby is now 33 years
9 old, he has two babies and one baby on the way of his
10 own coming into this world, as well as a bunch of other
11 grandchildren that I have, about seven others, all
12 right, who are either going to the pre-kindergarten
13 class or attending regular school here and here in
14 Nutley. And we need to address it.

15 But just a regurgitation of basically what
16 that last referendum was is not the answer. Okay? I'm
17 going back and I'll speak to the one comment that the
18 other -- Mayor Scarpelli made years ago.

19 I think we needed to take baby steps. To try
20 and bite off \$70 million dollars in a referendum, all
21 right, with Hoffmann-LaRoche not being fully developed
22 yet, all right, and with a lot of variables still being
23 out there, I'm not so sure it was so realistic.

24 People in Nutley are very smart. All right?
25 And people in Nutley like to stay here, but it needs to

1 be affordable. All right? That was not an affordable
2 option. And I totally agree that we need to address
3 that space issue. We need to correct it. But the
4 options that were presented, all right, again was not
5 the right option.

6 And as far as collaboration with the Board of
7 Education, all right, we've collaborated on many
8 different things. We're presently in the process of
9 trying to collaborate on DeMuro Park because that track
10 in that entire field, which we co-own with the Board of
11 Education, is in need of an upgrade. And that'll be
12 somewhere north of a half a million dollars, all right,
13 to do that. The Oval is in desperate need of
14 improvement.

15 And then Mayor Petracco and myself went
16 before the Board of Education and said, let's find a
17 way where you can sign it over to the Township so that
18 we can apply for different types of funding, whether
19 it's Green Acres funding -- whether it's open space
20 funding, whether it's foundation funding -- that they
21 are precluding from for -- to apply for, all right, so
22 that not because we were looking to take ownership of
23 anything; because we want to improve it. It's in the
24 center of our town. It's a centerpiece. All right?
25 It's the first impression many people get of our town.

1 All right? So we need to do these things. All right?

2 We had an election yesterday. I'm sure
3 everyone is aware of what the results were, and we have
4 fine people serving. We have three fine people coming
5 into office, all right, and I hope that the influence
6 of the new people, all right, will have an influence on
7 some of the folks who have been there and we can move
8 some of these things forward and we can continue to
9 improve this town.

10 You didn't elect any of us to sit here and to
11 be quiet and to be conservative to assure reelection at
12 the next cycle. All right? That's not why we're here.
13 We're here to represent you. We're not here to be
14 disrespectful, we're not here to hide anything from
15 you, and we're here to work with everyone we can work
16 with to make this town the best it could be because I
17 don't think any of us here are looking to go anywhere.

18 So that's my position. And I know many of
19 the commissioners -- not all the commissioners agree
20 with that position, but we need to come up with smarter
21 answers and better options to address the problems that
22 we have. Thank you, Mayor.

23 MAYOR SCARPELLI: Just on the referendum, no
24 secret I supported the referendum, but that was the
25 only option out there. And so we need to address the

1 overcrowding issue, and I supported it. I do believe
2 that the people have spoken twice now, so we need a
3 different approach.

4 COMMISSIONER TUCCI: Approach. Absolutely.

5 COMMISSIONER EVANS: Yeah. So just since
6 we're all commenting on it, I will. One, just what the
7 Mayor said and what everybody has talked about, the
8 public has come forth and said you put this in front of
9 us twice. We don't like it. So to try and put in
10 front of them again wouldn't be wise.

11 So Einstein said the definition of insanity
12 is doing the same thing over and over again, expecting
13 the outcome to be different. You know, I think twice
14 is enough to know the outcome won't be different. It
15 does, to your point, ma'am, is give an opportunity to
16 look at the situation and actually, as Commissioner
17 Petracco said, look at solutions, right?

18 Excuse me, Carmen. So the things that I
19 think are important to keep in mind is the notion that
20 the schools are overcrowded, and to suggest that the
21 overcrowding is exclusively attributed to new
22 apartments in town I think is misleading.

23 I think there's an opportunity now, without
24 the referendum on the table, is actually to do a --
25 have a thoughtful discussion around what actually is

1 causing the overcrowding in the schools. When you look
2 at the fact that, in 2007, the school system, at least
3 in 2007, changed half-day kindergarten to full-day
4 kindergarten.

5 Using the same infrastructure, the same
6 classrooms meant there was less classrooms available
7 for other uses because now they were available for
8 kindergarten students all day versus part day, at the
9 request of residents who said, hey, it's a hardship on
10 us to figure out what do I do with my child for half a
11 day. It's very expensive to do that, and we're trying
12 to make a living. So the school system responded to
13 that and went to full-day.

14 There's nothing that we at the local level
15 will ever be able to do about changing unfunded federal
16 mandates around a range of things including special-
17 needs children. The occupancy of our classrooms for
18 special-needs children is about 17 percent of the
19 population. The classroom that can handle 20 kids, 30
20 kids, right, which historically, when I was there,
21 handled over 35 kids by federal law can now only have X
22 number of kids in there and needs a teacher and a
23 special-needs teacher. And those numbers are generally
24 less than 10.

25 So in order to make sure that you're using

1 classroom space which is commingled -- so sometimes
2 it's separate, sometimes it's together -- right, that
3 we have to figure out that says how do we now figure
4 out how to do something with our infrastructure because
5 the existing infrastructure can no longer stretch to
6 absorb that. And those laws aren't changing.

7 One that doesn't get addressed enough is the
8 complexity of school curriculum. When I was in school,
9 what we knew of in science about the solar system was
10 that Pluto was a small planet on the end. It was the
11 little one. It was called the junior planet. Today
12 children are learning so much more about science and
13 math, and English has an integrated curriculum that the
14 certification requirements on a teacher and the
15 complexity of curricula has changed that basically says
16 I need smaller classroom size and more contact time as
17 a teacher with those students.

18 Again, when you have the -- even with the
19 existing population, you're saying, under the same
20 number of classrooms, I want to put fewer kids in each
21 room, which means simply is same population, fewer kids
22 in each room, special-needs limitations. There's not
23 enough classrooms to make the space work. It has to be
24 addressed. The question is how. And I think what
25 we've all learned is that the solution that says

1 simply, we want to build more bricks-and-mortar to
2 expand the space at the prices that are at a cost today
3 is something that the residents of the township have
4 said no to.

5 I have raised with the state a question that,
6 given the advancements in technology and child
7 development -- I was Chief Learning Officer for my firm
8 for many years, and I raised the question that says, as
9 an option to what Commissioner Petracco raised that
10 says if we were able to advance the use of technology
11 and use the computer more to help children learn and
12 meet their development requirements, how would we
13 change the use of classroom space?

14 Would we need, for example, not 20 small
15 classrooms but maybe we might need five larger rooms
16 that are technologically outfitted to address the needs
17 of those students, and do it in a way that's very
18 productive and basically drive to a greater immersive
19 learning.

20 The State has not considered yet -- State
21 Board of Education has not considered yet what the
22 impact is of today's technology on the development of
23 students, and they are still mandating traditional
24 classroom structures and infrastructure. So there's a
25 gap, so -- and so one of the things that we have now as

1 a town to look at and actually think about is what can
2 be done in the short term so that there might be a
3 better solution coming up in a few years that could
4 help us address the long-term needs of our
5 infrastructure. Because the worst thing that we want to
6 have happen is, 10 years from now, turn the annex
7 building that's being proposed by the school into
8 self-storage. Because technology has advanced and child
9 requirements have changed.

10 There's so much that's out there around child
11 development and technology that hasn't been explored
12 yet that would create significant changes in
13 educational options that needs to be explored. And I
14 think we have to pursue that very vigorously with the
15 Board of Education as well as with the State Board of
16 Education to advance the proposition of a different
17 solution.

18 COMMISSIONER PETRACCO: I have to tell you,
19 Commissioner Evans, I think you're spot on with the
20 future and, you know, when we take these bonds and when
21 you talk about technology and how they're going to be
22 teaching 20 years from now, just like I never thought
23 there would be online courses for college students.
24 And, you know, when you approve a referendum, start
25 changing these buildings around, and you're bonding

1 that money over 20 years or however long they were
2 going for, 20 years from now -- just like I never
3 thought there would be driver-less cars -- well, guess
4 what, you're talking about truckdrivers being out of
5 work because of that technology.

6 And I think it's a big investment. I've
7 heard a lot of voices on this. You know, people that
8 could afford to pay their taxes and support the
9 children, and I think having children go through the
10 Nutley school system, I'm very pro-child in education,
11 but if you don't have the money and you're going to be
12 forced to move out of your town, especially your senior
13 citizens here because you can't afford it, you know.
14 And not to -- and I understand your point, and I have
15 kids, but my thing is, you know, up here I think we
16 have to strike a balance where it affects everyone in a
17 positive way, not just that the seniors are getting
18 priced here and not that our kids aren't getting the
19 proper education.

20 But, Tom, I just want to commend you because
21 I think that the way they're going to be teaching 20
22 years from now is going to be very different than the
23 way they're teaching today.

24 MAYOR SCARPELLI: Content of the employee
25 handbook. I just got mine tonight, so I really can't

1 comment. Mr. Genitempo?

2 MR. GENITEMPO: Mr. Mayor, there's a
3 significant provision regarding conflicts of interest
4 and ethics. There's also a nepotism policy in the
5 personnel policy procedure manual, to answer that
6 direct question.

7 MAYOR SCARPELLI: Thank you. It was brought
8 up about the affordable housing and --

9 MR. GENITEMPO: I can answer that, too, if
10 you want.

11 MAYOR SCARPELLI: -- what happens in 2025.

12 MR. GENITEMPO: I can answer that, Mr. Mayor.
13 Our settlement with COAH will take us to that year.
14 Nobody really knows what's going to happen in 2025,
15 what the requirements will be. We still have a need,
16 and according to the law, but we expect the legislature
17 to take action or at least the court at some point. So
18 we have no idea of knowing what our obligation may be
19 in 2025. There could be no obligation, or it could be
20 an obligation. We just don't know.

21 MAYOR SCARPELLI: And then Ms. Rossi asked
22 about the trucks behind Ciccolini. There are two
23 trucks and a food truck that park behind Ciccolini's.
24 They had existing agreements with Mr. Ciccolini that we
25 have honored, and once there's a disposition of the

1 Ciccolini property, I'm sure they'll be gone.

2 And the only thing else I want to say is
3 that, you know, here on the Board we try to be
4 respectful of everybody. We try to be attentive to
5 everybody. Sometimes our emotions get the best of us,
6 and I apologize for anything that any of us do up here
7 that people take offense to. And that's all I have
8 tonight.

9 MS. CELENTO: (Indiscernible) several
10 questions that (indiscernible).

11 MAYOR SCARPELLI: Go to the --

12 MS. CELENTO: Thank you. Hi, Amy Celento,
13 70 Newman Avenue.

14 MAYOR SCARPELLI: I think I answered most of
15 them, though, Amy.

16 MS. CELENTO: I understand you consolidated
17 some. I do also want to say that this format requires
18 anyone watching the recorded video to watch all of the
19 questions and all of the answers. So in terms of
20 transparency, and we'll call it Open Public Meetings
21 Act, you do, I believe, according to the Act, have the
22 right to set the definition for open public comment.

23 You didn't do that in advance of this
24 evening, and matter of fact you changed the format
25 midway through the meeting, and you've created a

1 situation where people are now obligated to watch quite
2 a lengthy video and to try to tie back each question to
3 each answer. So I just want to say that.

4 And my two questions, which I feel were not
5 answered, is regarding the Meka investigation. I
6 specifically asked about our Town Prosecutor's
7 involvement because there are violations to statutes. I
8 understand that in the addition of 18 basement
9 apartments at the East Centre Street property, that
10 it's been previously mentioned by Commissioner Evans
11 that there were permits issued in terms of the
12 apartments that supposedly were converted after the
13 fact according to what Pat Intindola said at the
14 February joint meeting between all of the
15 aforementioned boards that I've mentioned already.

16 He said, oh, those must have been converted
17 after certificates of occupancy were issued. He said
18 that to me. I was sitting right behind him. He turned
19 and asked me what buildings I was talking about. I
20 can't verify if those apartments were converted into
21 two-bedroom. All I know is that I toured those
22 apartments and they sure as heck didn't look converted.
23 They looked to be built to specifications. Either way,
24 the developer broke the law on multiple apartments, and
25 he is subject to fines. Any of us who break the law

1 are issued summonses. We might be arrested. We are
2 given our day in court.

3 So I am asking why, for those specific
4 apartments, there have been no charges filed through
5 our municipality's prosecutor's office. I asked that
6 question and I would like an answer.

7 MAYOR SCARPELLI: (Indiscernible).

8 MS. CELENTO: That's my first question that
9 wasn't answered.

10 COMMISSIONER EVANS: May I address that
11 briefly?

12 MAYOR SCARPELLI: Sure, Commissioner.

13 COMMISSIONER EVANS: I did -- I had just to
14 just answered with counsel.

15 MS. CELENTO: I'm sorry, I can't hear you.

16 COMMISSIONER EVANS: I just had to ask
17 counsel a question before --

18 MS. CELENTO: Oh, okay.

19 COMMISSIONER EVANS: -- I answered your --
20 tried to answer your question, to the extent that I'm
21 able to answer it, okay, because I'm being guided by
22 legal counsel as to what I can say.

23 I have talked about this at previous meetings
24 regarding the conversion of an apartment that had --
25 was supposed to have one bedroom versus two.

1 Specifically to your question, when that occurs, the
2 violation, the nature of that permit violation, because
3 that's what it is, it's a permit violation, and the
4 permit said one bedroom, they put in two.

5 Those specific violations are actually
6 covered under the Uniform Construction Code violation
7 section.

8 MS. CELENTO: Yes.

9 COMMISSIONER EVANS: Those violation notices
10 are issued through that construction office, and in the
11 event the person does not correct the violation, a
12 summons would be issued and then they would have to go
13 before the Municipal Court, which would involve the
14 court system and the Prosecutor.

15 So as Mr. Genitempo said tonight, a letter
16 was issued to the to the owner, which included all of
17 the violations and the things that have to be
18 addressed. We're waiting for his attorney to respond
19 to what action he's going to take. All right? We are
20 not asking for what would be the traditional fine under
21 the Uniform Construction Code. A permit violation
22 under the Uniform Construction Code simply says that
23 for each violation, the fine is \$2,000.

24 MS. CELENTO: Per day?

25 COMMISSIONER EVANS: No, that's not the

1 construction code.

2 MS. CELENTO: Okay. 've actually read that,
3 and I will ask that that be published or provided.

4 COMMISSIONER EVANS: It's the -- in our --
5 it's actually --

6 MS. CELENTO: If it's truly separate, if
7 construction code is truly separate --

8 COMMISSIONER EVANS: Absolutely.

9 MS. CELENTO: -- from the statute that
10 addresses a violation.

11 COMMISSIONER EVANS: You're referring to two
12 things, and I want to clarify that. The Uniform
13 Construction Code has provisions in it, and it's the
14 State Uniform Construction Code which is followed.
15 What you're referring to is a local zoning ordinance
16 which includes a violation which could become a daily
17 violation.

18 MS. CELENTO: Okay. So why wouldn't a local
19 ordinance be applied in --

20 COMMISSIONER EVANS: So I'm answering --

21 MS. CELENTO: -- the municipality?

22 COMMISSIONER EVANS: Your question is a
23 letter has been issued to the owner of that property
24 listing all of those violations, and there is going to
25 be a sit-down to address that, and there will be a

1 discussion of a course of action once his attorney
2 responds to us as to his response to the violations.

3 MS. CELENTO: Okay. So I appreciate that and
4 I understand you don't want a back-and-forth, but I
5 will say this. We were told in June that a letter had
6 been issued.

7 MR. GENITEMPO: Let me answer your question.

8 MS. CELENTO: No, I'm sorry. It is November.

9 MR. GENITEMPO: But I want to answer your
10 question. Okay? Your question presupposes that these
11 are criminal violations. They're not. They're
12 violations --

13 MS. CELENTO: They're violations.

14 MR. GENITEMPO: Let me finish. The -- there
15 were violations issued regarding the two-bedrooms that
16 were converted originally. Those issue -- those summon
17 -- those violation notices were submitted. Because this
18 is a much bigger issue than a normal zoning violation,
19 you know, most of the time it's -- we find out an
20 apartment in the basement or something and we issue it.

21 MS. CELENTO: Right.

22 MR. GENITEMPO: It ends up at the Municipal
23 Court and it's resolved by way of compliance. Okay?
24 So in effect we're really doing the same thing but on a
25 much larger scale. I don't want to get into the

1 details because I've had private conversations with
2 you, Ms. Celento, on it and I've tried to answer your
3 questions as best I can. But it is a potential
4 litigation matter, and whether it ends up in court or
5 in a resolution, trust me, we are handling it in a very
6 serious manner. The conversion of the twos back to
7 ones will be required and they've already started. And
8 so, you know, it's not a normal case, and therefore
9 it's not -- it's being handled like it but on a much
10 larger scale.

11 MS. CELENTO: Okay.

12 MR. GENITEMPO: So I just want it be clear,
13 and I didn't say you that you were saying it, but I
14 think there's an implication that somehow this is a
15 criminal matter and it's not. It's a -- it could be a
16 violation of the Uniform Construction Code of our
17 Township ordinance that we are enforcing.

18 MS. CELENTO: Okay.

19 MR. GENITEMPO: And I think if ultimately it
20 gets resolved, everyone will have an opportunity to
21 comment on it, but that's what we're trying to do.

22 MS. CELENTO: And I appreciate this.

23 MR. GENITEMPO: So it's not being hidden.
24 It's not going to not be addressed. It's going to be
25 addressed very seriously, and we're trying to do that.

1 But there are due-process issues that we are trying to
2 comply with.

3 MS. CELENTO: And I understand, and I'm not
4 implying it's being hidden. And when you say that
5 you've had private conversations with me, we have.
6 However, you're implying that you've told me something
7 that I'm not either believing --

8 MR. GENITEMPO: I'm not implying --

9 MR. CELENTO: -- or that I'm asking about.
10 So I want to say this.

11 MR. GENITEMPO: I'm not implying that all.
12 I'm just trying to say that we've had conversations.

13 MS. CELENTO: We have, and thank you because
14 I ask about it regularly, yes.

15 MR. GENITEMPO: I know, and I appreciate
16 that. And we know that you're the ones that helps us
17 find out about it, and I appreciate that. And I'm just
18 trying to be -- at least have a dialogue with you and
19 explain what's happening --

20 MS. CELENTO: Right.

21 MR. GENITEMPO: -- to the best -- look, I'm
22 the Township Attorney. I have obligations to my
23 commissioners and to the Town regarding these legal
24 matters. I'm not going to --

25 MS. CELENTO: And to the citizens.

1 MR. GENITEMPO: -- just tell people because
2 they want to hear the answer. I need to handle it in
3 the proper way.

4 MS. CELENTO: And I understand that.

5 MR. GENITEMPO: And I will continue to do
6 that, but I just want it to be clear. And I'm not
7 saying that you said. I'm just saying there is maybe
8 an implication that it's criminal and it's not.

9 MS. CELENTO: Okay.

10 MR. GENITEMPO: And we will address it, I
11 promise you.

12 MS. CELENTO: And I appreciate that. So we
13 are in the sixth month since the first letter was sent
14 to the developer.

15 MR. GENITEMPO: But, Ms. Celento, does it
16 matter, as long as as we get it right?

17 MS. CELENTO: Okay.

18 MR. GENITEMPO: Did you want us to do a
19 haphazard investigation?

20 MS. CELENTO: I'm not sure if it matters.

21 MR. GENITEMPO: We're trying to get to the
22 very bottom of it so we can fix it permanently.

23 MS. CELENTO: Okay. Thank you.

24 MR. GENITEMPO: And I don't think time is a
25 function here.

1 MS. CELENTO: Okay.

2 MR. GENITMEPO: It's doing it right is the
3 most important thing, and that's what we're trying to
4 do.

5 MS. CELENTO: Okay. And I appreciate being
6 corrected in terms of that it's a construction code
7 versus a local zoning ordinance. Thank you very much.
8 I stand corrected. Since they've already started
9 converting the apartments back, are there construction
10 permits that have been issued?

11 MR. GENITEMPO: Yes. They have to come in
12 and they have to provide drawings of what --

13 MS. CELENTO: But have they been issued?

14 MR. GENITEMPO: One so far has been issued.

15 MS. CELENTO: Okay. Thank you.

16 MR. GENITEMPO: I believe another one's
17 coming online, but --

18 MS. CELENTO: So they're in the process, and
19 they ostensibly have removed their tenants, so they're
20 -- they've lost some revenue, which I consider probably
21 just about one of the only fines we've extracted to
22 date because of the process. And I'm just going to say
23 that because the citizens have been cheated.

24 Additionally --

25 MAYOR SCARPELLI: Ms. Celento?

1 MS. CELENTO: Yes?

2 MAYOR SCARPELLI: Public comment's over. I
3 allowed you --

4 MS. CELENTO: Okay. But you had -- you
5 didn't answer my question about the Ciccolini building.
6 Topology was hired I believe about two years ago, and
7 it was mentioned tonight that when you get the report.
8 Now, in terms of hiring consultants, vendors, et
9 cetera, there needs to be a timeline, a start and an
10 end date. A specific contract for a report needs to
11 have a delivery date, and it's shocking that there has
12 been no delivery date for that report.

13 MAYOR SCARPELLI: Ms. Celento, the only thing
14 that I can say that is there was litigation pending and
15 it's still not been resolved.

16 MS. CELENTO: About -- wait, about the
17 Ciccolini building?

18 MAYOR SCARPELLI: So let me finish.

19 MS. CELENTO: Oh, I'm sorry.

20 MAYOR SCARPELLI: There's pending --

21 MS. CELENTO: I'm asking you was it pending
22 about the Ciccolini building.

23 MAYOR SCARPELLI: There's pending litigation
24 that prevented that from going forward, and now I'm
25 going to leave it at that.

1 MS. CELENTO: Okay. So that litigation has
2 been completed?

3 MAYOR SCARPELLI: Not yet.

4 MS. CELENTO: Okay. So I appreciate being
5 given the opportunity to ask questions or to confirm
6 that I felt two questions weren't answered. I want to
7 say this. I leave you all with a question: Who do you
8 consider to be the Town's shareholders? And I'm not
9 asking you to answer that now. I understand the open
10 public comment section is closed. But it was mentioned
11 tonight by Ms. Bozza that it seems like sometimes
12 there's not a clarity that the taxpayers, the people
13 who own property in Nutley, are shareholders.

14 And if you were a public corporation, you
15 would be expected to deliver a return on investment.
16 I'm not saying that none of you are making that effort.
17 I'm just saying that it seems like sometimes the
18 developers become the shareholders even when they don't
19 live in Nutley. Yes, they've bought property and
20 they're developing it. For many years Hoffman-LaRoche
21 drove the town, and we were just grateful that they
22 paid their \$10 million. We gave them all sorts of tax
23 breaks. They never let up on the tax breaks they
24 looked for. They negotiated long-term tax breaks, and
25 then they left. And instead of delivering on what they

1 agreed to for those long-term tax breaks, they tore
2 buildings down.

3 So we cannot be at the mercy of developers,
4 in my opinion. Thank you very much.

5 MAYOR SCARPELLI: Thank you. Motion to
6 adjourn?

7 COMMISSIONER TUCCI: So moved.

8 COMMISSIONER EVANS: Second.

9 THE CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye. I didn't hear her.

11 THE CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 THE CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 THE CLERK: And the time is 10:15.

18 (End of recording)

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CERTIFICATION

I, Ilene Watson, 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.

November 21, 2018

Ilene Watson
AAERT Cert. No. 447
Certified Court Transcriptionist

	\$50,000 (1) 69:21	Accident (1) 26:7	60:10;62:8;63:9;65:7; 81:7,14;82:2;83:21, 25;87:16;88:4;93:10; 95:25;99:10	82:4;84:10,12;86:18
\$	\$6 (2) 75:23;77:7	accordance (3) 22:22;33:19;37:2	addressed (9) 5:18;30:25;41:13; 44:25;86:7,24;94:18; 97:24,25	age (1) 22:4
\$1,000 (1) 81:6	\$631,682.44 (1) 4:21	according (5) 8:19;54:15;90:16; 91:21;92:13	addresses (1) 95:10	Agency (4) 24:24;25:13;26:10; 27:1
\$1,683.81 (1) 33:5	\$7,367,539.37 (1) 4:19	accordingly (2) 52:9;64:9	addressing (4) 5:11,22;41:6,17	agenda (5) 5:9;7:22;10:5; 15:14;16:10
\$1,998 (1) 27:25	\$70 (4) 50:25;72:8,15; 81:20	account (7) 26:20;28:4,7,9; 32:8;34:20;40:6	adjourn (1) 103:6	ago (5) 11:2;49:20;57:18; 81:18;101:6
\$10 (2) 75:16;102:22	\$763 (1) 23:23	Accountability (2) 43:4;57:2	adjust (1) 75:19	agree (7) 47:2;63:13,18,19; 80:17;82:2;83:19
\$10,000 (1) 26:20	\$77,656.79 (1) 4:19	accurate (1) 71:12	Adjustment (1) 67:1	agreeable (1) 67:17
\$100 (1) 37:21	\$83,841.27 (1) 4:20	acquire (2) 24:16;26:3	adjustments (1) 76:22	agreed (1) 103:1
\$11 (1) 28:4	\$826,230.70 (1) 4:22	acquired (1) 29:15	adopt (1) 66:1	agreement (8) 29:12;30:2;31:16; 78:3,5,11,14,19
\$11,988 (1) 28:10	\$9,177,113.51 (1) 4:22	acre (10) 6:22,24,25;7:2,4,8, 10;11:2;62:19;66:9	adopted (1) 64:25	agreements (3) 29:17;78:8;90:24
\$126 (1) 75:20	\$900 (1) 23:22	acres (1) 11:1	adopting (1) 79:21	ahead (1) 15:17
\$15,000 (2) 32:6,14	\$91,521.67 (1) 4:21	Act (8) 2:11;43:18;53:22; 54:16;67:7,7;91:21, 21	adoption (2) 28:8,10	aid (13) 20:11;76:2,3,5,9,11, 13,15,17,20,21,25; 77:5
\$16,825.16 (3) 34:12,22;35:3	\$95,000 (1) 32:1	action (4) 67:13;90:17;94:19; 96:1	adults (1) 22:4	ALAN (1) 1:18
\$17,354.04 (1) 29:12	\$98,641.27 (1) 4:18	activity (1) 51:22	advance (4) 50:13;87:10;88:16; 91:23	alarm (1) 27:16
\$187 (1) 75:21	*	actually (32) 8:4,24;10:9;11:11; 13:20;17:5,6;44:7,22; 51:19;52:11;61:23; 64:13,23;65:1,3,17, 25;66:11;68:8,21; 74:7;76:1,2;79:17; 84:16,24,25;88:1; 94:5;95:2,5	advanced (1) 88:8	Alessio (6) 51:13,13;54:5,8,10, 22
\$2,000 (1) 94:23	*** (2) 1:6,6	add (3) 44:14;61:22;79:4	advancements (1) 87:6	Allegiace (1) 2:4
\$2.2 (1) 77:4	[added (2) 42:9,15	adversely (2) 6:1;41:21	alleviate (2) 70:24;71:3
\$2.7 (1) 76:21]	addition (3) 65:19;66:6;92:8	advertise (1) 30:21	allow (1) 77:24
\$200,000 (1) 37:6	[sic] (2) 39:24;40:13	additional (4) 52:5;55:9;67:13; 76:20	advised (3) 18:17;19:13;20:25	allowable (1) 68:14
\$23,976 (1) 28:7	A	address (35) 3:24;5:14,15;7:22; 11:8;14:2;16:5,10; 41:9,10;42:23;44:11; 45:22,24;47:22; 50:25;51:12;54:23; 56:2;57:11;59:11;	advising (1) 67:11	allowed (6) 5:22;8:11;41:17; 66:9;76:2;101:3
\$24,504 (1) 40:13	abandoned (1) 35:21	addition (3) 65:19;66:6;92:8	Affairs (1) 4:18	almost (3) 44:1;50:25;54:12
\$25,000 (2) 23:2,3	ability (2) 20:21;57:19	added (2) 42:9,15	affected (2) 6:1;41:21	along (4) 35:22;52:16,19; 79:18
\$313 (1) 75:20	able (5) 73:6;76:20;85:15; 87:10;93:21	addition (3) 65:19;66:6;92:8	affects (7) 53:1,2,3,15;55:18; 62:2;89:16	ALPHONSE (1) 1:15
\$313,000 (1) 80:19	absence (1) 51:6	address (35) 3:24;5:14,15;7:22; 11:8;14:2;16:5,10; 41:9,10;42:23;44:11; 45:22,24;47:22; 50:25;51:12;54:23; 56:2;57:11;59:11;	afford (2) 89:8,13	always (3) 47:9;52:7;72:25
\$35,000 (2) 33:23,24	absent (5) 2:17;3:2;76:4;77:5, 5	additionally (2) 50:15;100:24	affordable (5) 57:20,24;82:1,1; 90:8	amending (1) 19:9
\$357 (1) 23:24	absolute (1) 58:8	address (35) 3:24;5:14,15;7:22; 11:8;14:2;16:5,10; 41:9,10;42:23;44:11; 45:22,24;47:22; 50:25;51:12;54:23; 56:2;57:11;59:11;	afforementioned (3) 39:2;50:10;92:15	amendment (1) 29:24
\$394 (1) 80:24	absolutely (5) 74:21;80:8;81:8; 84:4;95:8	address (35) 3:24;5:14,15;7:22; 11:8;14:2;16:5,10; 41:9,10;42:23;44:11; 45:22,24;47:22; 50:25;51:12;54:23; 56:2;57:11;59:11;	afternoon (1) 17:6	amount (19) 15:13;23:22,23,24;
\$395 (1) 80:24	absorb (3) 75:24;77:14;86:6	additionally (2) 50:15;100:24	again (7) 11:4;47:12;79:3;	
\$4.3 (1) 75:13	abutting (1) 54:16			
\$40,000 (1) 25:5				
\$47,952 (1) 28:1				
\$5.5 (1) 76:22				

<p>26:20;28:1,4,7,9; 29:12;32:1,6,14;33:5; 34:11,19;35:3;58:16; 77:6 Amy (4) 7:24;47:24;91:12, 15 Amy's (1) 51:14 analog (2) 27:15;28:17 and/or (2) 5:25;41:20 annex (1) 88:6 announced (1) 75:14 announcements (1) 16:13 annual (1) 56:16 annually (1) 77:4 answered (14) 6:7;43:14,15;48:13, 15;56:20;59:14;60:5; 64:8;91:14;92:5;93:9, 19;102:6 anti-nepotism (1) 57:16 anymore (1) 62:21 apart (1) 72:9 apartment (9) 6:12;13:21;14:15; 50:18;51:2,7;66:6; 93:24;96:20 apartments (18) 14:14,14,21;42:2; 49:1,2;55:6;62:24; 63:18;73:15;84:22; 92:9,12,20,22,24; 93:4;100:9 apologize (1) 91:6 apology (1) 47:11 appeal (1) 77:18 APPEARING (1) 1:17 appears (1) 47:9 application (1) 34:13 applications (3) 38:9,22;65:8 applied (1) 95:19 apply (3) 48:24;82:18,21 appointed (5)</p>	<p>12:5;46:11;47:14; 66:19,19 appointments (1) 66:24 appreciate (9) 7:20;47:25;96:3; 97:22;98:15,17; 99:12;100:5;102:4 approach (4) 5:13;41:8;84:3,4 appropriate (5) 5:19;14:20;16:4; 31:23;41:14 appropriately (1) 16:3 appropriations (3) 22:24;33:21;37:4 approve (1) 88:24 approved (8) 22:25;32:15;33:22; 37:5;38:23;39:3;49:1, 19 approves (1) 29:23 approximately (1) 9:2 area (5) 52:6,14;68:13,22; 71:19 arises (1) 62:9 around (9) 53:7;66:20,23,24; 68:25;84:25;85:16; 88:10,25 arrested (1) 93:1 arrogant (1) 46:22 Article (2) 18:14;19:10 Asphalt (1) 39:21 assessed (4) 75:19;76:7;77:20; 80:18 assigned (1) 29:19 assisted (1) 65:9 assure (1) 83:11 attached (5) 26:22;28:6;32:10; 35:20;40:9 attending (1) 81:13 attention (1) 59:8 attentive (1) 91:4 ATTORNEY (9)</p>	<p>1:18;43:3;46:8,8; 52:17;53:10;94:18; 96:1;98:22 attributed (1) 84:21 auction (1) 35:23 auctioning (1) 36:13 audience (2) 47:11;49:3 authority (2) 47:18,19 authorized (10) 22:25;28:15;30:21; 33:4,22;35:2;37:5,21; 39:4;40:15 authorizes (2) 25:11;29:23 Auto (3) 23:18,23;24:3 available (8) 25:7;26:19;28:3; 32:7;40:6;68:16;85:6, 7 Avaya (2) 29:7,24 Avenue (17) 3:24;7:25;23:19,20; 24:24;26:11;27:22; 40:3;47:25;56:5; 65:22,24;66:3;68:7, 16;70:14;91:13 avoidance (1) 77:7 avoiding (1) 77:8 award (1) 27:18 awarded (6) 26:25;29:6;31:20; 39:19;40:5,12 aware (6) 13:23;50:22;54:5; 58:22;61:1;83:3 Awareness (1) 22:8 away (2) 46:2;52:2 awful (1) 13:12 Aye (104) 3:12,14,16,18;4:3,5, 7,9;5:1,3,5,7;18:25; 19:2,4,6,21,23,25; 20:2;21:10,12,14,16; 22:13,15,17,19;23:7, 9,11,13;24:8,10,12, 14;25:20,22,24;26:1; 27:7,9,11,13;28:22, 24;29:1,3;30:7,9,11, 13;31:5,7,9,11;32:19, 21,23,25;33:10,12,14,</p>	<p>16;34:3,5,7,9;35:8,10, 12,14;36:4,6,8,10,18, 20,22,24;37:10,12,14, 16;38:2,4,6,8;39:8,10, 12,14;40:20,22,24; 41:1;60:16,18,20,22; 103:10,12,14,16 B B-1 (1) 12:22 B-4 (1) 12:20 babies (1) 81:9 baby (3) 81:8,9,19 back (22) 7:18;8:5,16;11:3,5; 15:11;16:4;17:10; 44:25;52:3;53:11,15, 25;58:7,19;60:6; 61:24;71:17;81:17; 92:2;97:6;100:9 back-and-forth (3) 48:11;60:6;96:4 backing (1) 58:4 backyards (1) 58:7 balance (1) 89:16 balances (1) 10:10 Banking (1) 30:22 based (2) 13:4;47:10 basement (2) 92:8;96:20 basically (5) 20:13;65:22;81:15; 86:15;87:18 basis (3) 56:16;71:9;76:15 became (1) 11:9 become (3) 77:12;95:16;102:18 bed (1) 45:2 bedroom (6) 6:12;8:13;11:21; 51:24;93:25;94:4 bedrooms (3) 11:21,23;55:5 beeping (1) 58:3 beforehand (1) 62:4 began (1) 46:19</p>	<p>beginning (1) 28:1 begins (1) 2:1 behalf (2) 18:10;20:5 behavior (3) 46:21;47:2;57:7 behind (7) 57:8;58:2,18,22; 90:22,23;92:18 believing (1) 98:7 Bella (1) 58:22 belongs (1) 47:17 beneficial (1) 80:12 benefit (1) 77:2 besides (1) 71:20 best (4) 83:16;91:5;97:3; 98:21 better (7) 66:11,23;70:4,15, 15;83:21;88:3 bid (2) 39:20;40:4 bidders (2) 23:20;24:3 bidding (1) 27:18 bids (1) 23:16 big (3) 8:14;62:23;89:6 bigger (1) 96:18 biggest (1) 17:14 bike (2) 70:19;73:5 Bill (4) 4:17;5:8;42:9;61:5 billing (1) 34:10 Bills (2) 4:16,23 bit (2) 14:15;60:3 bite (1) 81:20 Bituminous (2) 39:21,22 Block (1) 33:6 blocks (1) 58:3 blower (1) 23:22</p>
---	---	---	--	--

<p>Bluebird (1) 23:24</p> <p>BOARD (124) 1:1,10;2:7,15;5:11, 15,17,20,22,24;7:22; 8:8;9:7,23,25;10:1,8, 8,14;11:3,15;12:1,4; 13:5,5,6;14:17;15:7, 25;16:10,12;18:10,11, 20;19:8,16;20:6;21:3; 22:5,21;23:25;25:10; 26:7,23;28:12;29:21; 30:18;32:12;33:2,18; 34:24;37:1,18;38:25; 40:10;41:6,10,12,15, 17,19;42:23;44:11,15, 18,19;45:5,7,22; 47:22;51:12,20,25; 52:15,21;53:9;54:23; 55:16,22,22;56:2; 57:11;59:11;60:10; 62:21;63:5,5;64:13, 15,16,17,20,22,24; 65:1,2,7,8,8,11;66:17, 24,25,25;67:1,7; 69:21;70:4,20;71:2,8, 9;72:3,21;74:12; 79:19;80:18;82:6,10, 16;87:21;88:15,15; 91:3</p> <p>boards (2) 45:7;92:15</p> <p>bonding (1) 88:25</p> <p>bonds (2) 81:5;88:20</p> <p>books (2) 20:9,12</p> <p>both (5) 8:7;9:7;38:13,20; 80:24</p> <p>bottom (1) 99:22</p> <p>bought (2) 73:4;102:19</p> <p>Bozza (4) 45:23,23;47:21; 102:11</p> <p>BPU (1) 27:20</p> <p>break (3) 49:5,6;92:25</p> <p>breaking (1) 48:23</p> <p>breaks (4) 102:23,23,24;103:1</p> <p>bricks-and-mortar (1) 87:1</p> <p>briefly (1) 93:11</p> <p>bring (5) 14:20;17:10;45:25; 47:12;59:8</p>	<p>bringing (2) 65:11;70:11</p> <p>broke (1) 92:24</p> <p>brought (11) 49:10;61:12;64:19, 20;71:13,17;72:3; 73:20;74:25;79:22; 90:7</p> <p>budget (5) 22:24;28:8,11; 33:21;37:4</p> <p>build (1) 87:1</p> <p>building (25) 6:10;14:15;49:19; 55:20;56:23,25; 70:10,17,22;73:13; 78:1,3,4,19,19;79:3,6, 23,24;80:1,6;88:7; 101:5,17,22</p> <p>buildings (9) 52:3;55:3;65:24; 71:18;75:13,17; 88:25;92:19;103:2</p> <p>built (2) 53:13;92:23</p> <p>bulletin (1) 2:15</p> <p>bully (1) 46:14</p> <p>bunch (1) 81:10</p> <p>burst (1) 16:16</p> <p>bus (1) 23:24</p> <p>business (10) 6:1;20:18;41:2,21; 66:2;68:13,21,22,25; 79:4</p> <p>businesses (1) 68:23</p> <p>buy (1) 74:8</p> <p>by-laws (1) 25:4</p>	<p>80:11,25;82:17,18; 83:7,8,15;85:19,21; 86:5;88:1;90:9,12; 93:22;97:3;99:22; 101:14</p> <p>candidates (1) 20:19</p> <p>car (2) 54:11,12</p> <p>care (1) 56:15</p> <p>Carmen (1) 84:18</p> <p>Carmine (1) 51:13</p> <p>carpet (1) 52:24</p> <p>cars (2) 54:11;89:3</p> <p>carve (1) 47:16</p> <p>case (2) 12:8;97:8</p> <p>cases (1) 12:8</p> <p>Cash (5) 3:23;38:13,16,19, 20</p> <p>Cat (4) 39:20,21,22,23</p> <p>category (1) 42:12</p> <p>causing (1) 85:1</p> <p>celebrated (1) 57:21</p> <p>CELENTO (87) 7:24,24;8:17,23; 9:1,5,12,16,21;10:1,4, 15,22,25;11:12;12:3, 7,15,21,24;13:2,15, 24;14:5,8,10,16;15:1, 4,8;16:8;44:15;47:24, 24;48:9,12,16;51:9, 10;91:9,12,12,16; 93:8,15,18;94:8,24; 95:2,6,9,18,21;96:3,8, 13,21;97:2,11,18,22; 98:3,9,13,20,25;99:4, 9,12,15,17,20,23; 100:1,5,13,15,18,25; 101:1,4,13,16,19,21; 102:1,4</p> <p>center (1) 82:24</p> <p>centerpiece (1) 82:24</p> <p>Central (1) 23:19</p> <p>Centre (5) 51:13,16;52:20; 74:3;92:9</p> <p>certain (1)</p>	<p>20:21</p> <p>certificates (1) 92:17</p> <p>certification (5) 26:22;28:6;32:9; 40:9;86:14</p> <p>certified (4) 26:21;28:5;32:8; 40:8</p> <p>cetera (1) 101:9</p> <p>Chamber (1) 68:19</p> <p>CHAMBERS (1) 1:3</p> <p>change (12) 11:24;31:13;32:3,5, 13;45:12,16;52:8,13; 75:18;76:12;87:13</p> <p>changed (4) 85:3;86:15;88:9; 91:24</p> <p>changes (1) 88:12</p> <p>changing (4) 11:23;85:15;86:6; 88:25</p> <p>channels (1) 62:1</p> <p>Chapter (3) 2:11;18:13;19:9</p> <p>characterize (1) 65:13</p> <p>charges (3) 33:5;49:6;93:4</p> <p>chastise (1) 46:15</p> <p>cheated (1) 100:23</p> <p>checks (1) 10:10</p> <p>Chestnut (3) 6:2;16:18;41:22</p> <p>Chief (5) 26:21;28:5;32:9; 40:8;87:7</p> <p>child (4) 85:10;87:6;88:8,10</p> <p>children (12) 51:4;55:6,19,19; 64:2;79:5;85:17,18; 86:12;87:11;89:9,9</p> <p>Ciccolini (13) 49:18;56:21;69:7, 11;70:9;79:22;80:2; 90:22,24;91:1;101:5, 17,22</p> <p>Ciccolinis (3) 58:2,18;80:4</p> <p>Ciccolini's (1) 90:23</p> <p>citizen (1) 8:19</p>	<p>citizens (12) 5:19,21;12:7;41:14, 16;45:4,13,16;46:19; 89:13;98:25;100:23</p> <p>City (1) 23:19</p> <p>clarification (1) 44:14</p> <p>clarified (2) 6:14;7:19</p> <p>clarify (7) 6:15,19;7:16;11:16; 16:1;67:3;95:12</p> <p>clarifying (1) 13:3</p> <p>clarity (4) 66:20,23;69:5; 102:12</p> <p>class (2) 73:17;81:13</p> <p>classic (1) 47:13</p> <p>classroom (5) 85:19;86:1,16; 87:13,24</p> <p>classrooms (6) 85:6,6,17;86:20,23; 87:15</p> <p>clear (6) 15:22;16:21;51:5; 77:16;97:12;99:6</p> <p>Clerk (137) 2:5,7,20,22,24;3:1, 5,11,13,15,17,19,21; 4:2,4,6,8,10,16,17,25; 5:2,4,6,8,10,11;17:21; 18:24;19:1,3,5,20,22, 24;20:1;21:5,9,11,13, 15,20,22;22:12,14,16, 18;23:6,8,10,12;24:7, 9,11,13,22;25:19,21, 23,25;26:9;27:6,8,10, 12;28:15,21,23,25; 29:2;30:6,8,10,12,20, 25;31:4,6,8,10;32:18, 20,22,24;33:9,11,13, 15;34:2,4,6,8;35:7,9, 11,13;36:3,5,7,9,17, 19,21,23;37:9,11,13, 15;38:1,3,5,7,23;39:3, 7,9,11,13;40:14,19, 21,23,25;41:4,5; 45:19;46:7;47:4; 60:15,17,19,21;103:9, 11,13,15,17</p> <p>Clerk's (1) 2:16</p> <p>close (1) 60:11</p> <p>closed (2) 57:8;102:10</p> <p>closing (1) 75:15</p>
---	--	--	---	---

<p>club (1) 60:25</p> <p>COAH (6) 13:17,20;14:3,12, 13:90:13</p> <p>Coalition (1) 45:12</p> <p>Code (15) 13:8,11;18:15; 19:11;32:3;52:11; 94:6,21,22;95:1,7,13, 14:97:16;100:6</p> <p>collaborate (3) 55:16,23;82:9</p> <p>collaborated (1) 82:7</p> <p>collaboration (1) 82:6</p> <p>collected (1) 34:17</p> <p>college (1) 88:23</p> <p>Colonial (2) 44:13;57:13</p> <p>column (1) 42:10</p> <p>coming (8) 44:24;53:17;62:16; 66:13;81:10;83:4; 88:3;100:17</p> <p>commencing (1) 26:16</p> <p>commend (3) 17:16,23;89:20</p> <p>comment (24) 5:9;15:20;16:4; 43:19;44:15;45:2; 48:2,7;51:15,18;56:6; 57:21;59:17;60:12; 61:11,11,21;70:9; 71:25;81:17;90:1; 91:22;97:21;102:10</p> <p>commenting (2) 59:6;84:6</p> <p>comments (6) 5:19;8:12,14;41:14; 47:25;59:7</p> <p>comment's (1) 101:2</p> <p>Commerce (1) 68:19</p> <p>commercial (3) 75:21;76:14,16</p> <p>commingled (1) 86:1</p> <p>COMMISSION (2) 1:3;62:4</p> <p>COMMISSIONER (298) 1:12,13,14,15;2:17, 18,19,20,21,22,23; 3:2,10,11,12,13,14,15, 16;4:1,2,3,4,5,6,7,12, 14,24,25;5:1,2,3,4,5;</p>	<p>15:15,17,19;16:14; 17:2,3,19,22,25;18:1, 4,6,23,24,25;19:1,2,3, 4,19,20,21,22,23,24, 25;20:3,4;21:6,9,10, 11,12,13,14,23,25; 22:11,12,13,14,15,16, 17;23:5,6,7,8,9,10,11, 13,14;24:6,7,8,9,10, 11,12,15;25:18,19,20, 21,22,23,24;26:2; 27:5,6,7,8,9,10,11,14; 28:20,21,22,23,24,25; 29:1,4;30:5,6,7,8,9, 10,11,14,16,17;31:3, 4,5,6,7,8,9,12;32:17, 18,19,20,21,22,23; 33:1,8,9,10,11,12,13, 14,17;34:2,3,4,5,6,7, 10;35:6,7,8,9,10,11, 12,15,16,17;36:2,3,4, 5,6,7,8,11,16,17,18, 19,20,21,22,25;37:8, 9,10,11,12,13,14,17, 25;38:1,2,3,4,5,6; 39:6,7,8,9,10,11,12; 40:18,19,20,21,22,23, 24;45:11;47:6;54:3,6; 58:10,13,18,21,24; 59:1,5;60:13,14,15, 16,17,18,19,20;61:1, 22;63:8,9;64:10,11; 65:19;66:13,15;67:6, 22,24;69:14,25;70:2, 10;71:5,6,24;72:2; 73:4,24;74:2,14,16, 19,22,23;75:11;79:16, 23;80:2,16,17,21,22; 84:4,5,16;87:9;88:18, 19;92:10;93:10,12,13, 16,19;94:9,25;95:4,8, 11,20,22;103:7,8,9, 10,11,12,13,14</p> <p>COMMISSIONERS (53) 1:1,10;2:8;5:12; 7:22;10:2,9;14:17; 16:2,10,12,13;18:11, 12,20;19:8,16;20:6; 21:3;22:6,21;24:1; 25:10;26:24;28:13; 29:22;30:18;32:12; 33:2,18;34:25;37:1, 19;39:1;40:11;41:7; 42:23;44:12;45:5,22; 47:22;51:12;54:24; 56:2;57:12;59:11; 60:10;64:14;65:11; 79:20;83:19,19;98:23</p> <p>Commissioners/Zoning (1) 13:6</p> <p>Committee (1) 16:1</p> <p>common (1)</p>	<p>68:10</p> <p>communicate (1) 71:9</p> <p>communicating (1) 71:8</p> <p>Communications (2) 3:20;4:10</p> <p>communities (1) 76:10</p> <p>community (10) 5:12;41:7;52:18; 53:2,6,19;55:18,24; 64:1,4</p> <p>companies (1) 48:20</p> <p>company (1) 48:19</p> <p>complaining (1) 53:16</p> <p>completed (2) 69:16;102:2</p> <p>complex (4) 52:20;53:25;61:24; 77:16</p> <p>complexity (2) 86:8,15</p> <p>compliance (3) 20:13;74:23;96:23</p> <p>complicated (2) 61:15,15</p> <p>comply (3) 11:22;13:18;98:2</p> <p>comprehensive (3) 65:18;69:16,17</p> <p>computer (1) 87:11</p> <p>concern (4) 5:12;52:6,10;54:1</p> <p>concerned (1) 66:9</p> <p>concerns (5) 41:7;55:2;64:13,13; 68:17</p> <p>conclude (1) 47:1</p> <p>concludes (1) 41:2</p> <p>Concrete (2) 39:21,22</p> <p>condition (1) 79:24</p> <p>conduct (3) 5:25;41:20;51:22</p> <p>conducted (1) 57:9</p> <p>confirm (1) 102:5</p> <p>conflict (2) 57:15;61:19</p> <p>conflicts (4) 8:9;12:17,25;90:3</p> <p>confusing (2) 11:10,11</p>	<p>congratulations (1) 17:8</p> <p>connected (1) 65:25</p> <p>consecutive (1) 45:6</p> <p>conservative (1) 83:11</p> <p>consider (3) 77:6;100:20;102:8</p> <p>consideration (3) 18:19;19:15;21:2</p> <p>considered (4) 48:2;55:15;87:20, 21</p> <p>considering (1) 49:22</p> <p>consistent (1) 20:7</p> <p>consistently (1) 44:23</p> <p>consolidated (1) 91:16</p> <p>construction (12) 34:21;94:6,10,21, 22;95:1,7,13,14; 97:16;100:6,9</p> <p>Consultant (3) 24:17,20;25:15</p> <p>consultants (1) 101:8</p> <p>consulting (1) 25:3</p> <p>contact (1) 86:16</p> <p>contacted (1) 46:5</p> <p>contained (1) 63:12</p> <p>Content (1) 89:24</p> <p>context (1) 79:25</p> <p>continue (9) 16:4;42:3,7,13; 48:22;77:8;79:8;83:8; 99:5</p> <p>continued (4) 3:6,7;26:13;65:16</p> <p>continuing (1) 26:17</p> <p>continuously (1) 53:21</p> <p>contract (20) 9:19,20;25:2,5,12; 26:4,15,25;27:18; 28:16;29:6,11,24; 31:21;32:1,4;39:20; 40:12,15;101:10</p> <p>contractor (1) 52:17</p> <p>contracts (2) 20:22;40:4</p>	<p>contribute (1) 78:9</p> <p>contributions (1) 20:19</p> <p>ConvergeOne (3) 29:14,19,25</p> <p>conversations (3) 97:1;98:5,12</p> <p>conversion (3) 77:10;93:24;97:6</p> <p>consideration (6) 51:15;92:12,16,20, 22;96:16</p> <p>converting (2) 48:25;100:9</p> <p>Co-op (1) 39:19</p> <p>Cooperative (1) 39:18</p> <p>co-own (1) 82:10</p> <p>copies (1) 19:10</p> <p>copper (1) 27:15</p> <p>copy (2) 2:14,16</p> <p>corporation (1) 102:14</p> <p>corrected (3) 66:5;100:6,8</p> <p>correspondence (1) 74:20</p> <p>corresponding (1) 70:20</p> <p>corridor (1) 68:13</p> <p>cost (3) 69:21;77:7;87:2</p> <p>costs (1) 77:15</p> <p>Council (2) 10:13;39:18</p> <p>counsel (6) 31:13,23;32:6; 93:14,17,22</p> <p>count (1) 55:12</p> <p>County (28) 18:12;19:9;20:20, 23;22:6,21,22;24:1; 25:11;26:24;28:13; 29:22;30:19;32:13; 33:3,19;34:25;37:1, 20;39:1,18,19;40:11; 43:7;52:22;53:13; 78:23,24</p> <p>couple (3) 18:2;48:17;63:16</p> <p>course (1) 96:1</p> <p>courses (1) 88:23</p>
--	---	---	---	---

<p>court (6) 90:17;93:2;94:13, 14:96;23;97:4</p> <p>cover (1) 78:4</p> <p>covered (1) 94:6</p> <p>covering (1) 76:25</p> <p>create (5) 12:18;44:22;68:10, 12:88:12</p> <p>created (1) 91:25</p> <p>creates (1) 53:15</p> <p>creating (2) 18:13;44:16</p> <p>creative (1) 55:17</p> <p>criminal (3) 96:11;97:15;99:8</p> <p>curious (3) 13:22;42:14;43:21</p> <p>current (1) 76:24</p> <p>currently (4) 14:24;29:17;31:16; 77:20</p> <p>curricula (1) 86:15</p> <p>curriculum (2) 86:8,13</p> <p>Custodian (1) 18:14</p> <p>cycle (1) 83:12</p>	<p>66:11</p> <p>decisions (2) 62:23;63:6</p> <p>declare (1) 22:7</p> <p>decorum (2) 5:25;41:20</p> <p>deep (1) 64:1</p> <p>defend (1) 47:4</p> <p>defer (2) 5:19;41:14</p> <p>define (3) 6:11;7:3,4</p> <p>definition (5) 44:16,21;76:2; 84:11;91:22</p> <p>delay (2) 62:3,10</p> <p>delaying (1) 44:24</p> <p>deliver (1) 102:15</p> <p>delivered (4) 50:5,6,6;67:10</p> <p>delivering (1) 102:25</p> <p>delivery (2) 101:11,12</p> <p>demographer (1) 73:19</p> <p>demographers (2) 71:10,11</p> <p>demographer's (1) 71:11</p> <p>demolition (1) 75:17</p> <p>demolitions (1) 79:11</p> <p>DeMuro (1) 82:9</p> <p>density (12) 6:5,10;44:16;49:23; 53:16;61:12,21; 63:19;68:15,15;69:7, 10</p> <p>Department (8) 13:8;16:20;23:2; 34:11;38:24;43:8,9; 59:2</p> <p>departmental (1) 27:16</p> <p>departure (2) 76:13;79:10</p> <p>depending (1) 80:10</p> <p>deposited (1) 34:20</p> <p>described (3) 25:13;27:1;35:20</p> <p>description (3) 46:7,10,12</p>	<p>designated (2) 50:9,11</p> <p>desperate (1) 82:13</p> <p>destination (1) 65:4</p> <p>details (2) 67:18;97:1</p> <p>determination (1) 65:4</p> <p>determine (3) 5:24;41:19;65:15</p> <p>determined (2) 34:22;35:19</p> <p>develop (2) 62:20;63:23</p> <p>developed (2) 73:13;81:21</p> <p>developer (7) 49:12;50:16;74:8, 11;77:19;92:24;99:14</p> <p>developers (2) 102:18;103:3</p> <p>developing (2) 10:18;102:20</p> <p>Development (15) 31:23;32:6;48:19; 50:19,19;51:2,7; 62:17;65:10,16;77:3; 87:7,12,22;88:11</p> <p>diabetes (3) 22:2,8,9</p> <p>Dialogue (5) 5:21;6:1;41:16,21; 98:18</p> <p>different (20) 10:7,11;13:13,15, 25;14:13,15;15:1,2; 50:1;55:24;73:23; 80:12;82:8,18;84:3, 13,14;88:16;89:22</p> <p>digress (1) 80:15</p> <p>direct (1) 90:6</p> <p>directed (1) 30:21</p> <p>Director (1) 32:2</p> <p>disclosure (2) 52:22;77:17</p> <p>discussion (1) 44:21</p> <p>discussed (2) 21:18;64:16</p> <p>discussion (6) 13:7;49:23;73:10; 76:4;84:25;96:1</p> <p>discussions (3) 48:18,22;69:2</p> <p>disposition (1) 90:25</p> <p>disrespectful (1)</p>	<p>83:14</p> <p>distressed (1) 65:14</p> <p>district (3) 68:20,21;69:2</p> <p>districts (1) 68:25</p> <p>docket (1) 10:6</p> <p>document (2) 61:24;63:3</p> <p>dollars (2) 81:20;82:12</p> <p>DONAHUE (2) 54:25,25</p> <p>done (5) 51:5;62:22;65:1; 67:25;88:2</p> <p>door (1) 53:20</p> <p>doors (1) 57:8</p> <p>double (1) 81:1</p> <p>double-wide (1) 55:7</p> <p>dovetail (1) 17:4</p> <p>down (13) 11:16;16:16;44:3; 54:1,10;55:12,14,16, 23;57:20;58:7;75:20; 103:2</p> <p>downtown (2) 14:21;49:15</p> <p>DPWs (1) 43:8</p> <p>draft (1) 79:18</p> <p>drawings (1) 100:12</p> <p>DRIVE (4) 1:2;23:21;31:1; 87:18</p> <p>driver-less (1) 89:3</p> <p>driveway (6) 53:25;54:1,10,11, 17,19</p> <p>drove (1) 102:21</p> <p>due (4) 30:24;34:22,23; 69:17</p> <p>due-process (1) 98:1</p> <p>during (2) 48:7;51:25</p> <p>dwelling (4) 6:12,20,21;7:4</p> <p>dwellings (4) 6:11,25;7:1;55:5</p>	<p style="text-align: center;">E</p> <p>Eagan (1) 29:15</p> <p>Earlier (2) 44:14;49:23</p> <p>early (1) 58:5</p> <p>easier (1) 60:3</p> <p>East (5) 51:13,16;52:20; 74:3;92:9</p> <p>Ed (5) 55:23;71:8,9;72:3, 22</p> <p>Ed/Board (1) 13:5</p> <p>educated (1) 55:20</p> <p>Education (12) 55:16;70:21;71:2, 22;82:7,11,16;87:21; 88:15,16;89:10,19</p> <p>educational (1) 88:13</p> <p>Educators (1) 38:18</p> <p>effect (4) 68:13,22;79:10; 96:24</p> <p>effective (3) 29:19;30:1;68:12</p> <p>effort (1) 102:16</p> <p>Einstein (1) 84:11</p> <p>either (4) 10:23;81:12;92:23; 98:7</p> <p>elect (1) 83:10</p> <p>electd (4) 12:8;46:11;47:14; 62:15</p> <p>election (1) 83:2</p> <p>eleven (1) 18:5</p> <p>else (17) 7:21;16:9;18:8; 42:22;44:11;45:21; 47:22;51:11;54:23; 56:1;57:11;59:10; 60:9,25;61:21;78:17; 91:2</p> <p>emailed (1) 46:6</p> <p>embarrass (1) 46:2</p> <p>Emily (1) 54:25</p>	
D					
<p>daily (1) 95:16</p> <p>damage (1) 18:7</p> <p>dance (1) 56:9</p> <p>DATE (8) 1:8;21:19;35:24; 70:11;100:22;101:10, 11,12</p> <p>daughters (1) 57:9</p> <p>day (9) 18:5;22:9;71:21; 73:11;85:8,11;93:2; 94:24</p> <p>days (2) 18:2;52:23</p> <p>December (10) 2:13;18:21;19:17; 21:5,6;25:6;26:17; 35:24;36:12;40:1</p> <p>decision (1)</p>					

<p>emotions (1) 91:5</p> <p>employee (3) 57:14;79:17;89:24</p> <p>employees (2) 12:8;18:13</p> <p>empty (3) 51:3;53:21;54:2</p> <p>enact (1) 45:5</p> <p>end (3) 86:10;101:10; 103:18</p> <p>ends (2) 96:22;97:4</p> <p>Enforcement (2) 13:8;52:11</p> <p>enforcing (1) 97:17</p> <p>engineers (1) 7:18</p> <p>English (1) 86:13</p> <p>enough (5) 72:16;80:11;84:14; 86:7,23</p> <p>entail (1) 68:20</p> <p>enter (3) 28:15;40:15;53:24</p> <p>entered (2) 25:12;29:10</p> <p>entering (1) 56:24</p> <p>entire (2) 49:15;82:10</p> <p>entity (2) 20:10,18</p> <p>entrance (1) 53:4</p> <p>environment (1) 68:14</p> <p>equipment (2) 23:16,21</p> <p>equivalent (1) 7:5</p> <p>especially (4) 46:23;58:6;73:14; 89:12</p> <p>Essex (23) 18:13;19:9;20:23; 22:6,21,22;24:2;25:4, 7,11;26:25;28:14; 29:23;30:19;32:13; 33:3,19;35:1;37:2,20; 39:2;40:12;43:7</p> <p>established (2) 51:7;77:25</p> <p>establishing (6) 20:7,9,18;50:20; 64:3;68:19</p> <p>et (2) 34:18;101:8</p>	<p>ethics (1) 90:4</p> <p>EVANS (108) 1:14;2:20,21;3:10, 13,14;4:4,5;5:2,3; 17:3,19,22;18:1,6; 19:1,2,22,23;20:3,4; 21:6,11,12,23;22:14, 15;23:8,9;24:6,9,10; 25:18,21,22;27:5,8,9; 28:20,23,24;30:5,8,9, 16,17;31:6,7,12; 32:20,21;33:1,11,12, 17;34:4,5,10;35:9,10, 15;36:5,6,19,20; 37:11,12;38:3,4;39:9, 10;40:21,22;47:4; 60:14,17,18;61:1; 64:10;66:15;67:6,22, 24;69:14;70:10;71:6, 24;72:2;74:23;75:11; 80:16;84:5;88:19; 92:10;93:10,13,16,19; 94:9,25;95:4,8,11,20, 22;103:8,11,12</p> <p>even (5) 46:24;52:8;72:11; 86:18;102:18</p> <p>evening (19) 3:3;6:5,8;8:3; 42:23;44:12;45:22; 47:23;51:12;54:20, 24;55:4;56:3,4;57:12; 59:8,11;60:10;91:24</p> <p>event (1) 94:11</p> <p>Everybody (5) 2:2;75:3;84:7;91:4, 5</p> <p>everyone (6) 70:11;78:17;83:3, 15;89:16;97:20</p> <p>exactly (2) 61:6;62:7</p> <p>example (2) 66:17;87:14</p> <p>examples (1) 63:16</p> <p>exceed (3) 25:5;40:4,13</p> <p>exceeded (1) 31:25</p> <p>except (2) 3:1;52:13</p> <p>excess (2) 20:20;81:6</p> <p>exclusively (1) 84:21</p> <p>excuse (3) 72:5;81:4;84:18</p> <p>excused (2) 2:17;3:2</p> <p>execute (1)</p>	<p>50:13</p> <p>exist (1) 20:8</p> <p>existing (10) 8:10,10;27:16;30:2; 56:10;75:13;76:1; 86:5,19;90:24</p> <p>expand (2) 50:25;87:2</p> <p>expanded (1) 55:11</p> <p>expanding (1) 70:24</p> <p>expect (1) 90:16</p> <p>expected (1) 102:15</p> <p>expecting (1) 84:12</p> <p>expedite (1) 64:23</p> <p>expeditious (2) 5:25;41:20</p> <p>expenses (2) 23:2,3</p> <p>expensive (1) 85:11</p> <p>explain (1) 98:19</p> <p>explored (2) 88:11,13</p> <p>extend (1) 26:18</p> <p>extensive (1) 44:3</p> <p>extent (2) 78:21;93:20</p> <p>extra (1) 73:9</p> <p>extracted (1) 100:21</p>	<p>82:6;100:14</p> <p>favor (2) 75:4,6</p> <p>fax (1) 27:16</p> <p>February (4) 8:20;13:4;38:21; 92:14</p> <p>federal (2) 85:15,21</p> <p>feedback (1) 68:4</p> <p>feel (1) 92:4</p> <p>feeling (1) 72:7</p> <p>Fees (2) 19:10;31:15</p> <p>feet (5) 65:22,22,23,23,24</p> <p>felt (3) 46:25;47:3;102:6</p> <p>few (4) 16:1;57:18;65:12; 88:3</p> <p>fewer (2) 86:20,21</p> <p>field (1) 82:10</p> <p>fifth (1) 72:4</p> <p>fighting (1) 57:1</p> <p>figure (5) 72:17;80:25;85:10; 86:3,3</p> <p>figures (1) 50:20</p> <p>file (3) 2:16;25:16;27:3</p> <p>filed (2) 49:6;93:4</p> <p>final (6) 11:5;18:19;19:15; 21:2;65:3;70:3</p> <p>Finance (2) 4:19;32:2</p> <p>Financial (4) 26:21;28:5;32:9; 40:8</p> <p>find (3) 82:16;96:19;98:17</p> <p>fine (5) 70:10;83:4,4;94:20, 23</p> <p>finer (2) 92:25;100:21</p> <p>finish (2) 96:14;101:18</p> <p>Fire (3) 37:6,6;59:2</p> <p>firm (5) 14:2,8;31:18;52:1;</p>	<p>87:7</p> <p>firms (1) 14:1</p> <p>first (8) 11:1;42:10;44:9; 56:5,8;82:25;93:8; 99:13</p> <p>fit (2) 52:7;53:6</p> <p>five (5) 41:11;54:3,6;66:19; 87:15</p> <p>fix (2) 73:3;99:22</p> <p>flag (2) 2:3;62:20</p> <p>FLOOR (1) 1:3</p> <p>floors (3) 78:2,4,15</p> <p>folks (5) 16:19,24;63:23; 70:16;83:7</p> <p>follow (1) 80:15</p> <p>followed (1) 95:14</p> <p>following (7) 20:15;22:23;32:3; 33:20;37:3;38:10; 45:7</p> <p>food (1) 90:23</p> <p>foot (1) 8:13</p> <p>footage (5) 7:7,9,12;13:21;80:7</p> <p>football (1) 17:7</p> <p>footwork (1) 52:14</p> <p>forced (1) 89:12</p> <p>Ford (1) 36:14</p> <p>foreclosure (1) 52:22</p> <p>forget (1) 47:19</p> <p>form (1) 11:6</p> <p>format (3) 12:10;91:17,24</p> <p>former (1) 50:1</p> <p>formula (2) 76:5,13</p> <p>forth (6) 10:17;16:4;61:24; 62:24;64:2;84:8</p> <p>forward (19) 12:9;15:23;45:14; 52:25;61:17;63:3,22;</p>
		F		
		<p>face (1) 77:23</p> <p>facility (1) 53:24</p> <p>fact (8) 70:7,17;76:8;78:25; 80:3;85:2;91:24; 92:13</p> <p>fair (3) 9:4;24:18;26:4</p> <p>fairly (1) 55:20</p> <p>fall (2) 10:25;55:8</p> <p>false (1) 71:16</p> <p>far (9) 61:4;62:16;63:10; 64:5;72:2,9;80:16;</p>		

<p>64:19,20;66:13,14; 67:15;69:13;70:13; 73:8;80:10;81:3;83:8; 101:24 foundation (1) 82:20 four (4) 11:1;78:2,4,15 Franklin (9) 3:24;24:24;26:11; 65:21,24;66:2;68:7, 16;70:14 free (1) 9:12 Friday (2) 38:13,21 friends (3) 3:21;38:11,15 front (3) 72:18;84:8,10 fulfill (1) 57:24 full (6) 71:21;77:17;78:11, 12,21;79:7 full-day (2) 85:3,13 fuller (1) 79:15 fully (1) 81:21 function (1) 99:25 Fund (2) 25:5,8 funding (5) 71:1;82:18,19,20, 20 funds (6) 25:7;26:19;28:3; 32:7;40:6;73:9 further (9) 5:14;6:15,19;18:18; 19:14;21:2;25:14; 30:23;41:9 future (8) 15:9;62:7,17;63:7; 70:20;71:3;73:19; 88:20</p>	<p>23:1 Garden (4) 55:8;71:16,19;72:4 gated (1) 52:18 gave (1) 102:22 general (1) 43:3 generally (1) 85:23 generates (1) 77:12 generic (1) 46:7 GENITEMPO (41) 1:18;45:24;47:7; 53:13;61:2,3,8,9;67:2, 5,21;74:5,6,18,21; 90:1,2,9,12;94:15; 96:7,9,14,22;97:12, 19,23;98:8,11,15,21; 99:1,5,10,15,18,21, 24;100:11,14,16 GENITMEPO (1) 100:2 gets (2) 79:1;97:20 Gewal (1) 43:3 given (3) 87:6;93:2;102:5 giving (1) 46:2 Glenn (2) 56:4;79:14 GMC (1) 23:22 goes (2) 12:18;52:19 good (6) 17:9;56:4;57:22; 64:6,12;72:16 Goodwin (1) 27:22 grader (1) 72:4 graduated (1) 73:16 graduating (2) 73:17,18 grand (1) 4:22 grandchildren (2) 64:2;81:11 granted (2) 5:14;41:9 grassland (2) 52:2,14 grassroots (1) 45:13 grateful (1) 102:21</p>	<p>great (4) 17:15;18:5;69:1; 74:22 greater (2) 69:5;87:18 Green (1) 82:19 growing (1) 45:13 guarantee (3) 34:12,17;35:3 guess (5) 10:24;13:9;50:16; 51:14;89:3 guidance (1) 44:19 guided (1) 93:21 guidelines (1) 13:20 Gurbir (1) 43:3 guys (3) 17:13,23;75:3</p>	<p>75:10 Health (1) 23:2 hear (6) 42:1;58:3;63:13; 93:15;99:2;103:10 heard (9) 8:1;41:25;42:4; 51:20;52:4;57:21; 59:14;61:9;89:7 hearing (2) 8:2;21:18 Hearings (1) 21:17 heck (1) 92:22 held (8) 18:20;19:16;21:3, 18;38:13,16,21;69:4 Hello (1) 7:24 help (3) 77:9;87:11;88:4 helping (1) 70:24 helps (1) 98:16 Herald (1) 2:13 hereby (10) 22:25;28:15;30:20; 32:14;33:4,22;35:2; 37:5,21;40:15 herein (3) 25:13;27:2;35:21 hereto (1) 35:21 hey (2) 52:11;85:9 Hi (2) 54:25;91:12 hidden (2) 97:23;98:4 hide (1) 83:14 High (1) 42:25 higher (2) 14:22,22 highest (2) 23:20;24:3 Highfield (2) 40:2;45:23 Highway (1) 29:14 Hillside (2) 58:7;59:7 hinders (1) 54:14 hire (2) 15:6,13 hired (15) 10:7,18;12:11;14:2,</p>	<p>17,24;15:5;49:14,18; 50:4;65:7;69:19,20, 21;101:6 hiring (6) 13:25;14:24;50:12, 13;68:20;101:8 historically (3) 20:14;78:13;85:20 hit (1) 54:12 Hoffman-LaRoche (1) 102:20 Hoffmann (1) 31:17 Hoffmann-LaRoche (11) 56:8;69:4,8,10; 75:9,12,14;76:19; 77:11;79:11;81:21 hold (1) 3:22 holding (1) 45:3 homes (2) 51:3;71:22 Honda (2) 35:25;36:14 honored (1) 90:25 Hope (3) 39:24;44:4;83:5 hopefully (1) 67:15 Hopper (1) 56:5 hospital (1) 78:12 Hosted (2) 27:21;28:16 Hot (1) 39:21 hours (1) 58:20 house (1) 80:18 housing (4) 57:20,24;63:21; 90:8 Hudson (1) 43:7</p>
G		H		I
<p>G-04-104-401 (1) 40:7 gain (1) 55:7 game (2) 17:7,9 gap (2) 12:12;87:25 garage (5) 58:2,8,10,14,22 Garbage (1)</p>	<p>half (2) 82:12;85:10 half-day (1) 85:3 Hall (1) 2:15 hand (2) 45:3,18 handbook (10) 56:13,14,15,16,17; 57:15,16,17;79:17; 89:25 handle (2) 85:19;99:2 handled (2) 85:21;97:9 handling (2) 16:3;97:5 haphazard (1) 99:19 happen (6) 46:17;52:15,19; 72:4;88:6;90:14 happened (1) 48:4 happening (3) 8:3;48:1;98:19 happens (1) 90:11 hard (1) 72:22 hardship (1) 85:9 Hazmat (1) 59:2 head (1)</p>	<p>half (2) 82:12;85:10 half-day (1) 85:3 Hall (1) 2:15 hand (2) 45:3,18 handbook (10) 56:13,14,15,16,17; 57:15,16,17;79:17; 89:25 handle (2) 85:19;99:2 handled (2) 85:21;97:9 handling (2) 16:3;97:5 haphazard (1) 99:19 happen (6) 46:17;52:15,19; 72:4;88:6;90:14 happened (1) 48:4 happening (3) 8:3;48:1;98:19 happens (1) 90:11 hard (1) 72:22 hardship (1) 85:9 Hazmat (1) 59:2 head (1)</p>	<p>17,24;15:5;49:14,18; 50:4;65:7;69:19,20, 21;101:6 hiring (6) 13:25;14:24;50:12, 13;68:20;101:8 historically (3) 20:14;78:13;85:20 hit (1) 54:12 Hoffman-LaRoche (1) 102:20 Hoffmann (1) 31:17 Hoffmann-LaRoche (11) 56:8;69:4,8,10; 75:9,12,14;76:19; 77:11;79:11;81:21 hold (1) 3:22 holding (1) 45:3 homes (2) 51:3;71:22 Honda (2) 35:25;36:14 honored (1) 90:25 Hope (3) 39:24;44:4;83:5 hopefully (1) 67:15 Hopper (1) 56:5 hospital (1) 78:12 Hosted (2) 27:21;28:16 Hot (1) 39:21 hours (1) 58:20 house (1) 80:18 housing (4) 57:20,24;63:21; 90:8 Hudson (1) 43:7</p>	I
<p>idea (1) 90:18 ideas (1) 55:24 illegal (2) 54:15;70:7 immensely (1) 63:6 immersive (1) 87:18 impact (6)</p>				

63:6;65:15;71:14, 15;76:4;87:22 impacting (1) 71:23 implication (2) 97:14;99:8 implying (4) 98:4,6,8,11 important (6) 43:24;57:3;65:15; 68:14;84:19;100:3 impression (1) 82:25 improve (3) 27:24;82:23;83:9 improved (1) 80:9 improvement (3) 68:20;69:2;82:14 Inc (6) 23:19;24:4;29:14, 19,25;39:24 include (2) 76:13;78:11 included (3) 74:19;76:3;94:16 includes (1) 95:16 including (1) 85:16 income (3) 56:12;75:9;76:6 inconsistencies (4) 13:10,14,14,16 incorporate (1) 8:15 incorporated (1) 35:21 incorporating (1) 20:13 increase (5) 68:14;77:7,21; 80:20,23 increases (2) 81:3,3 increasing (1) 68:15 indefinitely (1) 8:5 indicate (1) 48:6 indicated (1) 49:16 indiscernible (14) 43:2,6,9,23;44:2,4, 6,8,9;48:19;91:9,10; 93:7,14 individual (2) 5:17;41:12 influence (2) 83:5,6 Information (6) 27:25;49:17;60:24,	25;62:18;74:4 informative (1) 46:6 infrastructure (5) 85:5;86:4,5;87:24; 88:5 Inglesino (3) 14:3;31:18;57:19 initials (1) 47:16 initiative (1) 45:14 input (1) 66:11 insanity (1) 84:11 insisted (3) 78:1,10,12 insisting (1) 79:7 instead (1) 102:25 insult (1) 46:14 insulted (1) 46:24 Insurance (7) 24:23;25:4,8,13; 26:7,10;27:1 integrated (1) 86:13 Integrity (1) 43:4 intentions (1) 73:5 interchangeable (1) 11:18 interest (5) 5:24;41:19;57:15; 64:23;90:3 interested (1) 70:17 interpreting (1) 48:1 Intindola (1) 92:13 into (19) 11:9;12:10,17,19; 14:20;25:12;28:15; 29:10;40:15;51:23; 52:20;53:15,25;60:6; 81:10;83:5;88:7; 92:20;96:25 introduce (1) 62:5 introduced (1) 66:21 Introductions (1) 18:9 inventory (1) 68:1 investigate (1) 66:16	investigating (1) 43:8 investigation (5) 11:4;48:18;67:14; 92:5;99:19 investigations (3) 43:7,10;61:8 investment (2) 89:6;102:15 involve (3) 48:22;55:2;94:13 involved (4) 10:20,23;12:11; 76:9 involvement (1) 92:7 involving (1) 10:23 issue (21) 9:11;10:10;14:13; 39:4;45:1;50:7;54:12, 18;55:17;62:8;67:12, 20;70:4;71:19,23; 81:7;82:3;84:1;96:16, 18,20 issued (12) 92:11,17;93:1; 94:10,12,16;95:23; 96:6,15;100:10,13,14 issues (10) 2:13;9:14;13:25; 67:15;68:4;71:20; 72:23;74:10;75:7; 98:1 items (5) 5:10;7:22;16:10; 24:2;63:12	joke (1) 80:19 JOSEPH (1) 1:11 July (1) 29:8 June (2) 28:2;96:5 junior (1) 86:11 junk (1) 35:22 jurisdiction (1) 27:20 JVC (1) 67:22	74:3 large (3) 12:12;55:18;80:11 larger (3) 87:15;96:25;97:10 LaRoche (2) 50:1;76:4 La-Roche (1) 31:17 last (14) 8:25;10:4,17;16:1; 45:25;46:4;48:8; 55:12;58:1;59:14; 62:3;69:15,20;81:16 lastly (1) 57:1 late (1) 48:21 lately (1) 43:1 later (2) 52:4;58:6 Lauren (2) 78:20;79:4 Law (17) 2:11;14:8;18:18; 19:14;21:1;31:18; 34:18;49:5,6;50:8; 69:14;75:19;78:23; 85:21;90:16;92:24,25 laws (2) 49:10;86:6 leads (1) 53:25 leaks (1) 80:5 learn (1) 87:11 learned (1) 86:25 learning (3) 86:12;87:7,19 least (7) 49:2;67:19;76:16; 81:1;85:2;90:17; 98:18 leave (3) 76:18;101:25;102:7 Ledger (1) 2:14 left (3) 53:23;54:1;102:25 legal (3) 31:13;93:22;98:23 legality (1) 69:24 legally (1) 67:12 legislature (1) 90:16 lengthy (1) 92:2 less (2)
			K	
			keep (2) 44:24;84:19 keeping (1) 64:3 KENNEDY (2) 1:2;31:1 Kenny (1) 48:19 kids (10) 72:5;73:17;85:19, 20,21,22;86:20,21; 89:15,18 kind (7) 44:4;52:1,1,12,21; 57:7;62:16 kindergarten (4) 71:21;85:3,4,8 Kingsland (5) 34:13,14,23,23; 35:4 knew (1) 86:9 knocked (1) 16:17 knowing (1) 90:18 known (3) 9:17;51:17;63:25 knows (1) 90:14 kudos (1) 18:3	
		J		
		jackhammers (1) 52:4 January (5) 25:6;26:16;31:24; 38:13;39:25 JERSEY (30) 1:4;22:7,22;23:18, 19,23;24:2,3,24; 25:11;26:11,25; 27:23;28:14;29:6,23; 30:20;31:20;32:13; 33:3,19;35:1;37:2,20, 22;39:2,25;40:12,13; 76:14 JGSC (1) 49:14 Joan (1) 59:12 job (5) 17:15;46:9;56:14, 19;70:10 joint (4) 13:4;25:4,8;92:14		
			L	
			lack (1) 57:4 lady (1) 71:17 Land (5) 34:17;52:18;54:15; 67:7;75:13 Lane (4) 40:3;45:23;53:12;	

<p>85:6,24 letter (6) 3:22;67:10;94:15; 95:23;96:5;99:13 level (3) 64:17,22;85:14 Leveling (1) 45:8 levy (1) 76:17 Liability (2) 25:4,7 liberty (2) 61:10;70:7 Library (5) 45:8;66:17,18,25; 67:7 License (5) 38:11,12,15,18,19 licenses (2) 39:3,4 life (1) 62:15 limit (3) 5:15;41:10;45:16 limitations (1) 86:22 limited (1) 20:21 limits (7) 45:4,6;47:12,13; 66:12,16;67:8 lines (3) 27:15,16;28:17 list (6) 4:17;42:9;59:21; 61:5;76:10,11 listen (3) 45:10;59:24;62:13 listing (1) 95:24 litigation (5) 67:19;97:4;101:14, 23;102:1 little (7) 8:14;14:15;17:4; 44:14;58:6;60:3; 86:11 Littleton (1) 29:5 live (4) 51:19;55:1;58:2; 102:19 living (2) 79:5;85:12 LLC (3) 24:24;27:1;35:4 local (9) 20:9,12;78:11,12; 79:7;85:14;95:15,18; 100:7 located (1) 34:14</p>	<p>long (14) 13:12;15:24;44:23; 57:2;61:6,16;62:22; 63:10;64:4,5;81:4,5; 89:1;99:16 longer (2) 23:16;86:5 long-term (4) 72:19;88:4;102:24; 103:1 look (19) 12:16;14:18;17:24; 45:14;57:7;65:18; 66:13;68:10,23,24; 71:10,16;77:7;84:16, 17;85:1;88:1;92:22; 98:21 looked (6) 11:3,25;12:16; 77:24;92:23;102:24 looking (12) 8:8;11:13;49:15; 56:9;69:10;71:2; 72:10,14;73:24; 74:10;82:22;83:17 loss (2) 75:22;77:1 lost (2) 77:13;100:20 lot (18) 7:5,5,19;8:9;11:4, 17;16:18;33:6;53:21; 55:1;63:4;64:6;72:8; 73:10,22,22;81:22; 89:7 lower (1) 77:21 Luce's (1) 58:22</p>	<p>mandates (1) 85:16 mandating (1) 87:23 manner (2) 48:11;97:6 manual (1) 90:5 many (16) 43:24;46:16;55:18, 19;59:13;62:24; 63:12;70:5,14;75:17; 80:24;82:7,25;83:18; 87:8;102:20 March (2) 3:23;38:17 Marczaks (2) 23:19;24:4 Maria (1) 45:23 Marie's (1) 47:25 massive (1) 16:16 Master (4) 50:7,14;69:12,13 math (1) 86:13 matter (5) 64:16;91:24;97:4, 15;99:16 matters (2) 98:24;99:20 MAURO (2) 1:13;17:13 maximum (1) 6:10 may (8) 5:18;13:24;15:16; 16:5;41:13;71:25; 90:18;93:10 maybe (14) 10:10;13:17;42:11; 43:5;50:19;52:13; 53:3,5,6;58:23,25; 79:5;87:15;99:7 MAYOR (217) 1:11;2:2,5,7,24,25; 3:4,9,17,18,19,20,25; 4:8,9,11,16,17,23;5:6, 7,8,9,18,18,22;6:15, 19,23;7:1,7,12,15,21; 8:4,21,24;9:3,9,13,19, 24;10:3,12,20,24; 11:13;12:6,14,22,25; 13:13,23;14:4,6,9,12, 25;15:2,6,15,17;16:9; 17:2,17;18:8;19:5,6, 7;20:1,2,3,4;21:8,15, 16,17,21,25;22:18,19, 20;23:12,13,14;24:13, 14;25:25;26:1,27:12, 13;28:14;29:2,3;</p>	<p>30:12,13,15,16,17; 31:10,11;32:24,25; 33:15,16;34:1,8,9; 35:13,14,15,16;36:9, 10,23,24;37:15,16,18; 38:7,8;39:13,14; 40:14,25;41:1,5,13, 13,17;42:3,7,13,16, 19,22;43:12,15,19; 44:10;45:18,21; 47:21;48:9,14;51:9, 11;54:3,9,21;57:10; 59:4,10,16,21;60:1,4, 9,21,22;61:2,3,4,9,10, 12,17,25;63:8;66:12, 20;67:2,21;69:6,24; 71:5,6,7,25;72:1; 73:15,19,20;74:2,6, 13,14,15,25;75:6; 79:16;80:14;81:18; 82:15;83:22,23;84:7; 89:24;90:2,7,11,12, 21;91:11,14;93:7,12; 100:25;101:2,13,18, 20,23;102:3;103:5,15, 16 McKinley (1) 55:1 mean (7) 7:7;9:16;15:9; 17:13;44:25;53:22; 58:21 means (1) 86:21 meant (1) 85:6 Meka (7) 48:19;50:16;66:14; 67:3,9,10;92:5 median (1) 76:6 medical (5) 77:24,25;78:2,15, 16 meet (2) 13:8;87:12 Meeting (16) 2:8,12;3:7,7;13:6; 21:19;41:3;45:15,25; 46:5;56:7;60:12;62:4; 79:21;91:25;92:14 Meetings (10) 2:11;15:23;26:7; 43:18;44:20;49:4; 51:20;57:18;91:20; 93:23 member (3) 5:19;39:17;41:14 members (8) 5:18;12:5;15:25; 41:13;45:7;63:5; 66:18;70:6 membership (2)</p>	<p>5:23;41:18 mentioned (4) 92:10,15;101:7; 102:10 Merchandise (1) 38:12 mercy (1) 103:3 message (1) 44:8 met (1) 15:24 Metuchin (1) 23:20 mic (1) 62:11 Michael (1) 42:24 microphone (3) 5:13;16:5;41:8 middle (2) 70:19,24 Midland (1) 27:22 midway (1) 91:25 might (7) 14:23;74:14;79:6; 80:14;87:15;88:2; 93:1 Milling (1) 39:22 million (21) 22:2,4;50:25;72:8, 15;75:13,16,20,20,21, 23;76:21,23,24,25; 77:4,7,20;81:20; 82:12;102:22 million-dollar (1) 53:5 mind (1) 84:19 mine (1) 89:25 minimize (2) 58:9,11 Minnesota (1) 29:15 minute (1) 80:15 Minutes (12) 3:4,5,19;5:16; 15:19;16:6;17:17,19; 41:11;48:8;54:4,6 misleading (1) 84:22 miss (1) 15:13 missing (1) 59:15 Mix (2) 39:21;66:7 mixed (5)</p>
	M			

<p>49:24;71:14,15,20; 75:1 mixed-use (9) 6:10;13:1;14:13,14, 19;44:16;50:19; 65:10;71:18 modifications (1) 76:1 money (8) 15:13;49:19;53:7; 55:25;72:8;76:25; 89:1,11 month (4) 4:15;22:8;27:25; 99:13 months (4) 9:2,3;11:5;49:4 MOORE (22) 6:2,2,17,18,21,25; 7:3,9,14,17;8:1,41;22, 22;42:3,4,7,8,13,14, 17,18,21 moratorium (5) 50:20;51:6;69:24, 25;70:5 more (21) 8:6;11:4,11;44:5, 24;46:24;49:19;55:6, 25;63:20;64:18; 67:16;70:9;71:25; 73:25;78:11;79:13; 86:12,16;87:1,11 morning (2) 58:4,20 Morris (2) 39:17,19 most (6) 24:25;46:23;48:14; 91:14;96:19;100:3 mother (1) 57:8 Motion (3) 3:8;60:11;103:5 Move (28) 3:9,25;4:23;18:9, 16,22;19:12,18; 20:24;22:10;23:4; 24:5;27:4;28:19;30:4; 36:1,15;37:7,24;39:5; 40:17;60:13;63:24; 64:24;67:15;70:13; 83:7;89:12 moved (8) 21:7;25:17;31:2; 32:16;33:7,25;35:5; 103:7 movie (1) 43:1 moving (9) 51:4;61:17;63:3,22, 23;65:2;73:8;80:10; 81:3 Mrs (1)</p>	<p>47:21 Mt (1) 39:24 much (14) 12:3;14:12;46:1; 48:16;54:19;67:15, 16;86:12;88:10; 96:18,25;97:9;100:7; 103:4 multi- (1) 53:4 multifamily (1) 63:20 multiple (1) 92:24 multi-progress (1) 4:12 multi-use (1) 55:2 Municipal (19) 2:16;5:25;20:19,20; 28:8,10;30:20,25; 34:17;37:23;38:23; 39:3;41:20;54:15; 58:1;78:6,22;94:13; 96:22 municipality (2) 20:10;95:21 municipality's (1) 93:5 must (4) 5:18;41:13;78:21; 92:16 myself (3) 63:2;80:25;82:15</p>	<p>needs (12) 11:24;57:6;70:14; 75:8;81:25;85:17,22; 87:16;88:4,13;101:9, 10 negative (1) 79:10 negotiate (1) 57:19 negotiated (3) 31:16;78:1;102:24 negotiating (2) 78:18,25 negotiations (1) 76:8 neighbor (1) 53:20 nepotism (1) 90:4 nesters (1) 51:3 NEW (34) 1:4;22:7,22;24:2, 24;25:11;26:11,25; 27:23;28:14;29:6,23; 30:20;31:20;32:13; 33:3,19;35:1;37:2,20, 22;39:2,23,24;40:12, 13;42:12;48:8;76:14; 77:2,4,5;83:6;84:21 Newman (3) 7:24;47:24;91:13 News (2) 2:14;43:2 next (17) 18:5;21:19;31:12; 36:11;45:14,14; 53:20;56:13,21; 57:18;66:12;70:19; 71:18;74:3;79:21; 81:3;83:12 nice (2) 54:19;60:4 Nissan (1) 35:24 NJSA (7) 24:19;26:5;27:17; 29:8;31:22;34:18,19 nobody (2) 10:17;90:14 noise (3) 58:12,17;59:15 nonconforming (1) 66:3 none (5) 16:12;60:11;75:3,6; 102:16 non-fair (1) 31:20 non-open (1) 31:21 normal (3) 81:2;96:18;97:8</p>	<p>normally (1) 78:8 North (2) 59:12;82:12 note (2) 31:14;68:12 notice (5) 2:12,14;18:18; 19:14;21:1 noticed (2) 42:11,12 notices (2) 94:9;96:17 notion (1) 84:19 November (15) 1:8;2:8;4:18;21:19, 20,21,22,23;22:7,8; 29:19;30:1,24;50:24; 96:8 nowhere (1) 46:12 number (25) 7:11,13;8:2;11:22, 23;13:19,21;19:7; 28:7,9;32:5,14;35:18; 39:20;56:9,10;57:20, 22,24;61:13;63:17; 66:8;76:11;85:22; 86:20 numbers (1) 85:23 NUTLEY (74) 1:1,4;2:13,15;3:21; 14:18;17:8,15,24; 18:12,17;19:9,13; 20:22,25;22:6;23:15; 24:1,16,18,24;25:10; 26:3,11,12,24;27:15; 28:13,18;29:10,22; 30:19;31:1,1;32:12; 33:2,18;34:25;35:19; 37:1,19,22;38:11,15; 39:1,17;40:2,3,11,16; 42:1;45:4,10,12,17; 47:25;53:14;54:14; 62:21;73:14,16; 75:18;76:3,5,11; 77:13;78:10;79:1; 81:14,24,25;89:10; 102:13,19 Nutley-Belleville (1) 17:6</p>	<p>98:22 obviously (5) 43:1;67:18;69:22; 70:13;80:3 occupancy (2) 85:17;92:17 occupants (1) 56:11 occupied (2) 78:20;80:4 occupies (1) 78:2 occupy (1) 68:24 occurred (1) 79:11 occurs (1) 94:1 o'clock (2) 18:5;58:4 October (5) 3:8;4:15;23:17; 24:21;26:8 off (6) 6:4;16:21;18:2; 36:14;75:10;81:20 offense (1) 91:7 Office (8) 2:16;27:25;33:23, 24;43:3;83:5;93:5; 94:10 officer (8) 5:23;26:21;28:5; 32:9;40:8;41:18; 46:20;87:7 Officers (1) 18:13 official (3) 34:21;46:11;62:15 officials (2) 12:8;47:14 Off-Premise (2) 3:22;38:20 OJIYA (7) 42:24,24;43:13,14, 17,21;44:10 old (3) 43:2;70:19;81:9 older (1) 22:4 Oliver (1) 37:21 Once (5) 12:18;64:8;70:11; 90:25;96:1 ONE (58) 1:2;6:6,16,23;7:10, 18;8:13;9:14;10:7,8; 11:21;14:1;16:14; 17:14;23:18,23;24:3; 26:18;31:1;44:7; 46:12,25;50:9;51:18;</p>
	N			
	<p>name (3) 5:13;41:8;54:25 National (1) 22:7 nature (1) 94:2 near (1) 70:20 necessarily (2) 12:14,15 necessary (1) 67:13 necessity (1) 58:9 need (33) 10:11,18;14:20; 24:16;26:3;27:15; 46:25;47:4,13;55:19; 63:11;76:11;79:9; 80:3,4,8,8;81:7,8,14; 82:2,3,11,13;83:1,20, 25;84:2;86:16;87:14, 15;90:15;99:2 needed (3) 64:21;73:9;81:19</p>			
			O	
			<p>O&E (2) 33:24;37:6 obligated (1) 92:1 obligation (4) 62:25;90:18,19,20 obligations (1)</p>	

<p>52:12,16;54:14;57:7; 59:14,15;62:1,8,8; 65:20,22,22;66:15; 67:5;68:6;69:8;70:9; 71:25;74:9,12,16; 75:7,7;80:15;81:9,17; 84:6;86:7,11;87:25; 93:25;94:4;100:14,21</p> <p>one- (1) 66:7</p> <p>one-bedroom (2) 49:1;73:15</p> <p>one-bedrooms (2) 51:15,23</p> <p>one-family (1) 71:22</p> <p>ones (4) 47:14;69:9;97:7; 98:16</p> <p>one's (3) 10:12;57:8;100:16</p> <p>one-year (1) 26:16</p> <p>ongoing (2) 48:18;71:9</p> <p>online (2) 88:23;100:17</p> <p>only (19) 5:10;7:23;16:11,17; 41:23;47:13;55:12; 58:21;59:13;64:15; 73:23;78:2,3,23; 83:25;85:21;91:2; 100:21;101:13</p> <p>On-Premise (3) 38:12,16,19</p> <p>onto (1) 10:5</p> <p>Open (10) 2:10;24:18;26:4; 43:18;48:7;65:2; 82:19;91:20,22;102:9</p> <p>opened (2) 24:21;26:8</p> <p>opinion (2) 63:11;103:4</p> <p>opportunities (1) 14:18</p> <p>opportunity (5) 67:14;84:15,23; 97:20;102:5</p> <p>OPRA (1) 46:16</p> <p>option (7) 26:17;72:16;73:2; 82:2,5;83:25;87:9</p> <p>options (7) 72:14,25;73:1,25; 82:4;83:21;88:13</p> <p>order (10) 31:13;32:3,5,13; 52:23;64:25;76:17; 77:9,24;85:25</p>	<p>ordered (3) 52:15,21;53:9</p> <p>ordinance (55) 6:5;8:2,9,10,18,22, 24;9:17,21;10:19,21; 11:7,9;12:10,17,18, 19;13:1;15:10;18:9, 10,11,16,19,22;19:7, 8,12,15,18;20:5,7,12, 17,18,24;21:2;40:7; 50:17;55:3;61:14,20; 63:12;64:19;65:1,18, 20;66:1,5,21;75:2; 95:15,19;97:17;100:7</p> <p>ordinances (1) 68:9</p> <p>Organization (2) 38:18;49:7</p> <p>organizations (1) 38:10</p> <p>original (1) 32:1</p> <p>originally (2) 74:8;96:16</p> <p>ostensibly (1) 100:19</p> <p>others (4) 5:21;41:16;47:15; 81:11</p> <p>out (22) 16:17;17:24;50:21, 23;51:7;53:21;57:5; 63:1,24;69:3;72:18; 81:5,23;83:25;85:10; 86:3,4;88:10;89:4,12; 96:19;98:17</p> <p>outcome (2) 84:13,14</p> <p>outfitted (1) 87:16</p> <p>oval (2) 17:10;82:13</p> <p>over (18) 11:4;42:2;46:10; 50:22;52:12;55:25; 59:17;63:22;65:12; 71:21,22;73:17; 82:17;84:12,12; 85:21;89:1;101:2</p> <p>overcrowded (1) 84:20</p> <p>overcrowding (7) 51:1,2;71:19,23; 84:1,21;85:1</p> <p>over-development (1) 52:6</p> <p>overpayments (1) 33:5</p> <p>overwhelming (1) 55:13</p> <p>owe (2) 47:10;73:1</p> <p>own (5)</p>	<p>53:14;54:16,17; 81:10;102:13</p> <p>owned (1) 54:14</p> <p>owner (3) 35:22;94:16;95:23</p> <p>ownership (1) 82:22</p>	<p>P</p> <p>Page (1) 6:9</p> <p>paid (8) 9:7,9,10;10:16; 46:23;78:24,25; 102:22</p> <p>paper (1) 70:1</p> <p>Paragraph (1) 6:9</p> <p>parcel (2) 52:17;80:11</p> <p>Pardon (2) 42:18;58:9</p> <p>Parents (2) 38:18;64:1</p> <p>Park (4) 27:22;53:17;82:9; 90:23</p> <p>parking (6) 11:22;13:21;37:23; 52:5,14;70:15</p> <p>Parks (1) 4:20</p> <p>Parsippany (3) 29:5;31:19,20</p> <p>part (7) 43:17;53:18;55:18; 64:18;67:25;74:7; 85:8</p> <p>participate (1) 10:18</p> <p>particularly (1) 26:13</p> <p>parties (1) 20:20</p> <p>pass (2) 72:15,24</p> <p>passage (3) 18:19;19:15;21:3</p> <p>passed (5) 15:20;18:16;19:12; 20:24;72:23</p> <p>passing (1) 79:20</p> <p>past (5) 26:12;49:4,4;65:12; 71:21</p> <p>Pat (1) 92:13</p> <p>patience (1) 16:24</p>	<p>patient (1) 16:20</p> <p>pay (8) 9:6;49:9;53:11; 78:5,8,13,21;89:8</p> <p>paying (1) 56:18</p> <p>payment (2) 34:11;37:23</p> <p>Payroll (1) 4:21</p> <p>pay-to-play (2) 20:7,15</p> <p>pending (5) 77:18;101:14,20, 21,23</p> <p>penny (1) 79:9</p> <p>people (38) 11:14;13:9;14:20; 16:5,15;22:2;43:24; 46:6,19;47:10;48:5; 49:3;51:4;55:1,10; 56:24;57:1;58:5,5,6; 62:13,14;72:7,13; 73:10;79:5;81:24,25; 82:25;83:4,4,6;84:2; 89:7;91:7;92:1;99:1; 102:12</p> <p>per (11) 6:22,24,25;7:1,4; 11:2;27:25;29:12; 62:19;66:9;94:24</p> <p>percent (11) 22:3;50:22;55:5; 75:1,4;76:16,16;78:6, 24;79:1;85:18</p> <p>percentage (2) 11:20;14:22</p> <p>perfectly (1) 47:2</p> <p>perhaps (1) 79:21</p> <p>perimeter (1) 68:8</p> <p>period (2) 26:16;39:25</p> <p>permanently (1) 99:22</p> <p>Permit (5) 37:23;94:2,3,4,21</p> <p>permits (3) 27:17;92:11;100:10</p> <p>person (3) 5:15;41:10;94:11</p> <p>personally (1) 57:4</p> <p>personnel (1) 90:5</p> <p>persons (2) 5:11;41:6</p> <p>perspective (2) 11:25;12:1</p>	<p>petition (1) 45:4</p> <p>PETRACCO (75) 1:15;2:22,23;3:15, 16;4:6,7;5:4,5;18:23; 19:3,4,24,25;21:13, 14;22:16,17;23:10, 11;24:11,12;25:23, 24;27:10,11;28:25; 29:1;30:10,11;31:8,9; 32:22,23;33:13,14; 34:6,7;35:11,12,16, 17;36:7,8,11,21,22, 25;37:13,14,17;38:5, 6;39:11,12;40:23,24; 58:10,13,18,21,24; 59:1,5;60:19,20; 61:22;80:17,21; 82:15;84:17;87:9; 88:18;103:13,14</p> <p>phone (4) 27:15;28:17;29:7, 25</p> <p>phonetic (2) 42:24;46:5</p> <p>pickup (1) 23:22</p> <p>picture (1) 79:15</p> <p>pilot (5) 78:3,5,8,18,23</p> <p>place (6) 29:17;39:21,22; 71:1;72:20;78:14</p> <p>placed (3) 25:16;27:3;58:2</p> <p>plan (7) 34:13;50:8,14; 51:21;69:12,13;72:19</p> <p>planet (2) 86:10,11</p> <p>planner (36) 8:8,8;9:6,7;10:13; 12:11,11,15;14:5,7, 17,19,23;15:1,3,7,13; 49:17,18,18,21,22,24; 50:1,9,11,12,13;63:2; 65:6,17;67:23;69:7,8, 19,21</p> <p>planners (22) 8:7,15;9:5,7;10:7, 10,11,18;11:14;12:2; 13:25;14:1;15:5,9,9, 11,24;49:13;50:2,10; 62:6;65:6</p> <p>Planning (36) 8:7;9:6,23,24;10:8, 14,21;11:3,15,25; 12:1,4;13:5;15:7,25; 44:15,19;45:8;51:20, 25;52:15,21;53:9; 63:5;64:15,16,17,20, 22,24;65:2,6,7;67:1;</p>
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69:21;74:12 plans (1) 50:4 planting (1) 63:23 please (4) 2:2;3:8;45:19; 47:19 Pledge (1) 2:4 plus (1) 75:18 Pluto (1) 86:10 pm (3) 3:24;30:25;36:13 podium (3) 47:8,20,20 point (10) 11:15;12:4;57:5; 61:17;62:16;67:13; 77:10;84:15;89:14; 90:17 Police (2) 38:23;46:20 policies (1) 79:18 policy (5) 56:6;57:15,16;90:4, 5 political (2) 20:19,20 politics (1) 47:9 polls (1) 50:23 Pool (3) 42:1;60:24,25 population (6) 22:3;68:2;73:12; 85:19;86:19,21 portion (4) 41:2;56:6;59:17; 60:12 position (5) 46:14;67:11;79:3; 83:18,20 positive (1) 89:17 possible (1) 73:2 possibly (1) 42:2 posted (1) 2:15 posture (1) 79:8 potential (2) 67:18;97:3 power (4) 16:17,21,22;18:1 precisely (1) 7:11	preclude (1) 70:23 precluding (1) 82:21 pre-diabetes (1) 22:4 pre-kindergarten (1) 81:12 preparation (1) 69:18 Preparations (1) 39:23 prepared (1) 69:22 present (4) 3:1;9:20;45:9;80:7 presented (6) 8:20;48:7;49:2,21; 57:19;82:4 presently (1) 82:8 presiding (2) 5:23;41:18 pressure (1) 63:4 presupposes (1) 96:10 pretty (1) 71:12 prevented (1) 101:24 previous (2) 69:1;93:23 previously (1) 92:10 priced (1) 89:18 prices (1) 87:2 Pricing (1) 39:18 Princeton (2) 27:21;28:16 principle (1) 78:21 private (2) 97:1;98:5 probably (5) 7:19;17:14;57:3; 81:6;100:20 problem (3) 70:25;71:4;73:9 problems (2) 73:3;83:21 problem-solving (1) 55:17 procedure (1) 90:5 procedures (1) 79:18 proceed (1) 52:23 process (10)	12:13;15:22;16:2; 24:18;44:24;50:11; 78:18;82:8;100:18,22 pro-child (1) 89:10 productive (1) 87:18 Products (5) 29:5,11,15,18;30:2 professional (7) 12:2;24:16;25:2; 26:3;31:21;63:2; 66:10 professionals (2) 63:1,15 progress (1) 73:21 project (7) 9:10;10:16;52:23, 25;53:4,5,13 projected (1) 75:22 promise (1) 99:11 promote (1) 68:22 proper (3) 55:20;89:19;99:3 properties (6) 55:3;65:14;66:14; 67:3,9;68:1 Property (26) 4:20;31:17;34:14; 35:20;53:2,3,3,10; 54:16;62:24;69:11; 75:15,18,20;76:7; 77:11,18,25;78:5,16; 79:12;91:1;92:9; 95:23;102:13,19 proponent (1) 63:20 proposal (4) 11:1;12:9;27:21; 55:11 Proposals (3) 30:22,24;80:24 proposed (8) 8:2,17,9:18,22; 10:19;11:1;13:1;88:7 proposing (1) 15:12 proposition (1) 88:16 Prosecutor (3) 49:8,10;94:14 Prosecutor's (2) 92:6;93:5 protect (1) 63:22 proves (1) 44:2 provide (8) 5:13;26:13;31:23;	32:5;41:8;68:3;69:19; 100:12 provided (5) 12:4;26:11;48:20; 49:17;95:3 providing (1) 77:4 Provision (6) 22:23;26:5;28:17; 29:8;66:1;90:3 provisions (4) 31:22;33:20;37:3; 95:13 PUBLIC (36) 1:6;2:8,11,11;4:12, 18,19,20,20;5:9;8:2; 15:20;16:4,20;17:16, 23;19:10;20:22; 21:17,18;27:19;43:4, 18,19;48:2,7;56:6; 59:17;60:11;73:1; 84:8;91:20,22;101:2; 102:10,14 publicly (1) 17:1 published (3) 2:12;48:5;95:3 pulled (1) 39:15 purchased (2) 70:21;73:4 purchasing (1) 70:17 Pursuant (5) 2:10;24:19;26:4; 29:7;31:21 pursue (1) 88:14 pushed (1) 44:9 pushing (1) 76:9 put (13) 6:4;8:19;10:17; 11:6;12:9,10;45:2; 65:24;72:18;84:8,9; 86:20;94:4 Putting (3) 11:9;12:17;63:4	43:24 quick (1) 57:14 quickly (2) 67:16,16 quiet (1) 83:11 quite (4) 8:21,22;59:18;92:1 quote/unquote (1) 53:11
R				
Raffle (8) 3:23;38:9,12,13,16, 19,20;39:4 Raiders (1) 17:9 raise (3) 46:14;68:18;70:18 raised (7) 13:7;62:19;64:14; 65:5;87:5,8,9 raising (1) 77:6 Ralph (2) 78:20;79:4 range (1) 85:16 ranging (1) 70:14 ranked (1) 76:11 ratable (3) 75:22;76:14,16 ratables (2) 77:4,5 rate (1) 14:22 rather (5) 46:8,11;47:5;72:18; 73:25 rationale (1) 63:14 reach (1) 63:1 read (8) 22:1;31:13,14;46:9, 10;56:22,23;95:2 reading (6) 18:17,21;19:13,17; 20:25;21:4 real (1) 57:14 realistic (1) 81:23 reality (1) 44:18 realize (1) 44:4 really (17) 11:24;17:8,8,9,22,				
Q				
Qualification (2) 26:6;27:3 qualifications (2) 25:1,15 qualified (1) 76:19 qualify (3) 76:5,15,17 quality (1) 27:24 question's (1)				

<p>24;18;2;7;48;24; 49:16;51:5;57:6;63:6; 67:23;89:25;90:14; 96:24 reason (4) 43:17;47:13;78:22; 79:8 reasons (1) 64:6 recall (2) 69:20;70:21 receive (1) 20:22 received (8) 23:15;24:21;26:8; 34:11;38:10;76:23, 24:79:17 receives (1) 20:10 recently (1) 64:16 recognize (1) 22:8 recognizing (2) 65:11;75:25 recommend (1) 62:5 recommendation (4) 11:6;64:20;65:10; 68:18 recommendations (4) 44:22;68:6,9;70:13 recommended (3) 14:22;27:24;32:3 reconciliation (1) 12:24 record (2) 5:14;41:9 recorded (1) 91:18 Recording (2) 2:1;103:18 Records (2) 18:14;19:10 red (1) 62:20 redeveloper (1) 31:17 redevelopers (1) 31:15 redevelopment (4) 8:8;10:13;49:25; 65:13 reduction (1) 75:21 reelection (1) 83:11 reference (1) 7:6 Referendum (15) 55:10;71:7;72:6,11, 11,15;73:12;74:1; 80:18;81:16,20;</p>	<p>83:23,24;84:24;88:24 referendums (4) 44:3,5;50:24;72:24 referring (2) 95:11,15 refund (4) 33:4;35:2;37:21,23 regard (2) 20:15;67:9 regarding (9) 5:12;41:7;50:24; 69:2;90:3;92:5;93:24; 96:15;98:23 regular (3) 14:15;78:17;81:13 regularly (1) 98:14 regurgitation (1) 81:15 reimbursable (1) 31:15 reintroduce (2) 8:6,16 reiterate (1) 51:14 related (2) 68:6;69:3 relative (1) 67:8 remainder (1) 30:1 remaining (1) 57:24 remarks (2) 5:17;41:12 Removal (1) 23:1 remove (1) 16:22 removed (1) 100:19 Renewal (3) 34:14,23;35:4 Rent (1) 45:8 repairs (2) 80:3,4 repeat (1) 64:11 report (8) 4:15;67:10,19;68:5; 71:11;101:7,10,12 Reports (3) 4:11,12;71:12 represent (1) 83:13 reprimand (1) 46:14 re-proposed (1) 11:2 request (8) 24:25;25:15;26:6; 27:2;30:21,23;45:9;</p>	<p>85:9 requested (1) 65:17 requesting (3) 3:22;50:18;51:6 requests (1) 46:16 require (1) 74:8 required (13) 16:6;18:18;19:14; 21:1;25:3;34:17;40:5; 50:8;57:23;69:14,23; 78:7;97:7 requirement (4) 2:10;20:14;57:20, 23 requirements (5) 74:12;86:14;87:12; 88:9;90:15 requires (2) 65:18;91:17 research (2) 67:6;73:2 residential (2) 55:3;77:14 residents (4) 59:7;64:18;85:9; 87:3 resolution (34) 22:10;23:4,24:5; 25:16,17;26:22;27:3, 4;28:6,19;29:9;30:4; 31:12,24;32:10; 35:17;36:1,11,15; 37:7,24;39:5,15;40:5, 9,17;45:6,11;66:14; 67:17;74:7,24;79:20; 97:5 resolutions (1) 22:1 resolve (1) 74:10 resolved (25) 9:15;22:5,20;23:25; 25:9,14;26:23;28:12; 29:21;30:18,23; 32:11;33:1,17;34:24; 36:25;37:18;38:25; 40:10;64:22;74:11; 75:8;96:23;97:20; 101:15 respectful (1) 91:4 respecting (1) 57:3 respond (2) 64:8;94:18 responded (1) 85:12 responds (1) 96:2 response (4)</p>	<p>25:14;27:2;67:12; 96:2 responses (1) 50:5 responsibility (2) 10:22;46:13 responsible (1) 24:25 responsive (1) 24:25 rest (4) 61:20;78:4,15,24 restored (1) 16:23 result (2) 27:23;76:20 results (3) 49:20;70:12;83:3 resurface (1) 40:2 resurfacing (2) 39:20,23 retail (4) 14:23;68:1,9,10 return (1) 102:15 reveal (1) 67:18 Revenue (7) 4:18;32:2;75:12,15, 22;77:21;100:20 revenues (1) 77:13 reverse (1) 79:9 review (6) 6:6;26:7;69:16,17; 70:12;79:19 reviewed (4) 6:7;34:22;38:22; 69:15 revising (1) 50:13 Revision (3) 50:8;69:12,13 RFQ (1) 24:20 Ridge (3) 16:15,17;17:5 right (56) 8:16;42:17,20; 43:16,21;46:13;48:2; 51:19;52:8;53:24; 58:7;60:8;61:14;62:7; 63:11,13,14,20,21,24; 64:1,5,7,7;70:6,8,14, 22;81:1,2,12,21,22, 24;82:1,4,5,7,12,21, 24;83:1,1,5,6,12; 84:17;85:20;86:2; 91:22;92:18;94:19; 96:21;98:20;99:16; 100:2</p>	<p>rightly (1) 46:21 riser (1) 58:5 Risk (5) 24:17,20,21;25:2, 16 River (1) 40:3 Road (15) 16:15,17,22;17:5; 29:5;31:19;39:20,24; 40:3;52:19;53:12,14, 23;54:17;59:12 roads (2) 16:18;54:13 ROGERS (6) 1:12;2:17;3:2; 21:25;45:11;66:13 roof (1) 80:5 room (2) 86:21,22 rooms (1) 87:15 roots (2) 63:24;64:1 Rory (2) 6:2;41:22 ROSSI (12) 44:13,13;45:20; 57:13,13;58:11,15,19, 23,25;59:6;90:21 roughly (1) 75:21 RS (3) 22:23;33:20;37:3 RUBINO (7) 59:12,12,16,18,23; 60:2,8 rule (1) 48:8 rules (4) 20:7,16;48:5,23 rumor (3) 41:25;42:4;61:10 run (3) 17:12;51:7;62:15 running (2) 18:3;53:21</p>
S				
<p>safe (2) 55:20;56:24 Safety (6) 4:19;26:7;34:12,16; 35:2;54:12 Salary (2) 33:23;37:6 sale (1) 54:14 Sales (2)</p>				

<p>23:18;24:3 salute (1) 2:3 same (18) 14:23;22:24;33:22; 37:4;44:1,1;49:21,24; 61:10;70:17;78:20; 79:3;84:12;85:5,5; 86:19,21;96:24 sat (2) 51:19;64:15 Saturday (2) 16:15;58:6 save (1) 7:19 savings (1) 27:23 saying (12) 9:6,13,21;10:15; 53:10;78:23;86:19; 97:13;99:7,7;102:16, 17 scale (2) 96:25;97:10 SCARPELLI (181) 1:11;2:2,5,24,25; 3:4,9,17,18,20,25;4:8, 9,11,16,23;5:6,7,9; 6:4,15,19,23;7:1,7,12, 15,21;8:4,21,24;9:3,9, 13,19,24;10:3,12,20, 24,11:13;12:6,14,22, 25;13:13,23;14:4,6,9, 12,25;15:2,6,17;16:9; 17:2,17;18:8;19:5,6, 7;20:1,2,3;21:8,15,16, 17,21,25;22:18,19,20; 23:12,13;24:13,14; 25:25;26:1;27:12,13; 29:2,3;30:12,13,16; 31:10,11;32:24,25; 33:15,16;34:1,8,9; 35:13,14,16;36:9,10, 23,24;37:15,16,18; 38:7,8;39:13,14; 40:25;41:1,23;42:3,7, 13,16,19,22;43:12,15, 19;44:10;45:18,21; 47:21;48:9,14;51:9, 11;54:9,21;56:1; 57:10;59:4,10,16,21; 60:1,4,9,21,22;61:2,4, 12;63:8;66:12;67:2, 21;69:6,24;71:5,7; 72:1;74:2,13,15,25; 75:6;79:16;81:18; 83:23;89:24;90:7,11, 21;91:11,14;93:7,12; 100:25;101:2,13,18, 20,23;102:3;103:5,15, 16 Schedule (1) 35:20</p>	<p>School (23) 55:9;70:19,24; 73:12;77:24,25;78:2, 6,8,15,16,22;79:4,5; 80:1,18;81:13;85:2, 12;86:8,8;88:7;89:10 schools (6) 50:25;55:11;72:19; 78:9;84:20;85:1 science (2) 86:9,12 scream (1) 46:19 sealed (1) 23:16 search (1) 53:9 Searle (4) 24:23;25:12;26:10; 27:1 seat (1) 47:16 Second (34) 3:10;4:1,24;18:17, 20,23;19:13,16,19; 20:25;21:4,8,22;11; 23:5;24:6;25:18;27:5; 28:20;30:5;31:3; 32:17;33:8;34:1;35:6; 36:2,16;37:8,25;39:6; 40:18;44:6;60:14; 67:5;103:8 secondly (1) 47:3 seconds (1) 54:8 secret (1) 83:24 Section (3) 6:9;94:7;102:10 sections (1) 73:13 Seeing (2) 16:12;60:11 seek (1) 68:24 seem (2) 48:22;52:18 seems (11) 13:11;47:15;51:18, 21;52:12;53:14; 55:24;62:2,7;102:11, 17 self-storage (1) 88:8 sell (1) 71:2 send (1) 62:5 senior (1) 89:12 seniors (1) 89:17</p>	<p>sense (2) 11:17;61:18 sent (3) 10:5;44:7;99:13 sentiment (1) 70:5 separate (3) 86:2;95:6,7 September (6) 3:5,6,6,7;9:22;28:1 seq (1) 34:18 serious (1) 97:6 seriously (1) 97:25 served (1) 53:3 Service (6) 16:21;17:16,23; 26:14;31:21;69:19 services (13) 24:17;25:3;26:4,12; 27:19;29:5,11,16,18; 30:3,22;31:14,25 serving (1) 83:4 SESSION (1) 1:6 sessions (1) 44:20 set (1) 91:22 set-aside (1) 50:17 setbacks (2) 8:11;65:21 settlement (1) 90:13 seven (1) 81:11 several (8) 46:6;48:5;65:2,5; 68:5;70:16;80:12; 91:9 Shade (2) 4:14;16:20 shall (10) 5:15,22,24;20:21; 25:5;30:24;41:10,17, 19;55:5 shallow (1) 63:24 share (1) 79:2 shareholders (3) 102:8,13,18 sharing (1) 45:14 shocking (2) 46:25;101:11 shop (2) 70:19;73:5</p>	<p>shopping (1) 70:15 short (3) 44:6,7;88:2 shortfall (1) 77:21 shot (1) 44:2 shut (1) 16:21 side (7) 47:8,20,20;65:21, 22,23;75:18 sign (2) 40:15;82:17 signage (1) 68:6 signatures (2) 45:3,9 signed (1) 45:4 significant (3) 68:16;88:12;90:3 signifies (1) 45:16 signs (1) 68:7 simple (1) 56:10 simply (3) 86:21;87:1;94:22 Simultaneously (1) 75:5 Singer (1) 3:21 Singers (2) 38:11,15 sit (6) 47:8;55:23;59:24; 64:14,15;83:10 sit-down (1) 95:25 site (2) 34:13;50:1 sitting (2) 55:15;92:18 situation (5) 16:25;50:15;67:8; 84:16;92:1 six (2) 49:4;58:4 sixth (1) 99:13 size (6) 7:5,6;8:12;11:19; 66:6;86:16 slated (1) 55:7 sleep (1) 58:5 small (2) 86:10;87:14 smaller (1)</p>	<p>86:16 smart (1) 81:24 smarter (1) 83:20 solar (1) 86:9 sold (5) 24:3;42:1;51:3; 60:24,25 solution (3) 86:25;88:3,17 Solutions (3) 27:22;28:16;84:17 solve (2) 55:17;73:9 somebody (2) 56:18;62:11 somehow (1) 97:14 someone (2) 15:12;46:23 sometimes (5) 86:1,2;91:5;102:11, 17 somewhere (2) 12:13;82:12 son (1) 72:4 song (1) 56:9 Sorry (7) 17:21;21:22;42:18; 80:23;93:15;96:8; 101:19 sort (1) 55:16 sorts (1) 102:22 space (13) 68:9,11,24;70:16, 25;71:3;81:7;82:3,19; 86:1,23;87:2,13 spaces (1) 55:21 speak (5) 13:20;75:3;79:24; 80:25;81:17 speaking (1) 75:5 special (8) 31:13,23;32:5; 42:15;68:19;69:2,19; 71:22 special- (1) 85:16 specialized (2) 24:16;26:3 special-needs (3) 85:18,23;86:22 specific (4) 11:10;93:3;94:5; 101:10</p>
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<p>specifically (4) 34:18;65:7;92:6; 94:1</p> <p>specifications (1) 92:23</p> <p>specifics (3) 8:6;11:7;12:16</p> <p>speculating (1) 53:20</p> <p>spend (1) 15:12</p> <p>spending (1) 55:25</p> <p>split (1) 55:25</p> <p>spoke (3) 46:6;55:2,10</p> <p>spoken (1) 84:2</p> <p>spot (2) 63:3;88:19</p> <p>spots (2) 11:22;13:22</p> <p>Spring (4) 55:8;71:16,19;72:4</p> <p>Springer (2) 53:12;74:3</p> <p>square (6) 7:7,9,12;8:13; 13:21;80:7</p> <p>stabilization (3) 34:12,16;35:3</p> <p>stacked (1) 55:7</p> <p>stages (1) 70:3</p> <p>stand (4) 2:2,6;70:8;100:8</p> <p>standard (1) 35:22</p> <p>standards (1) 68:10</p> <p>standing (1) 53:1</p> <p>Star (1) 2:14</p> <p>start (6) 11:19,20,23;66:23; 88:24;101:9</p> <p>started (3) 61:25;97:7;100:8</p> <p>State (34) 20:8,11,11,12,15; 22:7;24:2;25:11; 26:25;28:14;29:23; 30:19;32:13;33:3; 35:1;37:20;39:2; 40:12;57:25;66:18, 22,24;75:25;76:5,14, 18,20,21;77:5;87:5, 20,20;88:15;95:14</p> <p>stated (1) 55:4</p>	<p>states (1) 56:16</p> <p>statute (4) 66:18,22;69:23; 95:9</p> <p>statutes (6) 20:8,15;48:24; 49:11;66:24;92:7</p> <p>stay (1) 81:25</p> <p>staying (1) 64:3</p> <p>step (1) 46:20</p> <p>steps (1) 81:19</p> <p>STEVEN (1) 1:12</p> <p>still (10) 66:1;67:19;69:25; 73:8;74:9,10;81:22; 87:23;90:15;101:15</p> <p>stipulate (1) 52:1</p> <p>stone (1) 72:21</p> <p>stop (2) 44:9;62:17</p> <p>store (1) 73:11</p> <p>Strategic (5) 29:4,11,15,18;30:2</p> <p>Street (12) 6:3;16:18;34:13,15; 35:4;37:22;41:22; 42:25;51:14;52:20; 55:1;92:9</p> <p>stretch (1) 86:5</p> <p>strike (1) 89:16</p> <p>strong (1) 44:7</p> <p>structurally (1) 80:6</p> <p>structures (2) 56:10;87:24</p> <p>students (5) 85:8;86:17;87:17, 23;88:23</p> <p>studios (1) 51:23</p> <p>study (4) 49:20;51:5,6;67:25</p> <p>stupid (1) 47:8</p> <p>subdivisions (1) 65:8</p> <p>subject (11) 27:19;28:8,10;56:8, 13,21;70:1;78:1,16, 16;92:25</p> <p>subjective (1)</p>	<p>80:9</p> <p>submitted (2) 3:22;96:17</p> <p>substantial (1) 27:23</p> <p>Suburban (2) 25:4,7</p> <p>sudden (1) 16:16</p> <p>suggest (1) 84:20</p> <p>suggested (1) 66:21</p> <p>suggestions (1) 11:14</p> <p>Suite (2) 27:22;31:19</p> <p>suited (1) 26:13</p> <p>summarize (1) 68:5</p> <p>summary (3) 8:19;20:6;64:12</p> <p>summon (1) 96:16</p> <p>summons (1) 94:12</p> <p>summonses (1) 93:1</p> <p>Sun (4) 2:13;18:17;19:13; 20:25</p> <p>Sunday (2) 3:23;38:16</p> <p>supervisors (1) 79:19</p> <p>supply (1) 27:18</p> <p>support (2) 69:22;89:8</p> <p>supported (2) 83:24;84:1</p> <p>supposed (6) 53:23;54:16,18; 62:12,13;93:25</p> <p>Supposedly (2) 10:4;92:12</p> <p>sure (21) 10:9;13:19;43:2; 45:20;48:24;62:6; 63:2,21;64:5;66:5; 67:8;72:1;74:15; 75:11;81:23;83:2; 85:25;91:1;92:22; 93:12;99:20</p> <p>surplus (2) 23:16;24:2</p> <p>surprise (2) 9:16;10:6</p> <p>surrounding (1) 16:18</p> <p>survey (2) 67:25;68:2</p>	<p>suspension (1) 50:18</p> <p>swept (1) 52:24</p> <p>System (8) 29:7,25;79:5;85:2, 12;86:9;89:10;94:14</p> <p>systems (1) 27:16</p> <p>Syto (1) 37:22</p>	<p>Technology (8) 27:25;87:6,10,22; 88:8,11,21;89:5</p> <p>ten (2) 69:15,23</p> <p>tenants (1) 100:19</p> <p>term (11) 26:15;45:4,6,15; 47:12,13;66:12,16,19; 67:8;88:2</p> <p>terms (16) 45:7;48:17,23; 49:10,22,25;50:3,12, 15;51:1;68:3,4;91:19; 92:11;100:6;101:8</p> <p>Terrace (2) 44:13;57:13</p> <p>testimony (3) 51:21,25;52:16</p> <p>that'll (2) 11:22;82:11</p> <p>therefore (12) 22:5;23:25;25:9; 26:23;28:12;29:21; 32:11;34:24;38:25; 40:10;66:10;97:8</p> <p>THOMAS (1) 1:14</p> <p>though (2) 52:8;91:15</p> <p>thought (7) 6:18;13:4;17:7; 46:21;79:14;88:22; 89:3</p> <p>thoughtful (1) 84:25</p> <p>three (9) 5:16;15:19;16:6; 17:17,19;53:12; 80:21,22;83:4</p> <p>three-bedroom (1) 63:17</p> <p>three-year (1) 29:12</p> <p>threshold (1) 40:5</p> <p>thresholds (1) 20:21</p> <p>throughout (1) 28:17</p> <p>thrown (1) 72:21</p> <p>tie (1) 92:2</p> <p>Tilcon (2) 39:23;40:13</p> <p>timeline (2) 50:12;101:9</p> <p>timelines (1) 50:3</p> <p>times (2) 61:13;65:5</p>
			T	
			T-15-912-914 (1) 34:20	
			table (3) 13:18;15:12;84:24	
			tabled (3) 8:5;15:10;55:4	
			tables (1) 46:18	
			talk (2) 11:21;88:21	
			Talked (3) 71:7;84:7;93:23	
			talking (5) 11:19,20;80:16; 89:4;92:19	
			Tammy (2) 44:13;57:13	
			tax (15) 33:5;56:12;75:9,12; 76:17;77:12,17;78:2, 6,9,22;102:22,23,24; 103:1	
			taxation (3) 78:11,12;79:7	
			taxes (7) 53:11;77:6;78:13, 17;79:1;80:17;89:8	
			taxing (2) 78:10,14	
			taxpayer (2) 46:15;73:24	
			taxpayers (7) 46:24;49:9;73:2; 75:23;77:13,14; 102:12	
			Taylor (1) 31:19	
			teacher (4) 85:22,23;86:14,17	
			teaching (3) 88:22;89:21,23	
			team (1) 45:13	
			tear-down (3) 56:24;79:23;80:9	
			technical (1) 66:4	
			technologically (1) 87:16	

<p>timing (1) 69:23</p> <p>tirade (1) 46:4</p> <p>title (4) 35:23;52:22;53:9; 74:7</p> <p>titled (1) 35:22</p> <p>today (8) 13:11;14:24;15:10; 75:11;77:11;86:11; 87:2;89:23</p> <p>today's (2) 68:14;87:22</p> <p>together (7) 8:19;18:17;19:13; 21:1;53:22;55:23; 86:2</p> <p>told (3) 76:10;96:5;98:6</p> <p>Tom (1) 89:20</p> <p>tonight (9) 48:15;49:16;59:13; 79:18;89:25;91:8; 94:15;101:7;102:11</p> <p>Tonnele (1) 23:18</p> <p>took (1) 44:21</p> <p>top (1) 75:10</p> <p>Topology (2) 69:9;101:6</p> <p>Topology's (1) 70:12</p> <p>tore (1) 103:1</p> <p>Toro (1) 23:21</p> <p>Total (3) 4:21,22;28:1</p> <p>totally (3) 54:15;80:17;82:2</p> <p>toured (1) 92:21</p> <p>Towing (1) 36:13</p> <p>Town (50) 2:15;13:18;17:11; 43:9,11,25;46:4,7,7,8; 47:4,17;49:8;50:20; 52:8;53:14;54:14; 55:14;56:7;62:14,23; 63:6,22;64:25;65:14, 16,67;17:68;1,2,8,25; 71:13;72:7;76:3,7; 77:1,3,5;79:6;80:13; 82:24,25;83:9,16; 84:22;88:1;89:12; 92:6;98:23;102:21</p> <p>towns (1) 43:7</p> <p>Town's (1) 102:8</p> <p>TOWNSHIP (51) 1:1,18;9:8;10:7; 14:2;18:12,14;19:8, 11;20:22;22:6,21; 23:15,17;24:1,15,18, 22;25:10;26:2,9,12, 24;27:14;28:13,14, 17;29:10,22;30:19; 31:1;32:12;33:2,18; 34:25;35:19;37:1,19, 20;39:1;40:11,14,16; 49:9,14;56:14;74:9; 82:17;87:3;97:17; 98:22</p> <p>Township's (4) 27:24;29:7,24; 67:11</p> <p>Toyota (1) 35:25</p> <p>track (1) 82:9</p> <p>tradition (1) 17:10</p> <p>traditional (2) 87:23;94:20</p> <p>trailer (3) 55:8;71:18;72:16</p> <p>trailers (6) 55:9;72:3,12,13,18; 74:1</p> <p>transfers (3) 22:23;33:21;37:3</p> <p>transgressed (1) 49:11</p> <p>transitional (4) 20:11;76:2,3,13</p> <p>transitioned (1) 77:22</p> <p>transparency (2) 57:2;91:20</p> <p>Trash (1) 23:1</p> <p>Treasurer (3) 33:4;35:1;37:21</p> <p>Treasurer's (1) 33:23</p> <p>Treasury (1) 33:24</p> <p>Tree (5) 4:14;16:16,20,22; 17:14</p> <p>trees (1) 17:14</p> <p>Trekman (1) 46:5</p> <p>tremendous (2) 58:16;62:20</p> <p>tried (2) 93:20;97:2</p> <p>truck (1) 90:23</p> <p>truckdrivers (1) 89:4</p> <p>trucks (5) 53:21;58:3,16; 90:22,23</p> <p>true (4) 8:22;42:5;56:25; 80:25</p> <p>truly (2) 95:6,7</p> <p>trust (1) 97:5</p> <p>truthfulness (1) 57:4</p> <p>try (9) 16:1;52:7;53:6; 77:19;81:19;84:9; 91:3,4;92:2</p> <p>trying (18) 11:10;15:9;16:25; 61:13,25;62:3,10; 64:23;72:23;82:9; 85:11;97:21,25;98:1, 12,18;99:21;100:3</p> <p>TUCCI (104) 1:13;2:18,19;3:11, 12;4:1,2,3,13,14,24, 25;5:1;15:15,18,19; 16:14;17:25;18:4,24, 25;19:19,20,21;21:9, 10;22:11,12,13;23:5, 6,7,13,14;24:7,8,15; 25:19,20;26:2;27:6,7, 14;28:21,22;29:4; 30:6,7,14;31:3,4,5; 32:17,18,19;33:8,9, 10;34:2,3;35:6,7,8; 36:2,3,4,16,17,18; 37:8,9,10,25;38:1,2; 39:6,7,8;40:18,19,20; 54:3,6;60:13,15,16; 63:8,9;64:11;65:19; 69:25;70:2;73:4; 74:14,16,19,22;79:24; 80:2,22;84:4;103:7,9, 10</p> <p>Tuesday (4) 30:24;35:24;36:12; 50:23</p> <p>turn (2) 71:22;88:6</p> <p>turned (4) 46:18;50:23;65:25; 92:18</p> <p>Twenty-eight (2) 6:25;7:1</p> <p>twenty-five (2) 80:21,22</p> <p>Twenty-four (1) 9:3</p> <p>twice (3) 84:2,9,13</p> <p>Twin (1) 36:13</p> <p>two (30) 8:25;10:7,9,11,17; 11:21;13:25;41:23; 44:3,6;45:6,15;49:19; 53:24;54:13;55:5; 58:3;62:4;71:11,12; 72:5;76:6;81:9;90:22; 92:4;93:25;94:4; 95:11;101:6;102:6</p> <p>two- (2) 51:23;63:17</p> <p>two-bedroom (4) 49:1;75:1,4;92:21</p> <p>two-bedrooms (3) 51:16;66:7;96:15</p> <p>two-carriage (3) 52:19;53:23;54:13</p> <p>twos (1) 97:6</p> <p>type (2) 7:6;51:22</p> <p>types (2) 68:23;82:18</p>	<p>upcoming (1) 50:7</p> <p>update (1) 56:15</p> <p>updated (1) 56:17</p> <p>updates (1) 48:20</p> <p>upgrade (1) 82:11</p> <p>Urban (3) 34:13,23;35:4</p> <p>use (18) 15:10;23:16;34:18; 46:13;49:24;54:16; 66:3;67:7;70:23;71:3, 14,15;75:1,18;80:10; 87:10,11,13</p> <p>used (2) 79:25;80:6</p> <p>uses (2) 80:12;85:7</p> <p>using (4) 49:16,25;85:5,25</p> <p>Utility (4) 4:21;27:19;42:9; 61:4</p> <p>utilization (1) 70:15</p>
	U
	<p>ultimately (2) 64:24;97:19</p> <p>unbelievable (1) 18:6</p> <p>under (11) 13:20;16:24;52:24; 75:19;76:5;78:23; 79:19;86:19;94:6,20, 22</p> <p>undignified (1) 46:22</p> <p>undoubtedly (1) 55:6</p> <p>unfunded (1) 85:15</p> <p>Uniform (6) 94:6,21,22;95:12, 14;97:16</p> <p>unit (3) 6:20;8:13;11:20</p> <p>units (4) 13:19;57:25;62:19; 66:8</p> <p>university (1) 78:13</p> <p>Unless (4) 5:14,22;41:9,17</p> <p>unnoticed (1) 16:25</p> <p>unprofessional (1) 46:22</p> <p>unsound (1) 80:6</p> <p>up (40) 6:8,16;17:5,12,18,</p>
	V
	<p>vacancies (1) 68:2</p> <p>valuable (1) 79:14</p> <p>value (2) 53:2;75:19</p> <p>values (1) 76:7</p> <p>variable (1) 69:3</p> <p>variables (1) 81:22</p> <p>variances (1) 65:9</p> <p>various (2) 4:11;68:23</p> <p>ve (1) 95:2</p> <p>vendors (1) 101:8</p> <p>verify (2) 71:1;92:20</p>

<p>2017 (4) 2:13;29:20;30:1; 76:23</p> <p>2018 (25) 1:8;2:9;3:5,6,6,7,8; 4:18;18:21;19:17; 21:6;22:24;23:17; 24:22;26:8;28:2; 30:24;31:24;33:21; 36:12;37:4;39:25; 40:1;50:24;75:12</p> <p>2019 (10) 3:23;25:6,6;26:16, 17;28:8;38:14,17,21; 56:12</p> <p>2020 (2) 28:2,10</p> <p>2022 (1) 69:17</p> <p>2025 (5) 57:22,23;90:11,14, 19</p> <p>204 (1) 31:19</p> <p>209 (1) 45:23</p> <p>20th (4) 3:6;21:20,21,22</p> <p>21 (1) 56:17</p> <p>21st (2) 3:7;21:19</p> <p>231 (1) 2:11</p> <p>24 (5) 6:11;9:2;11:4; 24:21;26:8</p> <p>247 (1) 23:19</p> <p>247-18 (1) 39:15</p> <p>248-18 (1) 39:16</p> <p>249-18 (1) 35:18</p> <p>24th (1) 23:17</p> <p>25 (1) 13:19</p> <p>250-18 (1) 36:12</p> <p>2601 (1) 33:6</p> <p>27th (1) 30:24</p> <p>28 (5) 11:2;44:13;57:13; 62:19;63:19</p> <p>2nd (2) 3:8;31:24</p>	<p>3 (2) 6:9;65:22</p> <p>3.3 (1) 22:2</p> <p>3.6 (1) 76:24</p> <p>3:00 (2) 3:23;30:25</p> <p>30 (2) 28:2;85:19</p> <p>300 (2) 3:24;29:5</p> <p>31 (1) 26:17</p> <p>31st (2) 25:6;40:1</p> <p>32 (1) 11:2</p> <p>320 (1) 19:9</p> <p>323 (1) 76:11</p> <p>328D (1) 23:21</p> <p>33 (1) 81:8</p> <p>330 (1) 27:22</p> <p>3344 (1) 29:14</p> <p>3345A (1) 40:7</p> <p>3397 (5) 8:2;15:10;21:18; 50:17;55:4</p> <p>3399 (1) 21:18</p> <p>340 (1) 34:14</p> <p>3402 (1) 19:7</p> <p>3403 (2) 20:5,17</p> <p>35 (1) 85:21</p> <p>350 (1) 73:18</p> <p>3RD (1) 1:3</p> <p>3-year (1) 45:6</p>	<p>38:11</p> <p>40A11-5f (1) 27:17</p> <p>40A11-5t (1) 29:8</p> <p>40A4-58 (3) 22:23;33:20;37:3</p> <p>410 (2) 24:24;26:11</p> <p>41-18 (1) 38:12</p> <p>4-18 (1) 31:24</p> <p>42-18 (1) 38:15</p> <p>43-18 (1) 38:19</p> <p>44-18 (1) 38:20</p> <p>45 (1) 52:23</p> <p>462 (2) 6:2;41:22</p> <p>476 (1) 37:22</p> <p>48 (1) 59:12</p> <p>495 (1) 23:18</p> <p>4th (5) 9:22;18:21;19:17; 21:5,6</p> <p>4-wheel (1) 23:21</p> <p>4x4 (1) 23:22</p>	<p>7 (3) 1:8;2:8;4:18</p> <p>70 (6) 7:24;47:24;55:5; 75:1,4;91:13</p> <p>700 (1) 27:22</p>	<p style="text-align: center;">8</p>	<p>8:20 (1) 2:9</p> <p>8-01-226-205 (1) 32:8</p> <p>8-01-510-237 (1) 28:4</p> <p>81 (1) 51:13</p> <p>84.1 (1) 22:3</p> <p>88 (1) 55:1</p> <p>8th (1) 38:21</p>	<p style="text-align: center;">9</p>	<p>9 (1) 76:16</p> <p>9.4 (1) 22:3</p> <p>9-01-510-237 (1) 28:7</p> <p>9-01-516-245 (1) 26:20</p> <p>950 (1) 8:13</p> <p>998 (1) 28:4</p>
<p style="text-align: center;">3</p>	<p style="text-align: center;">4</p>	<p style="text-align: center;">5</p>	<p style="text-align: center;">6</p>	<p>5 (1) 78:23</p> <p>50 (3) 7:10;50:22;76:15</p> <p>50/50 (5) 3:23;38:13,16,19, 20</p> <p>55 (3) 13:19;57:21,22</p> <p>550 (1) 73:17</p>	<p style="text-align: center;">6</p>	<p>6 (4) 29:19;30:1;39:20; 50:24</p> <p>600 (1) 31:19</p> <p>622 (1) 39:24</p>	<p style="text-align: center;">7</p>
	<p>4 (2) 3:5;65:22</p> <p>4.1 (1) 76:25</p> <p>40:55D-1 (1) 34:18</p> <p>40:55D-53a1d (1) 34:19</p> <p>40-18 (1)</p>						