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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)
CONFERENCE SESSION) TRANSCRIPT OF
) PROCEEDINGS:
)

October 18, 2016

6:59 p.m.

BEFORE:

- Commissioner Rogers
- Commissioner Evans
- Mayor Joseph P. Scarpelli

Job No. NJ2469617

Transcribed by: Nicole Yawn

P R O C E E D I N G S

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MAYOR SCARPELLI: You guys ready?

Madam Clerk?

MADAM CLERK: Thank you, Mayor. Board of commissioners public meeting Tuesday, October 18th, 2016. The time is 6:59.

Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the December 24th, 2015 issues of the Nutley Sun, the Star Ledger, and the Herald News. A copy of this notice has been posted on the Nutley Town Hall bulletin board, and a copy is on file in the municipal clerk's office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci is absent/excused.

Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco is absent/excused.

Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor, except for Commissioner Tucci and Commissioner Petracco. They are

1 absent/excused.

2 MAYOR SCARPELLI: All right.

3 Commissioner Evans, what do you have on the agenda
4 tonight?

5 COMMISSIONER EVANS: We have the public hearing on
6 the salary ordinance for tonight. I have a few resolutions.
7 One's for joining a co-op, refund of taxes. I do have a
8 need for a short executive for contract negotiations.

9 MAYOR SCARPELLI: Commissioner Rogers?

10 COMMISSIONER ROGERS: Mayor, I have nothing.

11 MAYOR SCARPELLI: Are you going to read
12 Commissioner Tucci's --

13 COMMISSIONER ROGERS: Yep, I sure will.

14 MAYOR SCARPELLI: He's got renewal of a dental
15 contract. He's got authorization to request the
16 qualifications for risk manager. He's got an authorization
17 to advertise for request for qualifications for accident and
18 safety review consulting and an authorization to award a
19 change order number to Dujets Tree Experts.

20 I have two proclamations, one for an Eagle Scout
21 and one for the Pets of Domestic Violence Awareness. And I
22 have two resolutions, one for raffle licenses. And the
23 other is to support the North Jersey casino referendum that
24 Assemblyman Caputo requested that we do a resolution. And
25 we happily will do that.

1 In addition, we have the Essex County Surrogate
2 coming to do a presentation and public meeting.

3 Right?

4 MADAM CLERK: Yes, Mayor.

5 MAYOR SCARPELLI: Madam Clerk, who do you have?

6 MADAM CLERK: Nothing, really, except for the
7 Surrogate that's coming at 8 o'clock. Bill List. And that's
8 it.

9 MAYOR SCARPELLI: Counselor?

10 MR. GENITEMPO: I don't have anything.

11 MAYOR SCARPELLI: I see on the agenda they're
12 reviewing discussion of best practices. Are we going to do
13 that outside or inside?

14 COMMISSIONER EVANS: Yeah, we -- well, we --
15 basically, we've completed it. We've passed on the
16 checklist criteria. So there's -- our aid won't be affected
17 for the coming year. Basically, I have to just note in the
18 record that we've completed the checklist and submit it to
19 the clerk. Commissioners have received a copy and we'll be
20 submitting it to the DCA.

21 MAYOR SCARPELLI: And the tax sale statement?

22 COMMISSIONER EVANS: The tax sales statement is
23 just a correspondence noting that we did hold a tax sale on
24 October 22nd for a total of 75 properties, most of which
25 were water-related tax sales. Value is about \$152,000 of

1 the combined property taxes and water values that were sold.
2 And -- or since then, we've already seen people come in and
3 redeem the outstanding debt. And they're paying down those
4 properties.

5 The good news overall is it's tax sale remains
6 stable. In fact, we've been seeing a declining trend of the
7 non-payment. So we remain in good -- or collection history
8 remains -- continues to remain stable and strong.

9 MAYOR SCARPELLI: If nothing else, I need a motion
10 to go into executive session.

11 COMMISSIONER ROGERS: Motion.

12 COMMISSIONER EVANS: Second.

13 MADAM CLERK: WHEREAS, Section 8 of the Open
14 Public Meeting Act, Chapter 231 Public Law 1975 permits the
15 exclusion of the public from meeting in certain
16 circumstances; and

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

19 WHEREAS, the Board of Commissioners of the
20 Township of Nutley in the county of Essex in the state of
21 New Jersey desires to proceed to closed executive session;
22 and

23 NOW, therefore, be it resolved by the Board of
24 Commissioners of the Township of Nutley will move into
25 closed executive session to discuss contract negotiation;

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

7 Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 Sam, you want to stick around for a couple of
14 seconds?

15 (Recessed to executive session)

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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

October 18, 2016

7:38 p.m.

BEFORE:

Commissioner Rogers

Commissioner Evans

Mayor Joseph P. Scarpelli

Transcribed by: Nicole Yawn

P R O C E E D I N G S

(Pledge of Allegiance)

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci is
absent/excused.

Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco is
absent/excused.

MADAM CLERK: Can you hear me? Is that better?

Okay, Mayor. We're ready. Sorry about that.

MAYOR SCARPELLI: We're good?

MADAM CLERK: Yes, Mayor.

MAYOR SCARPELLI: Okay.

Commissioner Evans, some discussion.

COMMISSIONER EVANS: Thank you, Mayor. Just two
things for tonight. We've completed our best practices
checklist. This is something that we do every year. It's
required by the Division of Community Affairs.

It's been completed. I'd say we passed, because
we sufficiently answered the checklist in order to make sure
our aid wasn't in jeopardy. So we get 100 percent of our
aid for next year, the normal aid that we normally are
eligible for.

1 Tonight I just have to mention into the record
2 that we've completed it. The commissioners have a copy of
3 it. The clerk has a copy of it, and we'll be submitting a
4 copy of our response to the DCA.

5 The other thing of note is that we did just
6 recently complete tax sale for outstanding (indiscernible)
7 for property taxes and water. My overall of the tax sale
8 went very smoothly, and we continue to see a declining
9 trend, including taxes. So we're pleased that the trend
10 remains strong and we're getting our collections
11 substantially (inaudible).

12 Thank you, Mayor.

13 MAYOR SCARPELLI: (Indiscernible)you have a
14 Moody's report?

15 COMMISSIONER EVANS: Sure, I could do that now
16 (indiscernible). We also received our updated Moody's,
17 which is an independent rating service of the condition of
18 Nutley, the Township of Nutley. We had a general obligation
19 rating of last year of Aa2. I'm pleased to report that
20 we've been able to continue that rating of Aa2.

21 What's important about that is that it enables us
22 -- when we do have to borrow, we borrow at very favorable
23 interest rates. What I reference, at the suggestion of
24 Commissioner Rogers, is the credit overview. And just let
25 me read it in part.

1 Nutley Township has a very strong credit position,
2 and it's Aa2 rating is slightly above the median rating of
3 Aa3 for cities nationwide. Key credit factors include a
4 robust financial position, an affluent socio-economic
5 profile with a solid tax base. It also takes into account
6 an exceptionally low debt liability with a sizeable pension
7 burden.

8 So just overall, we're stable. We're in a good
9 financial position, and I -- what's really important to
10 acknowledge is that you achieve these because you work
11 together. We have a capital plan in place that makes sure
12 that we don't borrow beyond our means. We manage within the
13 two percent cap producing a positive (indiscernible).

14 MAYOR SCARPELLI: Commissioner, thank you for your
15 stewardship in leading the Revenue Department.

16 I have a couple proclamations. One proclamation
17 is for an Eagle Scout, and he's going to be presented this
18 at a future date. So we wanted to get it on the record
19 before we presented it to him. So this is for Zachary
20 Roberts Sebek.

21 WHEREAS, Zachary Roberts Sebek is a member of the
22 Boy Scouts of America Troop 22, sponsored by St. Thomas the
23 Apostle in Bloomfield, New Jersey; and

24 WHEREAS, Zachary is the son of Christian and Beth
25 and brother of Eric who reside in Nutley, New Jersey; and

1 WHEREAS, Zachary has dedicated many years with the
2 Boy Scouts of America and during this time worked tirelessly
3 to achieve twenty-three merit badges; and

4 WHEREAS, Zachary organized a music concert at
5 Grace Church in Nutley benefiting local senior citizens for
6 his Eagle Scout project; and

7 WHEREAS, As a result of Zachary's hard work and
8 dedication, he achieved the level of Eagle Scout and will be
9 honored during an Eagle Court of Honor ceremony on November
10 6, 2016; and

11 NOW, therefore, be it resolved by the Board of
12 Commissioners, Township of Nutley, county of Essex, State of
13 New Jersey, that Zachary Roberts Sebek be commended and
14 recognized for earning the level of Eagle Scout with the Boy
15 Scouts of America and for providing to the Township of Nutley
16 a sense of true pride.

17 We just know how hard work it is to become an
18 Eagle Scout. And we recognize Zachary, and we'll be
19 recognizing him (indiscernible).

20 I have another proclamation for Pets of Domestic
21 Violence Awareness Day. I'm not going to read the whole
22 proclamation, but I'm going to summarize it.

23 WHEREAS, the Township of Nutley supports the goals
24 and ideals of National Domestic Violence Awareness Month,
25

1 and hereby recognizes October as Domestic Violence Awareness
2 Month in the Township of Nutley; and

3 WHEREAS, domestic violence impacts all members of
4 the family including pets, who are the most vulnerable; and

5 WHEREAS, nationally, there are an estimated 1.3
6 million victims of domestic violence annually; and

7 WHEREAS, the Township of Nutley supports the Pets
8 and Women Safety Act (PAWS Act) of 2015, Introduced in House
9 on March 4th, 2015 to assist both male and female victims of
10 domestic violence and their pets;

11 NOW, therefore, be it resolved by the Board of
12 Commissioners, County of Essex, State of New Jersey, do
13 hereby proclaim October 20th, 2016 as Pets of Domestic
14 Violence Awareness Day in Township of Nutley and commend its
15 observance to all citizens in celebration of its
16 significance and impact on our community.

17 We'll move on to reports.

18 I see that Commissioner Tucci has a shade tree
19 report.

20 Commissioner Evans?

21 COMMISSIONER EVANS: Thank you, Mayor.

22 I have a report for the Code Enforcement
23 Department for the month of September and for the third
24 quarter quarter report for 2016.

25 MAYOR SCARPELLI: Madam Clerk, bills?

1 MADAM CLERK: Yes, Mayor. Bill list for Tuesday,
2 October 18, 2016. Public Affairs, \$107,079.22; Revenue and
3 Finance, \$6,668,622.03; Public Safety, \$94,337.65; Public
4 Works, \$514,505.84; Parks and Public Property, \$62,041.95.
5 Total payroll -- \$788,949.43, for a grand total of
6 \$8,235,536.12.

7 COMMISSIONER EVANS: Move the bills.

8 MADAM CLERK: Need a second.

9 COMMISSIONER ROGERS: Second.

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 MADAM CLERK: That's it for bills, Mayor.

17 MAYOR SCARPELLI: Public comment on agenda items?

18 Madam Clerk, read the notice, please.

19 MADAM CLERK: Yes, Mayor.

20 All persons addressing the Board of Commissioners
21 regarding community concerns should approach the microphone
22 and provide their name and address for the record. Unless
23 further time is granted by the board, each person shall
24 limit their address to three minutes. All remarks to the
25

1 board and its individual members must be addressed to the
2 Mayor.

3 The Mayor may defer citizens' comments to the
4 appropriate member of the board. Dialogue between citizens
5 and others addressing the board shall be allowed, unless the
6 Mayor or presiding officer or the majority of the membership
7 of the board shall determine that the interests of decorum
8 and/or the expeditious conduct of municipal business are
9 being adversely affected by such dialogue.

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

12 None? We'll move on to any announcements by the
13 board of commissioners.

14 COMMISSIONER ROGERS: None here, Mayor.

15 COMMISSIONER EVANS: Just the Moody's report -- we
16 will post that up on the website.

17 MAYOR SCARPELLI: All right.

18 Let's move on to public hearings.

19 Commissioner Evans?

20 COMMISSIONER EVANS: Thank you.

21 Tonight we have a public hearing on Ordinance
22 3342, which is the salary ordinance to fix the salaries of
23 certain officers and employees.

24 MAYOR SCARPELLI: Would anybody like to be heard
25 on Ordinance Number 3342?

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

2 Mr. Scarpelli, the last time I filed an OPRA and
3 had asked for any documents related to this. And
4 Mr. Genitempo was very clear there were no documents
5 whatsoever. Then I called two other towns and the
6 governor's office. There's supposed to be a number of
7 certifications for this.

8 My curiosity is -- I think it's on the back page,
9 Section 2. I filed an OPRA request for about two clerks in
10 the township office, and it was said that there were 35 hour
11 weeks, not 40. So seven hours a day, and there was a one-
12 hour lunch period; is that correct? And would that be
13 reflected in this one, Section 2, based on a 40-hour week?

14 MAYOR SCARPELLI: I don't know where you're
15 talking about, Mr. Moore.

16 MR. MOORE: Page 7 on the bottom.

17 (Pause)

18 MR. MOORE: That's what I'm trying to get a
19 clarification on. And is there any way that you determine
20 -- and not to pick on Mr. Genitempo. He's the top of the
21 list. How did you determine the increase in salary to
22 75,000? Was there any method?

23 MAYOR SCARPELLI: Who are you talking about,
24 Mr. Moore?

25 MR. MOORE: I'm addressing you. Mr. Genitempo is

1 the top of the list, page 1.

2 MAYOR SCARPELLI: Whose salary? I don't think
3 Mr. Genitempo's received a raise this year.

4 Have you, Mr. Genitempo?

5 MR. MOORE: No, no, I -- he's 2,000 away. How is
6 it -- how is that number determined?

7 MAYOR SCARPELLI: Which number, Mr. Moore?

8 MR. MOORE: Minimum, maximum salary.

9 MAYOR SCARPELLI: Maximum and minimum?

10 MR. MOORE: And it basically pertains to
11 everybody. How did you determine the number that was going
12 to be the maximum?

13 MAYOR SCARPELLI: Each department determines that
14 individually, and it's a range. The salary ordinance --
15 what it does -- it provides us to pay our employees. That's
16 all it does.

17 MR. MOORE: No, I understand that. Somebody has
18 to come up with the range. Because if I went to a range in
19 Mr. Rogers office, he has two part-time clerks. One starts
20 at \$8 an hour. One starts at \$10 an hour for the same
21 title. How do you determine the numbers?

22 MAYOR SCARPELLI: The numbers are the numbers, Mr.
23 Moore. How they're determined is by each Commissioner. That
24 person that fills that spot -- their salary lies somewhere in
25 between those numbers.

1 MR. MOORE: I understand that. That's not --
2 that's --

3 MAYOR SCARPELLI: Well, that's how the numbers are
4 determined.

5 MR. MOORE: I know. It has to be determined --
6 there has to be some way for five -- because we're Walsh Act
7 (ph). We're not Faulkner (ph). There's five separate
8 commissioners that are going to determine the same numbers.

9 Because you have a keyboarding clerk as an
10 example. Five different departments you have five different
11 salary ranges for the same title.

12 MAYOR SCARPELLI: How could that be? Because
13 maybe one employee, right, is there for 30 years and another
14 employee --

15 MR. MOORE: That's on the maximum side.

16 MAYOR SCARPELLI: -- is there for a year.

17 MR. MOORE: That's on the maximum side.

18 MAYOR SCARPELLI: That's where your minimum and
19 maximum -- somewhere lies in between there.

20 MR. MOORE: That's on the maximum. So there has
21 to be a certain way for you to determine the number. How is
22 that number referenced?

23 MAYOR SCARPELLI: How I do it is -- you want to
24 know how I do it?

25 MR. MOORE: You have no clue.

1 MAYOR SCARPELLI: I look at my employees. I see
2 where they fall, and I put a minimum and maximum. And why I
3 do that is to -- if they were to retire in the middle of the
4 year, I don't have to hire somebody at their salary. I can
5 hire them at a lower salary. That's how I determine it.

6 MR. MOORE: I think -- I think -- I think we're
7 doing this, really. Because if we look just at
8 Mr. Genitempo, because he's at number one at the top of the
9 list, you had to put a salary range in from 55 to \$75,000.
10 Somewhere, somehow, you had to come up with that number of
11 that range. That's the question I would like an answer to.
12 How did you determine the number?

13 MAYOR SCARPELLI: On Mr. Genitempo himself?

14 MR. MOORE: Pardon me?

15 MAYOR SCARPELLI: On Mr. Genitempo? He falls
16 somewhere in between that 55,000, 75,000.

17 MR. MOORE: I got that. That's -- we've seen
18 that.

19 MAYOR SCARPELLI: That's the -- well, that's the
20 answer, Mr. Moore. I don't know what you want. He falls in
21 between there.

22 MR. MOORE: Because the way it's stated -- every
23 place else you call, they answer you right over the phone is
24 that the CFO determines the numbers. And the CFO provides
25 all the numbers.

1 MAYOR SCARPELLI: No, the CFO --

2 MR. MOORE: You have a CFO.

3 MAYOR SCARPELLI: This is a commission form of
4 government, which is a little different.

5 MR. MOORE: I understand that. That means it
6 should be five separate documents.

7 MAYOR SCARPELLI: Well, there's only one ordinance
8 that provides for the salary to be paid. So everybody could
9 be paid in this municipality. That's all this document --

10 MR. MOORE: This is --

11 MAYOR SCARPELLI: -- does, provides for them to be
12 paid.

13 MR. MOORE: And we could just make up a number.
14 It doesn't really matter.

15 MAYOR SCARPELLI: It's not -- now you're -- you
16 can -- you can say anything you want, but that's not the
17 case. So --

18 MR. MOORE: Okay. Thank you.

19 MR. ODRIA: Michael Odria, 133 High Street. My
20 question is this to you, Mr. Mayor. The base salary maximum
21 -- sorry. Is it higher for these seven pages of public
22 servants of Nutley? Is the base salary maximum higher this
23 year than it was last year?

24 MAYOR SCARPELLI: Michael, this is a document that
25 we introduced at the beginning of the year. Some

1 adjustments have to be made in order for people to be paid.
2 No one has gotten a raise because of this document that's on
3 the agenda tonight.

4 MR. ODRIA: Okay. Because what I'm trying to do
5 is is this. I talked to many of my neighbors who are
6 homeowners. And just like myself, of course, my property
7 taxes went up again this year.

8 And as I drive through this town, I see homes up
9 for sale. And when I get the chance to talk to some of
10 those people who move out, I'm like why are you moving out?
11 Such a nice town. Got nice parks and all that stuff. Oh,
12 the property taxes are killing me.

13 I understand. So what I'm trying to let you guys
14 know is, like I said before, you've got to cap the control
15 your public sector spending with my money. Because I don't
16 want to be property taxed out of this town. And you guys
17 have to defend us homeowners from this.

18 And when you guys start -- some of these salaries
19 are incredible. You know, I don't even make this much, and
20 I work in the private sector. You know? A lot of us who
21 work in the private sector in this town these are burdens to
22 us.

23 And I understand people have to get paid. But
24 some of these salaries to me they look like abuses. And,
25 you know, people are looking. People are talking in the

1 streets. You might not know. Maybe you do. I don't know.

2 But a lot of my neighbors are pretty upset with
3 this. So listen to what I'm saying, because next year --
4 I'm tired of coming up here every year saying my property
5 taxes keep going up and up and up and up and up. It's just
6 getting out of control. And I am not going to be property
7 taxed out of this town. I'm just letting you know.

8 MAYOR SCARPELLI: Michael, I could tell you that
9 this Board of Commissioners, all five of them, understand
10 that property taxes are a burden to people. And we work very
11 hard to keep them as low as we possibly can. I could tell
12 you that's on the mind of each and every one of us when we do
13 our budgets and we move forward. And that's all --

14 MR. ODRIA: I will say this, Mr. Mayor. I have no
15 problem paying the property taxes. But when it's abusively
16 and tyrannically too high, then you're getting -- because
17 I've been here for almost 20 years, 20 years. I came to
18 this town not because of the school system or anything like
19 that.

20 I came to this town because it was a quiet town,
21 small population. That's another thing. Let's stop
22 building apartments here, because it's overburdening our
23 schools.

24 But when I first moved here, I was paying 3 grand
25 and \$20 a year. Now I'm at 12 grand. And (indiscernible).

1 When I tell my family and friends about that, "Dude, what
2 the hell is going on in this town? What is really going on
3 in this town?" And they asked me another question, since
4 you addressed me.

5 MAYOR SCARPELLI: I -- I --

6 MR. ODRIA: These new salaries --

7 MAYOR SCARPELLI: Michael, I'd like to see that,
8 that your taxes went up from 3,000 all the way up to 12,000.
9 I want to see that.

10 MR. ODRIA: I'll get the numbers.

11 MAYOR SCARPELLI: I would like to see that.

12 MR. ODRIA: I've got to go to the town.

13 MAYOR SCARPELLI: I don't think it's accurate.

14 MR. ODRIA: All right. But (indiscernible) one
15 other question is these base salary maximums -- how much
16 higher are they now than they were in 2012? Do you know?

17

18 MAYOR SCARPELLI: I don't know, Michael.

19 MR. ODRIA: Okay.

20 MAYOR SCARPELLI: Commissioner?

21 COMMISSIONER ROGERS: You know when somebody gets
22 up before the mic., they could say whatever they want. I
23 understand that. And we have to take a lot. But you've
24 been up here every week for a long time. So now, I'm going
25 to respond.

1 Because when you say you guys, you guys this and
2 you guys that, I'm part of you guys. So I'm going to share
3 something with you. It's my turn to speak now.

4 This is Moody's Investor Service. I don't know if
5 you heard what the Finance Department has done with the rest
6 of the Commissioners here. It was read tonight.

7 Credit overview -- Nutley Township has a very
8 strong credit position. Finances -- the financial position
9 of the township is very strong. The economy and tax base --
10 Nutley Township has a very healthy economy and tax base.
11 This is -- my turn. My turn.

12 This is an unbiased report from a worldwide
13 financial institution. That's number one.

14 Number two, you say you're talking to people and
15 they're upset. If anybody gets around, it's me. And the
16 people of this township know that. And I'll share with you,
17 Michael, what I hear.

18 Yes, I hear about the taxes. I hear people
19 explain that there is a great gulf between do I pay my
20 mortgage, do I pay my taxes, do I pay my health care.
21 There's a lot of things that we're not responsible for. But
22 I'll tell you what we are responsible for.

23 We're responsible for an under two-minute response
24 by the police when somebody's house is victimized by a home
25 invasion. We're responsible for an under two-minute

1 response by the fire department that saves lives, let alone
2 property as a result of the way that we've been able to save
3 money and spend money. I'll tell you about an emergency and
4 rescue service where people don't die because they're able
5 to get here to their homes and their businesses day in and
6 day out, 24/7.

7 I'll tell you about a Parks Department, a Public
8 Works Department, and a Finance Department and a police
9 department that goes above and beyond the call of duty. And
10 I will challenge any citizen that comes to this mic. and
11 tell me if they could find a town or city or village or
12 whatever across this country that does what we do at the
13 price we do it. I'll move there. You're not going to find
14 it.

15 And here's the proof. This is not a report for the
16 Township of Nutley. This is a report from Moody's
17 Investment. And the reason why I'm responding this way is
18 that we have TV cameras here now. And there are a lot of
19 citizens in this community, especially our elderly residents,
20 that watch these programs.

21 I have found out recently that there are a lot of
22 people outside of town that want to move here that see and
23 hear the things that we're doing in this township. And day
24 in and day out -- like I said, you have every right under
25 the First Amendment to tell us to go to hell, if you want.

1 But the fact of the matter is is that we live not in a
2 perfect town. But we live in a great town.

3 Now, I want people to move here, and I want
4 businesses to come here. And the only way we're going to
5 get them to do that is if we tell the whole story, not half
6 the story.

7 Mayor, I rest my case.

8 MR. ODRIA: About that Moody's thing is that --when you said
9 that our base -- our tax base is when you get here. We need
10 (indiscernible) to know this when they do this, because like
11 me I'm supposed to pay these property taxes. I don't want
12 to move out. I want my property taxes to get lower,
13 reduced.

14 Because the thing is I put 20 years of my life
15 paying off that home. I'm getting older. I can't do this
16 again. You know? I don't want to do this again.

17 And this thing about --trust me the cops are great
18 here. I'm not going to complain about them. But the thing
19 about getting the two-minute warning and all that stuff --
20 but let me tell you something. From my experience and the
21 neighbors that I talk to, what we pay in property taxes has
22 increased over the past 11 years.

23 (Indiscernible) every year. Because when someone
24 busts into your house, they're probably get away with 4 or
25 \$5,000 worth of stuff. And that's their \$5,000 worth of

1 stuff, money is (indiscernible) what we pay rent, property
2 taxes than we did in 2008. So you guys -- you, our leaders
3 of this town -- cap, control, and reduce by all means
4 necessary.

5 Because believe it or not, when people move out of
6 this town, they don't want to move out of this town. But
7 they feel like they're being forced out. There may be some
8 old people who can't walk up the stairs any more and they
9 want to go live in a condo or something like that.

10 But a lot of families I've seen -- when I'm driving
11 around the town and I see homes up for sale -- one of my
12 neighbors told me your future neighbor -- private school
13 (ph), by the way -- has moved out. I forget on which
14
15 street. She couldn't pay the property taxes. She said, "I
16 like this town, but you know what? I can't take this abuse
17 any more. I'm out. I'm done."

18 So that's my response. I thank you for talking,
19 Mr. Rogers, Commissioner Rogers.

20 MAYOR SCARPELLI: Anybody else want to be heard on
21 Ordinance Number 3342?

22 Seeing none?

23 COMMISSIONER EVANS: Close the public hearing.

24 MADAM CLERK: Need a second.

25 MAYOR SCARPELLI: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 COMMISSIONER EVANS: Move the ordinance.

8 MAYOR SCARPELLI: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 Move on to resolutions.

16 Commissioner Rogers, will you read

17 Commissioner Tucci's resolutions?

18 COMMISSIONER ROGERS: Yes, Mr. Mayor.

19 This is Resolution 247-16.

20 WHEREAS, the Department of Parks and Public
21 Property has a need to acquire specialized professional
22 services for a consultant and risk manager; and

23 WHEREAS, the municipal clerk is hereby authorized
24 and directed to advertise for an RFQ for consultant and risk
25 manager;

1 NOW, therefore, be it resolved that sealed bids --
2 I'm sorry -- that sealed requests for qualifications, RFQs,
3 shall be due on Thursday, November 10th, 2016 at 3:00 p.m.
4 prevailing time addressed to the municipal clerk, Township
5 Hall, Nutley, One Kennedy Drive, Nutley, New Jersey 07110.

6 So move.

7 COMMISSIONER EVANS: Move it. Second. I'm sorry.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 COMMISSIONER ROGERS: Resolution 248-16.

15 WHEREAS, the Department of Parks and Public
16 Property has a need to acquire specialized professional
17 services for accident and safety review and consulting; and

18 WHEREAS, the municipal clerk is hereby authorized
19 and directed to advertise for a request for qualifications
20 for accident and safety review and consulting; and

21 NOW, therefore, be it resolved that sealed
22 requests for qualifications shall be due on Thursday,
23 November 10th at 3:00 p.m. prevailing time addressed to
24 Municipal Clerk, Nutley Township Hall, One Kennedy Drive,
25 Nutley, New Jersey, 07110.

1 So moved.

2 COMMISSIONER EVANS: Move it.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 COMMISSIONER ROGERS: Resolution 249-16.

10 WHEREAS, the Township of Nutley entered into a
11 contract with Dujets Tree Experts, Incorporated, 54 Notch
12 (ph) Road, Woodland Park, New Jersey for tree removal
13 services via Resolution Number 101-16 on April 19th, 2016;
14 and

15 WHEREAS, the director of Parks and Public Property
16 has recommended the following change order from said
17 contract. Change Order Number 2, tree removal services,
18 \$13,800.

19 WHEREAS, funds are available from a grant for
20 hazard mitigation and township parks, account number
21 601635299 in the amount of \$13,800 and have been certified
22 by the chief financial officer and said certification is
23 attached to this resolution; and

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

1 State of New Jersey that Change Order Number 2 with Dujets
2 Tree Experts, Incorporated in the amount of \$13,800 for tree
3 removal services be and is hereby authorized.

4 So moved.

5 COMMISSIONER EVANS: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 COMMISSIONER ROGERS: Resolution 246-16.

13 WHEREAS, the Township of Nutley has the need to
14 acquire dental plan services on behalf of the township; and

15 WHEREAS such services may be required as a non-
16 fair and open contract pursuant to the provisions of
17 N.J.S.A. 1944A20.4 or 20.5 as appropriate; and

18 WHEREAS, IMAC (ph) Insurance Management and
19 Consulting shopped for rates but none of the quotes were
20 comparable to benefits the township currently has with Delta
21 Dental; and

22 WHEREAS, the township has negotiated with Delta
23 Dental of New Jersey, Incorporated, 1639 Route 10, P.O. Box
24 369, Parsippany, New Jersey and has retained a 1-year
25 renewal rate with a 2 percent increase; and

1 WHEREAS, the anticipated costs for the service
2 will not exceed \$355,000 per year; and

3 WHEREAS, funds will be available from accounts
4 701526243 and 701707243 and will be certified by the CFO,
5 said funds to be available through 2017 municipal budget;
6 and

7 WHEREAS, Delta Dental of New Jersey has completed
8 and submitted a business entity disclosure certification
9 which certifies that Delta Dental has not made any
10 reportable contributions to a political or candidate
11 committee in the Township of Nutley in the previous one year
12 and that the contract will prohibit Delta Dental from making
13 any reportable contributions through the term of the
14 contract; and

15 NOW, therefore, be it resolved that the Board of
16 Commissioners of the Township of Nutley authorizes the
17 Commissioner of Parks and Public Property to enter into a
18 contract with Delta Dental of New Jersey, Incorporated.

19 So moved.

20 COMMISSIONER EVANS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 Before we move on with the agenda, we have a
3 special guest with us tonight. We have our Essex County
4 Surrogate, Theodore Stephens, who comes by each year and
5 gives us a report.

6 And, Surrogate Stephens, thank you for coming down
7 tonight.

8 JUDGE STEPHENS: Mayor Scarpelli, it's indeed a
9 pleasure to be there at the council. Well, thank you for
10 having me, council. Council? I said council and Counsel
11 Genitempo and, of course, the members of the public.

12 I always love coming to council meetings. In my
13 former life, I served as a municipal attorney as well. And
14 it's such a -- it's great to see that in a town which has
15 been so longstanding and well-standing as Nutley, well, I
16 know the dedication of the members on this side of the rail
17 and the passion of the residents on this side. And that's
18 why your town is as strong as it is. And I think you're to
19 be commended for that.

20 I know you've got some challenges coming up with
21 -- we're all going to miss Roche. But that also gives us
22 some opportunities. I'm sure you're going to make the most
23 of it. So I can't wait.

24 I have a cousin that's moving in town. So I'm
25 sure whatever's there, he's going to be looking at that

1 area. He likes New York City.

2 So -- but I do come to you in front of the council
3 every year -- because, as you know, this is my fifth year,
4 end of my first term as the surrogate. And when I first
5 became surrogate, Assemblyman Giblin, who was also
6 previously a surrogate, -- he said to me -- he said, "Judge,
7 you've got the best job at the county." I said, "Why is
8 that?" He said, "Nobody knows what you do."

9 Now, that could have been enough. I could sit in
10 the office and the court and let the people come to me. But
11 because I'm really committed to the important work that goes
12 on in the Surrogate's Court, I think it was incumbent on me
13 to come out and explain to people what we do so they can be
14 a little forearmed before they have to come in.

15 Because indeed, everyone who comes through our
16 doors comes in in a very anxious moment. Of course, most of
17 what we do is to probate wills. We handle administration of
18 non-will estates. We appoint guardians. That's mostly what
19 we do.

20 But we also handle the very important functions of
21 adoptions and guardianships in general, which, of course,
22 with the grain of America, guardianship applications are
23 growing more and more. And so, everybody who comes through
24 our door needs some tender, loving care. I'm happy to
25 report that our staff is generally regarded as being really

1 a top-notch staff. And they treat everybody with not only
2 compassion, but with professionalism that comes through our
3 door.

4 So what was there left to do when I came in? We
5 wanted to enhance some of the services, much as this council
6 looks to enhance the services for the citizens of Nutley.
7 First, we made our website much more robust. And just about
8 everything I'm saying -- and you can get information after
9 I've left by simply checking www.essexsurrogate.com. That's
10 our website -- much more robust than it used to be.

11 Council may be aware that you can download forms
12 directly from our website in anticipation of coming into the
13 court, thereby perhaps taking some of the anxiousness away
14 and shortening your time. We also were aware that everybody
15 in this day and age can't always take time off of their job
16 to get to the hall of records in Newark where we're located
17 before 4 o'clock, when we close. So we enhanced the
18 services by offering an extended hours.

19 So on the second Wednesday of every month, we're
20 open 'til 6:30 on an appointment basis where individuals
21 don't have to take time off of work. They can come, be seen
22 at a time certain, and get the one thing you can't get in
23 the city of Newark any other time. And that's free parking.
24 So that's a benefit. I think that's been well-received.

25 But most recently, we're very excited about our

1 latest enhancement. And that is opening up our first
2 satellite office for those who absolutely cannot get to the
3 city of Newark, particularly those who are located in the
4 western part of the county. So in order to not have charged
5 the county any additional money, we've opened up a satellite
6 office at the county satellite office located up at the
7 Codey Arena near the Turtle Back Zoo.

8 A lot of people like the fact that they can go to
9 the zoo and come to the Surrogate's Court at the same time.
10 But that is a side benefit. But seriously, it is an
11 excellent opportunity for people to, again, have the -- I
12 don't know -- a little bit more casual atmosphere. If they
13 can't get to Newark, they can be seen.

14 The office is right there by parking. And all the
15 services that you can do at the hall of records we're able
16 to do there as well. And that's twice a month. So we're
17 really happy about that.

18 So one of the things I wanted to do is to leave
19 you with -- because I've never brought you any gifts in the
20 past. But I wanted to leave you something. We have an
21 advance copy of our information package, which is coming
22 out. It says draft because it hasn't been reviewed for
23 typos. I'm sure that there's one or two.

24 But I wanted to give you -- Mr. Genitempo,
25 (indiscernible) -- wanted to -- it's important for us to be

1 able to give that information to as -- and make it readily
2 available for the public. So what we wanted to do is just
3 give an advance copy. Most of this particular version deals
4 with estates, as I said, wills, non-will estates.

5 What happens if you die without a will? Why you
6 should have a will -- and everybody should, because it's not
7 about how much -- how many assets you have. It's about
8 whether or not you really want to leave your estate in
9 control.

10 I've heard of several reasons of people say why
11 they don't want a will. Many of them are kind of like I
12 don't plan to die, or I'd like to see my family fight. And
13 if those are your reasons, you'll be okay. But if you're
14 like most of us and you're going to leave behind some sort
15 of an estate or loved ones to take care of, then you really
16 should have a will.

17 So it's my pleasure to come in front of the
18 council. I enjoy coming here. As I said, I think you're
19 the best-dressed council in the county of Essex. I go to
20 all 22 municipalities, so I would know that. But I'm
21 available for questions if you have any.

22 MAYOR SCARPELLI: I want to thank you for coming,
23 again, Judge. Always a pleasure. I know our residents,
24 whenever they have to go to your office, is usually at a
25 trying time. They're always so complimentary of how

1 respectful everybody is. And it's very much appreciated.

2 JUDGE STEPHENS: Well, we appreciate those
3 comments. If there's anything we can do to make it better,
4 please let us know.

5 Madam Clerk, always a pleasure to see you as well.

6 MAYOR SCARPELLI: Commissioner?

7 COMMISSIONER EVANS: Judge, just real quick. I
8 just had a recent experience with a couple of residents who,
9 for whatever reason, had some open probate matters. And
10 they were trying to, obviously, resolve an estate, which
11 they're lacking in some of the administrative process. I
12 just want to let you know we sent them down to your office
13 in one visit, and everything was resolved.

14 JUDGE STEPHENS: Fantastic.

15 COMMISSIONER EVANS: And it was fantastic, because
16 they were able to proceed with the sale of their home. And
17 I saw them recently. They're doing quite well.

18 JUDGE STEPHENS: Good.

19 COMMISSIONER EVANS: So one of the things you
20 probably don't see very often is that because of the
21 services that you provide and the manner in which you
22 conduct those services, you don't see the next stage, where
23 people move on beyond the event and they're actually able to
24 conduct their lives again. So I want to thank you for your
25 team's effort and your leadership.

1 I was thinking as I was just looking at this book
2 real quickly. Nutley has a new website. We have a lot of
3 information on that.

4 If there is a way that we can link to your
5 website, I think that would provide some significant access
6 an exposure for your services. But also be a benefit to
7 Nutley residents. If you could have someone from your
8 office contact our clerk, that would be great.

9 JUDGE STEPHENS: Okay, I will have Mr. Walker --
10 Wayne Walker is our I.T. person. I'll have him reach out.
11 That's an excellent idea.

12 MADAM CLERK: Thank you.

13 JUDGE STEPHENS: Thank you.

14 MAYOR SCARPELLI: Commissioner Rogers?CMOMMISSIONER

15 ROGERS: Commissioner, thanks again. I'll ditto

16 what my colleague said, I'm the director of
17 to the Department of Health and Public Affairs. And we deal
18 with your office a lot, and we get the same glowing reports
19 that people are treated very well. And so, I just want to
20 thank you for that.

21 JUDGE STEPHENS: My pleasure, sir. That's -- it's
22 a trying time, and we understand that. So we want to try to
23 give people as much information in as short a period of time
24 and help them out.

25 But the website is important, because that, I

1 think, is the -- that will shorten their stay and perhaps
2 even ease their uncertainty. Because nobody knows anything
3 about this, unless you've actually handled an estate
4 yourself. And that's the only way you learn about it. So
5 there's so much uncertainty. So as I said, to be forearmed
6 and -- to be forewarned is forearmed, as they say. So --

7 MAYOR SCARPELLI: Thank you again, Judge.

8 JUDGE STEPHENS: Thanks so much. Appreciate it.

9 MADAM CLERK: Thank you.

10 MAYOR SCARPELLI: Commissioner Evans?

11 COMMISSIONER EVANS: Thank you. I have a few
12 resolutions. Let's see.

13 250-16.

14 WHEREAS, N.J.S.A. 40A:11-11(5) authorizes contracting units
15 to establish a cooperative pricing system and enter into a
16 cooperative pricing agreement for its administration;

17 WHEREAS, Nutley wishes to enter into a cooperative
18 arrangement with the County of Union, referred to as the
19 lead agency;

20 WHEREAS, on October 18th, this was duly considered
21 by the board in participation in the cooperative;

22 BE IT RESOLVED by the Board of Commissioners that,
23 one, pursuant to the provisions of N.J.S.A. 40A:11-11(5) the
24 Mayor and Municipal Clerk are hereby authorized to enter into
25 a cooperative pricing agreement with the lead agency,

1 which is the county of Union. The lead agency shall be
2 responsible for complying with the provisions of Local
3 Public Contracts Law and shall handle all their provisions of
4 their revised statutes of the State of New Jersey. This
5 resolution shall take effect immediately upon final passage,
6 according to law and all appropriate Nutley Township
7 officials are authorized and directed to perform all required
8 acts to affect the purpose of this resolution.

9 So moved.

10 COMMISSIONER ROGERS: Second.

11 MADAM CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 COMMISSIONER EVANS: WHEREAS, the Township of
18 Nutley is the owner of certain surplus property which is no
19 longer needed for public use;

20 WHEREAS, Public Contract Law N.J.S.A. 40A:11-36

21 allows for the sale or disposal of surplus property;

22 NOW, therefore, be it resolved by the Board of
23 Commissioners, one, the township is hereby authorized to
24 dispose of surplus property that is no longer suitable for
25 use, as indicated on Schedule A. A certified copy of the

1 resolution will be forwarded to the Township Clerk and to
2 the Chief Financial Officer. Schedule A includes three L-
3 shaped desks and four L-shaped desks with partitions.

4 So moved.

5 COMMISSIONER ROGERS: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 COMMISSIONER EVANS: WHEREAS, New Jersey Statutes
13 54:433.30 provides an exemption for war veterans who suffer
14 serious disability;

15 WHEREAS, Mr. Richard P. Tyrpak was granted full
16 exception for the payment of his property taxes from October
17 1, 2015 through Resolution 324-15.

18 WHEREAS, Mr. Tyrpak received a homestead rebate in
19 error, which was applied to the second quarter property tax
20 record.

21 NOW, therefore, be it resolved by the Board of
22 Commissioners of the Township of Nutley that the treasurer be
23 and she is hereby authorized to refund the 2013 homestead
24 rebate in the amount of \$605.17 applied to the second
25 quarter of 2016 property tax to Mr. Richard P. Tyrpak.

1 So move.

2 COMMISSIONER ROGERS: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 COMMISSIONER EVANS: BE IT RESOLVED by the Board
10 of Commissioners that the treasurer be and she is hereby
11 authorized to refund overpayment of property taxes for Block
12 3400, Lot 3 in the amount of \$1,051.91 for the year 2012.

13 So move.

14 COMMISSIONER ROGERS: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 WHEREAS, raffle applications have been received
22 from the following organizations: Rotary Club of Nutley,
23 license number 43-16, off-premise merchandise raffle to be
24 held on Saturday, December 3rd, 2016; HSA Good Shepherd
25 Academy, license number 44-16, the calendar raffle,

1 from March 6th, 2017 through April 24th, 2017; Friends of the
2 Phoenix Center Foundation, license number 45-16, on-premise
3 50/50 cash raffle to be held on Tuesday, November 29th, 2016;
4 HSA Fairview of Bloomfield, license number 46-16, on-premise
5 50/50 cash raffle to be held Friday, November 18th, 2016; HSA
6 Fairview of Bloomfield, license number 47-16, on-premise
7 merchandise raffle to be held Friday, November 18th, 2016.

8 WHEREAS, the applications have been reviewed and
9 approved by the Municipal Clerk and the police department;

10 NOW, therefore, be it resolved by the Board of
11 Commissioners of the Township of Nutley, County of Essex,
12 state of New Jersey that the aforementioned licenses are
13 approved and the Municipal Clerk is authorized to issue the
14 licenses.

15
16 Move the resolution.

17 COMMISSIONER ROGERS: Second.

18 MADAM CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 This resolution is on behalf of the entire Board
25 of Commissioners. This is a resolution expression support

1 for and urging township of Nutley voters to vote yes on the
2 November 8th, 2016 referendum to amend the New Jersey
3 Constitution to expand gaming beyond Atlantic City by
4 preventing the construction of two casinos in Northern New
5 Jersey.

6 WHEREAS, on Election Day, November 8th, 2016, New
7 Jersey voters will have the opportunity to cast yes ballots
8 on a public question to amend the New Jersey Constitution to
9 expand casino gambling beyond Atlantic City to a maximum of
10 two new sites in Northern New Jersey, one of each in two
11 different counties that are located at least 72 miles from
12 Atlantic City and approved by the local governing bodies,
13 planning boards, zoning boards of adjustment; and

14 BE IT RESOLVED that the Board of Commissioners of
15 the Township of Nutley hereby expresses support for passage
16 of an amendment of the New Jersey Constitution to expand
17 gaming to Northern New Jersey (indiscernible) construction of
18 a maximum of two new casinos and urge the voters of the
19 Township of Nutley to vote yes on the constitutional
20 amendment.

21 AND BE IT FURTHER RESOLVED that a copy of this
22 resolution shall be forwarded to Governor Chris Christie,
23 Senate President Steve Sweeney, Assembly Speaker Vincent
24 Prieto, Senate Majority Leader Loretta Weinberg, Assembly
25 Majority Leader Louis Greenwald, Senate Minority Leader Tom

1 Kean, Assembly Minority Leader Jon Bramnick, members of the
2 New Jersey Senate State government Wagering, Tourism, and
3 Historic Preservation Committee, and the New Jersey General
4 Assembly Tourism, Gaming, and the Arts Committee.

5 I move the resolution.

6 COMMISSIONER EVANS: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: I abstain.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 That concludes the business portion of the
14 meeting.

15 Madam Clerk, will you read the notice, please?

16 MADAM CLERK: Yes, Mayor.

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

24 The Mayor may defer citizens' comments to the
25 appropriate member of the board. Dialogue between citizens

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

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

8 (Pause)

9 MR. ALESSIO: Good evening. Carmine Alessio, 81
10 East Centre Street. Yeah, a couple of weeks ago, I was
11 here. And, you know, I do have a couple of complaints.

12 At this time, you know, I don't want to be
13 interrupted. And I'd like to finish what I have to say.
14 And I guess if the commissioners have any questions or want
15 to respond, that's their prerogative.

16 Like I said, a couple of weeks ago, I was here.
17 And I came up here in reference to a woman who is being
18 hired by Mr. Rogers to work at the health department. Her
19 name is Michelle. And she's going to be involved in animal
20 cruelty.

21 And at the time, I had a question in reference to
22 maybe what her duties may be. Is it possible that she be
23 handling pest control in the town of Nutley, which I feel
24 that we definitely do need? I'd like to make a comment also
25 that I'm not coming up here to get any kind of attention or

1 anything like that. I'm coming up here to be as honest as I
2 can to try to resolve problems that are around in my
3 neighborhood on East Centre Street, which I have resided and
4 my family has resided since the 1920s.

5 Okay. So I just want to make that clarification
6 that there's no problem with me wanting any attention or
7 whatever, any kind of trouble with anyone. I just came to
8 this conclusion that I have to come to these meetings,
9 because I have discussed my issues with each of the
10 commissioners individually, and I would say I -- for years,
11 I have not gotten any good response.

12 I may have gotten response like going through
13 motions of, you know, addressing a complaint for the day or
14 for the moment. But nothing has been like done in my
15 instance. So that's why I'm here.

16 The problem is like down in my neck of the woods,
17 we had a contractor/developer develop three big, giant
18 tracts of land. Okay? And I'm smack right in the middle.
19 Now, for years, I've been getting wildlife, insects,
20 rodents, and the whole nine yards.

21 So I'm hoping that this lady, Michelle, from
22 Montclair, who deals with animal cruelty would be hired to
23 do some or get involved with pest control. Because my most
24 recent problem that I had was a couple of months ago. I'm
25 definitely infested with groundhogs and all kinds of rodents

1 and stuff that are undermining my garage. Okay?

2 And, you know, she gave me some good advice. And
3 I really appreciated it, because it did help me out. I put
4 in a grueling four days to try to stop these things from
5 multiplying by like putting the chain link fence along the
6 length of my garage so it wasn't undermined. And she gave
7 me some good recommendations on what to do and how to fill
8 the holes and all of that stuff, which was very -- which was
9 good.

10 Now, that was nice on her part. But I've made
11 hundreds of complaints to the health department, code
12 enforcement, and all around the horn. What happens here is
13 you have a code enforcement problem. You go to code
14 enforcement.

15 My success with them was a big, fat zero. Every
16 time I go honestly to try to accomplish something, nothing
17 gets done. Okay. What happens in that instance is the
18 problem becomes a health issue in reference to -- that's
19 five minutes?

20 Okay. I'll have to continue at the next meeting.
21 Thank you for hearing what I have to say.

22 MAYOR SCARPELLI: Thank you, Mr. Alessio.

23 Commissioner Rogers?

24 COMMISSIONER ROGERS: To begin with, we did not
25 hire anyone named Michelle. And I know what you're making

1 reference to. It's a good question, and I'm glad you
2 brought it up because we could clarify what we did.

3 The woman you're talking about is the animal
4 control officer that is built into our contract with the
5 Montclair Animal shelter. We've had them for years, even
6 before I got here. The courts advised us that she could not
7 use all the power that's invested into her by law unless the
8 Township of Nutley introduced and passed a resolution
9 officially giving her that authority.

10 So to your point, if she, before the resolution was
11 passed by this Board of Commissioners, wanted to issue a
12 summons, for example, she had no authority to do that. So
13 that was a procedural issue. So there was no more money
14 expended. This was a person that was working with us for a
15 long time, and we were able to rectify that.

16 Now, in reference to the animals, I hear what
17 you're saying. It is frustrating.

18 MR. ALESSIO: Can I make one -- interrupt you and
19 make one comment?

20 COMMISSINOER ROGERS: Yeah, sure, sure.

21 MR. ALESSIO: Thank you. You know, like when you
22 look at the agenda, it was one little line. So, you know, I
23 mean, like --

24 COMMISSIONER ROGERS: Well, it's a good question.
25 You know, you deserve an answer.

1 MR. ALESSIO: I'm just trying to be honest, like
2 --

3 COMMISSIONER ROGERS: Yeah.

4 MR. ALESSIO: One with a line with her name. And
5 it had animal cruelty. So --

6 COMMISSIONER ROGERS: Look, --

7 MR. ALESSIO: -- that's why I'm coming up here to,
8 you know, --

9 COMMISSIONER ROGERS: You're entitled to.

10 MR. ALESSIO: Maybe I should have went to your
11 office, but I'm busy and you're busy. So --

12 COMMISSIONER ROGERS: Okay.

13 MR. ALESSIO: -- I appreciate your -- you know, --

14 COMMISSIONER ROGERS: But it's fair. You deserve
15 the answer.

16 Now, let's get to the animal control issues.

17 MR. ALESSIO: Okay.

18 COMMISSIONER ROGERS: And I'll tell you it is
19 frustrating for a lot of people. I had three opossums in
20 the walls of my basement. Picture -- you know what they
21 look like?

22 MR. ALESSIO: Yeah.

23 COMMISSIONER ROGERS: They're monsters. They were
24 eating everything up alive. I had to call animal control,
25 and there was nothing they could do, other than refer me to

1 a wildlife management company. So I had to pay. I had to
2 pay \$500, \$600 for them to come in and to remove these
3 opossums.

4 The reason why I bring that up to you is that the
5 animal control officers are limited in what they could do
6 when it comes to wildlife. They recommend you don't trap
7 wildlife, you don't feed it. And by all means, don't go
8 near them. And you would have to go to outside agencies.

9 I'm sure she had explained this to you to some
10 degree.

11 MR. ALESSIO: Yeah, I'm very aware of what you're
12 telling me.

13 COMMISSIONER ROGERS: So it is an issue. You're
14 absolutely right it's a problem. And it can become a health
15 issue. But I will say this. Okay? The experiences that my
16 department has had with code enforcement has been excellent,
17 because at times, code enforcement -- they won't know,
18 unless somebody reports a problem. Okay?

19 But any time we've called them and explained to
20 them that there's a health problem, they've immediately
21 responded and the situation was rectified. So what I'm
22 saying is we're doing the best we could with the tools we
23 have. And --

24 MR. ALESSIO: Right.

25 COMMISSIONER ROGERS: By all means, stop by the

1 office anytime or call.

2 MR. ALESSIO: Commissioner Rogers, you're telling
3 me is -- with all respect to you -- is wonderful in the real
4 world. Okay. But think back to when I was speaking. Three
5 tracts, big tracts of developed property, which was the I.T.
6 -- I'm sorry -- the Celvex (ph) tract, the Technical Coding
7 (ph) track and the Q. Morriset (ph) tract behind me, along
8 with renovation of the -- I think it's maybe four acres of
9 turf in the park, which is a beautiful thing.

10 In the real world, you're right about how to deal
11 with animal control. But here's my point. When someone --

12 MAYOR SCARPELLI: I'm going to give you a little
13 latitude.

14 MR. ALESSIO: Well, I'm getting -- trying to
15 resolve this in respect to Mr. Rogers. Okay.

16 MAYOR SCARPELLI: But wrap it up, all right? Wrap
17 it up.

18 MR. ALESSIO: Please, you're ruining my train of
19 thought here.

20 When someone builds and takes these tracts of land
21 and actually chases the pets to a neighboring residence,
22 it's a law that the town, along with the developer, is
23 supposed to help the resident like me so that I don't have
24 opossums living in my walls, groundhogs living under my
25 garage. In the empty lot next door to me, which is totally

1 in my -- illegal, as far as I'm concerned -- and I'll say
2 that at another meeting -- dumping there, creating a habitat
3 for rats, groundhogs, mosquitoes, and doing everything
4 totally out of -- out of the realm of being a citizen like
5 that's stated on your wall, that no citizen should be left
6 out. And for years, the people in that little neighborhood
7 have been left out with these problems.

8 Now, the developer and the town should have come
9 --

10 MAYOR SCARPELLI: Mr. Alessio, wrap it up.

11 MR. ALESSIO: -- should have come there and helped
12 this thing out, this problem, which they have done nothing.
13 And all the -- the community where I'm at is going to the
14 dogs. And it's -- I have my notion to why, but I'll
15 continue that at the next meeting. Thank you for letting me
16 talk.

17 MAYOR SCARPELLI: Thank you, Mr. Alessio.

18 MR. ALESSIO: I appreciate it.

19 MAYOR SCARPELLI: Does anybody else want to be
20 heard by the Board of -- to address the Board of
21 Commissioners this evening?

22 Seeing none, --

23 COMMISSIONER EVANS: Move to close.

24 COMMISSIONER ROGERS: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 MADAM CLERK: And the time is now 8:35.

7 COMMISSIONER EVANS: Need a motion to adjourn?

8 (Whereupon, these proceedings were concluded at 8:35

9 PM)

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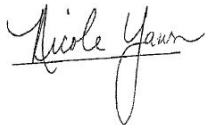
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I, Nicole Yawn certify that the foregoing transcript is a true and accurate record of the proceedings.

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

Nicole Yawn

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