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TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

November 1, 2016
7:04 p.m.

BEFORE:
Commissioner Rogers
Commissioner Tucci
Commissioner Evans
Mayor Joseph P. Scarpelli

Job No. NJ2478633
Transcribed by: Nicole Yawn

P R O C E E D I N G S

1
2 MADAM CLERK: Board of Commissioners public
3 meeting Tuesday, November 1st, 2016. The time is 7:04.

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

11 Commissioner Rogers?

12 COMMISSIONER ROGERS: Here.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Here.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Here.

17 MADAM CLERK: Commission Petracco is
18 absent/excused this evening.

19 Mayor Scarpelli?

20 MAYOR SCARPELLI: Here.

21 MADAM CLERK: Everyone present, except for
22 Commissioner Petracco. He was absent/excused.

23 MAYOR SCARPELLI: All right.

24 Commissioner Petracco has two resolutions and a
25 public hearing on -- I'll take his -- I'll take his

1 resolutions and the public hearing, all right?

2 Commissioner Evans, what do you have?

3 COMMISSIONER EVANS: I do not have any public
4 hearings tonight or introductions of ordinances. I do -- I
5 don't have any reports. I simply have several resolutions
6 relating to budget transfers, issuing of tax sale
7 duplicates. There is a piece of property in Nutley on
8 Stanley Avenue, which is now owned by the state, which,
9 under state statute, it's exempt from tax. And they're
10 filing for that piece.

11 A change order relating to the work associated with
12 Hoffmann LaRoche and our special counsel as well as the just
13 getting ready for the move forward, Hendricks Appraisal
14 Company -- just looking at the renewal of contract for that.

15 I do have a need for a very quick executive.

16 MAYOR SCARPELLI: Okay.

17 COMMISSIONER EVANS: Which we can do prior. It
18 won't be long.

19 MAYOR SCARPELLI: Okay.

20 Commissioner Rogers?

21 COMMISSIONER ROGERS: I have three resolutions,
22 Mr. Mayor. One to proclaim November as Alzheimer's Disease
23 Awareness Month, the other, National Diabetes Awareness
24 Month and the other, Pancreatic Cancer Awareness Month.
25 That's it.

1 MAYOR SCARPELLI: Commissioner Tucci?

2 COMMISSIONER TUCCI: I have a refund of a tree
3 permit, transfer of appropriations. I have authorization
4 and approval of a change order. I have an honor and
5 congratulate resolution, which I'd like to take first, if we
6 could, for the 12U East Baseball Team for winning the
7 District A championship. I have an authorization to
8 advertise for sealed bids for the Park Avenue -- actually,
9 it's an extension of time.

10 MADAM CLERK: Yes, yes.

11 COMMISSIONER TUCCI: All right.

12 ALAN GENITEMPO: It's that we're amending
13 it, too.

14 COMMISSIONER TUCCI: Right. Okay. For the
15 antenna, the cellular antenna. And I'm looking for
16 authorization to enter into a contract with Princeton Hosted
17 Solutions for analog phone lines, which take care of our fax
18 machines and -- there you go. And that's all I have.

19 MAYOR SCARPELLI: I have a proclamation. So if
20 we could do the proclamation and then the resolution?

21 COMMISSIONER TUCCI: Okay. That's fine.

22 MAYOR SCARPELLI: That's fine?

23 I have an introduction of an ordinance. This is
24 just to change some language in the recycling ordinance to
25 comply with the county recycling ordinance. I'll take

1 Commissioner Petracco's public hearing on amendment to the
2 ordinance for handicapped parking and Commissioner Petracco's
3 resolution on insertion of the revenue item and the budget
4 transfer. And then I have a refund for DPW, a change order,
5 which it reduces the amount to AJM Contractors on Conover
6 Avenue and the appointment of Jonathan Bruno as the public
7 defender. That's all I have.

8 Madam Clerk?

9 MADAM CLERK: Yes, this evening we have minutes
10 for several meetings. And Mr. Hannon, the rent leveling
11 attorney, and Mr. Kuchta, the board chairman, are here to
12 propose some changes to the rent leveling ordinance.

13 MAYOR SCARPELLI: Counselor, do you have anything?

14 MR. GENITEMPO: Just slight executive, very brief.
15 That's it.

16 MAYOR SCARPELLI: So let's turn it over to
17 Mr. Hannon and Mr. Kuchta.

18 UNIDENTIFIED SPEAKER: All right.

19 MAYOR SCARPELLI: Good evening, gentlemen.

20 MR. KUCHTA: Good evening, everyone. Thank you
21 for having us. The Rent Leveling Board has been looking at
22 the code that governs rents. And we've been -- we have two
23 recommendations to the commissioners to change the code, the
24 ordinance.

25 The first one deals with filing information that

1 the current code requires that the rent board to held (ph)
2 over later than February 15th with the commissioners. And
3 the second one deals with a capital improvement search
4 (indiscernible). I believe everyone's been given copies of
5 what we are addressing.

6 And the first one is the filing information.
7 Essentially, what we're, you know, recommending is that,
8 instead of a detailed report, which is required by the
9 current code, that we file a summary report with the
10 commissioners where we stand with respect to compliance with
11 the ordinance, which is primarily a five percent limit on
12 increases on those apartments that are governed by the -- by
13 the law. And then any other information which would be
14 deemed appropriate for the commissioners to have, such as
15 (indiscernible) vacancy rates or average rents on the
16 apartments that we do cover. We can now do this because of
17 the good work the I.T. department has done in inputting all
18 of the rents that are -- reflect in the (indiscernible).

19 The second recommendation is to amend the rent
20 control (indiscernible) code. Back in 2013, there was an --
21 an ordinance went through to change the process and the
22 conditions for a hardship increase. At the time that that
23 section was put into the code online, the -- and so, if you
24 go online and see it, the portion that covered capital
25 improvement surcharge was deleted unintentionally. It was

1 deleted unintentionally.

2 So at this point in time, we would like to
3 reintroduce that particular provision. And we were working
4 on changing/modifying it to make it clearer how the process
5 goes and to make those changes at this time. Essentially,
6 the process parallels that for hardship increase as far what
7 has to be submitted -- the timing of submission and
8 (indiscernible) the fee for submitting it.

9 And then we also would recommend that the Section
10 E that's currently in the -- in the code be (indiscernible)
11 with F and apply to both capital improvement surcharge and
12 the hardship increase. This is for an escrow account for
13 the themes (ph) that we may have before (indiscernible). If
14 you have any questions, we have (indiscernible).

15 COMMISSIONER ROGERS: I have a question. And it's
16 a question where I don't know if you have jurisdiction over
17 this or not. This past summer, we were getting calls from
18 primarily senior citizens where they have to wait sometimes
19 ridiculous amounts of time for landlords to make repairs to
20 certain things that could very well be affecting their
21 health. I'll give you an example, two examples.

22 One is a couple of seniors called. Air
23 conditioners completely broke. And it's very, very hot
24 days. And the landlord said, "We're coming. We're coming."
25 They don't show up for a week, a week-and-a-half.

1 Another one -- the rails -- you know, if you're
2 walking down, you've got the handrail. One rail fell or
3 something. It didn't work. The landlord's coming, coming.
4 Doesn't show up 'til weeks later.

5 This is a hardship for people that are disabled.
6 Do you have any jurisdiction --

7 MR. KUCHTA: The way the code works is that we are
8 the last resort. In other words, they will come to us on
9 those, and we will refer them to either the health department
10 -- it's in that jurisdiction --

11 COMMISSIONER ROGERS: Right.

12 MR. KUCHTA: -- or code enforcement if it's the
13 railings or things of that nature and tell them to go there
14 first. That is really who has primary jurisdiction. If
15 there is no satisfaction received under the host (ph)
16 organizations, then the code says they can go through us and
17 we can try to (indiscernible). But not until -- it says the
18 last resort.

19 COMMISSIONER ROGERS: So we have to do a better
20 job in getting the word out as to what the process is.
21 Okay? That's (indiscernible).

22 COMMISSIONER EVANS: See, I agree with
23 Commissioner Rogers. And I had a similar question. It
24 seems to me that before someone is granted a hardship
25 increase of some sort, an improving increase, that the board

1 should require a -- have them getting some approval or some
2 letter written from the health department, right, that says
3 they passed as well as the Code Enforcement Department,
4 they've been out there, and they physically looked at the
5 property, that what's being represented meets the
6 satisfactory requirements of our ordinances and our codes.

7 MR. KUCHTA: I agree. And, in fact, that is part
8 of the provisions in the proposed --

9 COMMISSIONER EVANS: Yeah, so I was just confused
10 when you were saying we're the last resort.

11 MR. KUCHTA: Well, this is if there is a --

12 UNIDENTIFIED SPEAKER: (Indiscernible)?

13 MR. KUCHTA: Well, no, if I understood what you're
14 saying is they're coming to us for a hardship increase or
15 for a capital improvement increase. We will not grant that,
16 unless code enforcement says everything is up to snuff in
17 their (indiscernible) taxes are paid. That's part of
18 (indiscernible).

19 COMMISSIONER EVANS: But I'm adding to that is
20 very clearly is --

21 MR. KUCHTA: (Indiscernible) Commissioner Rogers is
22 saying -- what I understand there is if it's on -- they have
23 not applied for anything. It's just an ongoing --there's an
24 issue in an apartment.

25 COMMISSIONER ROGERS: But Commissioner Evans

1 brings up a good point. If it's an ongoing thing, then why
2 would we approve it anyway?

3 MR. KUCHTA: We would not -- we would not, if there
4 are outstanding issues, code violations. We would not
5 (indiscernible).

6 COMMISSIONER EVANS: Yeah. All I'm --

7 MR. KUCHTA: And that's written into the --

8 COMMISSIONER EVANS: -- suggesting is that the
9 language, right, be clear enough and straight forward enough
10 that basically says if you want any kind of increase, you
11 better have maintained your property. It should meet our
12 codes and our standards. We shouldn't have to have the
13 resources of the town absorbed in going back for repeat
14 visits.

15 We shouldn't have people in town saying I'm trying
16 to get this resolved for months. I think you should
17 strengthen that and not be basically the source of last
18 resort. You should have the ability to listen to rental
19 requests. I think you should be able to put landlords on
20 notice that this is what we require.

21 And I think being more definitive about what you
22 require before the board, whether it's a hardship increase,
23 a regular increase, any kind of increase.

24 MR. KUCHTA: A regular -- with the regular, then

25 --

1 COMMISSIONER EVANS: Whatever it is --

2 MR. KUCHTA: -- there's some teeth if you've got a
3 regular. In the time that I've been on the county rent
4 board, there's been one application for a hardship and one
5 for (indiscernible). It's not something that's very
6 frequent. So that has no -- we have no teeth for your
7 situation. But if we built into the code that no increase
8 (indiscernible) violation (indiscernible). That would be a
9 whole different -- then there'd be teeth in there that we
10 could go (indiscernible) --

11 COMMISSIONER ROGERS: But we need to --

12 MR. KUCHTA: -- (indiscernible).)

13 COMMISSIONER ROGERS: And we may have -- between
14 code and health department, we need to have a mechanism in
15 place where they're going to have 30 days or -- you know, to
16 me, there's no excuse to have anyone wait 3 weeks for an air
17 conditioner in this heat, especially an elderly person.

18 MR. KUCHTA: Right.

19 COMMISSIONER ROGERS: So the question I'm asking
20 is do we have to build something into the ordinance?

21 COMMISSIONER EVANS: Isn't there a provision that
22 says that's a health emergency?

23 COMMISSIONER ROGERS: Yeah.

24 COMMISSIONER EVANS: And that you have 48 hours,
25 24 hours to respond to that?

1 COMMISSIONER ROGERS: With that, you know, we have
2 to put some teeth into it. Same thing with the rail. I
3 mean, --

4 ALAN GENITEMPO But they don't meet once a
5 month.

6 MR. HANNON: And, you know, --

7 ALAN GENITEMPO: And they don't have -- for
8 an emergency situation, it's going to have to be --

9 COMMISSIONER ROGERS: Yeah, you don't --

10 MR. HANNON: And then in --

11 ALAN GENITEMPO: It's got to be code
12 enforcement and the health department.

13 COMMISSIONER EVANS: Right. So all I'm looking at
14 is the provisions that says in your ordinance, that there
15 are certain situations that would dictate there's an
16 emergency situation. It should lead to, obviously, the
17 health department or the Code Enforcement Department. But
18 people should know that they have greater recourse. They're
19 waiting for your committee to meet once a month.

20 MR. KUCHTA: We do get --

21 COMMISSIONER EVANS: That's all I'm trying to say.

22 MR. KUCHTA: People come -- people come,
23 and they will notify us between meetings.

24 COMMISSIONER ROGERS: Well, --

25 MR. KUCHTA: But the question is --

1 COMMISSIONER ROGERS: Well, why don't we do this?
2 Okay? At least from what I could do now is when we get a
3 complaint like that in the health department, we're going to
4 cc a copy to you. Right? So you'll have at least something
5 on record. I don't know who's coming to you or who's looking
6 for what.

7 The other thing is the fear factor.

8 COMMISSIONER EVANS: And then the code office will
9 do the same. That's a good idea.

10 COMMISSIONER ROGERS: Yeah. But we -- the code
11 office has been very responsive to anything that we -- I
12 mean, within hours.

13 COMMISSIONER EVANS: Absolutely.

14 COMMISSIONER ROGERS: We don't have to wait at
15 all. I mean, they're out there with the help. So --

16 COMMISSIONER EVANS: They don't wait. They don't
17 wait.

18 COMMISSIONER ROGERS: But the other thing is is the
19 fear factor, especially our elderly. They're very afraid to
20 call the landlord, believing that they're going to be thrown
21 out, that they're going to be penalized somehow. So we have
22 to, I think -- when I say we, you know, we collectively.
23 That includes me.

24 Maybe somehow get the word out. Don't fear. You
25 know, you're not going to be put out on the street. And --

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different. COMMISSIONER ROGERS: Yeah, but they don't know it. You know? They're --

COMMISSIONER EVANS: Well, the evict (indiscernible) is very, very different, obviously. You're going down a different path.

COMMISSIONER ROGERS: Okay.

COMMISSIONER EVANS: Right? Non-payment of rent is actually a whole new arena --

COMMISSIONER ROGERS: Well, Commissioner, I'm talking about --

COMMISSIONER EVANS: -- than we're discussing about.

COMMISSIONER ROGERS: You know, they're worried about, gee, if I call my landlord, I'm like a pain. They're going to get angry at me.

COMMISSIONER EVANS: Yeah, yeah.

COMMISSIONER ROGERS: I've heard that over and over and over again.

COMMISSIONER EVANS: Yeah, as long as they're paying their rent, we're in this one arena. If they don't pay their rent, that goes to the courts.

MAYOR SCARPELLI: So what I'm going to ask is that Mr. Hannon put together a red line version of the ordinance

1 and get it to Mr. Genitempo so he can distribute it to the
2 commissioners so we can go through it.

3 COMMISSIONER EVANS: Yeah.

4 COMMISSIONER ROGERS: Good.

5 MAYOR SCARPELLI: And go from there.

6 MR. KUCHTA: One question, though. Is it the
7 desire of the commissioners to do a third change, which
8 would put some teeth in about any increase, if there's a
9 violation of --

10 ALAN GENITEMPO: Well, why don't Joe and I work
11 on it? We'll put something together.

12 MR. KUCHTA: Because this doesn't --

13 ALAN GENITEMPO: There's no reason for it not to
14 be (indiscernible).

15 MR. KUCHTA: Right. But these two do not address
16 that situation.

17 COMMISSIONER EVANS: That's the point.

18 UNIDENTIFIED SPEAKER: Huh?

19 COMMISSIONER EVANS: That's the point.

20 UNIDENTIFIED SPEAKER: Yeah. No, it's a good
21 idea.

22 MR. KUCHTA: They don't address -- these two do
23 not address this situation.

24 (Cross-talk)

25 COMMISSIONER EVANS: I just don't want to be in a

1 situation where people are feeling is that the ordinance
2 isn't complete enough or clear enough. And therefore,
3 everybody walks around and says I'm confused and I don't
4 know what to do. And the reality is there are things that
5 can be done.

6 But so if we have an opportunity to fix it, let's
7 fix it.

8 MR. HANNON: Yeah. I mean, all we can do here is
9 strengthen the ordinance and deal with what happens with the
10 rent.

11 MR. KUCHTA: Well, you could hold back the part
12 (indiscernible).

13 COMMISSIONER EVANS: Yeah, but you also hear a lot
14 about the things that could inform the health department.
15 It can inform the code office, right? Actually, every one
16 of the commissioners -- the more they're aware of this stuff
17 -- because it's not just Steve's office or my office.

18 They'll hear it. They're all dealing with it with
19 these issues. So the better they're informed, let's just
20 work together to do that.

21 MAYOR SCARPELLI: All right.

22 So you two guys will work on that, right?

23 MR. KUCHTA: Yeah.

24 COMMISSIONER ROGERS: All right.

25 COMMISSIONER TUCCI: I just have two short

1 questions. The first one is in my 17 years here, I have
2 never seen a report and a certified list of the names and
3 addresses of all the landlords in the township. I've never,
4 ever received that.

5 COMMISSIONER EVANS: First time this fall.

6 COMMISSIONER TUCCI: It's the first time I'm
7 seeing this.

8 COMMISSIONER EVANS: Me, too.

9 COMMISSIONER TUCCI: Okay?

10 MR. KUCHTA: Sorry.

11 COMMISSIONER TUCCI: All right. Well, that's a --

12 COMMISSIONER EVANS: We did that work.

13 MR. KUCHTA: We did produce one in which, I
14 believe, would have been June 3rd of 2015. We also had one
15 last year, which actually we held back. There was some
16 concern about the information that was in the report. And
17 so, we held it back.

18 Prior to that, we couldn't because until we -- all
19 the information that floated and put into a database --

20 COMMISSIONER TUCCI: Right.

21 MR. KUCHTA: -- there was no way of producing a report. It
22 was a stack of paper about that thick of individual rentees.

23

24 COMMISSIONER EVANS: Right. But you have to
25 understand that was a monumental amount of work on the part

1 of the I.T. department led by Jason to get that in.

2 MR. KUCHTA: Yes.

3 COMMISSIONER EVANS: And actually, not just do it,
4 but actually create the system, be able to actually house it
5 and report it out. So --

6 MR. KUCHTA: And once they put it all in, we were
7 able to actually go after landlords, one for where they had
8 violated the increase, allowable increase, and those who
9 (indiscernible). And we went after them also with the help
10 of code enforcement. And we had essentially 100 percent
11 compliance this past year (indiscernible).

12 COMMISSIONER EVANS: Yeah, yeah.

13 COMMISSIONER TUCCI: I got it. So we've been
14 violating our own ordinance since 1988 because we had no
15 mechanism to put that in?

16 COMMISSIONER EVANS: Maybe a little longer.

17 COMMISSIONER TUCCI: Okay. Maybe a little longer,
18 give or take a few years. That was the first -- not the
19 first one. That wasn't my question.

20 ALAN GENITEMPO: We weren't violating. I
21 object to the word violating. I (indiscernible).

22 COMMISSIONER TUCCI: Do you have a better word?

23 COMMISSIONER EVANS: We were non-compliant.

24 COMMISSIONER TUCCI: Yeah. All right. Get the
25 thesaurus out .

1 The second thing is why are we changing from the
2 list of the names and addresses to reports showing the level
3 of compliance, and what does that mean.

4 MR. KUCHTA: The level of compliance would be
5 saying if 100 percent compliant, which the reports are saying
6 we have 100 percent compliance --

7 COMMISSIONER TUCCI: So there's no certified list
8 of names and addresses?

9 MRKUCHTA : No.

10 COMMISSIONER TUCCI: And why? Not that I've ever
11 seen it anyway, but I'm just curious as to why you want the
12 change.

13 MR. KUCHTA: Well, --

14 COMMISSIONER TUCCI: Or not you individually. You
15 the board.

16 MR. KUCHTA: We are concerned about confidentiality
17 of the information (indiscernible) spotlight (indiscernible).
18 It's available (indiscernible).

19 COMMISSIONER TUCCI: Right. Well, don't we
20 already have it in some of the departments because you have
21 to do your multi-family inspections?

22 MR. KUCHTA: Right. It's all --

23 COMMISSIONER TUCCI: So you would have that
24 information anyway.

25 MR. KUCHTA: It's all there on an individual

1 apartment basis. It's there.

2 COMMISSIONER TUCCI: Right.

3 MR. KUCHTA: But this way, we collectively all of
4 the apartments (indiscernible) that are subject to the code,
5 which (indiscernible) it's (indiscernible) --

6 COMMISSIONER TUCCI: So you view that as a bad
7 thing?

8 MR. KUCHTA: Yes.

9 COMMISSIONER TUCCI: Okay.

10 MR. KUCHTA: It's available if you would like to
11 see it. We can get (indiscernible). You can get any
12 information you want (indiscernible).

13 COMMISSIONER TUCCI: Right. So we're going to
14 move from this to just everyone's in compliance or --

15 MR. KUCHTA: Or if not, (indiscernible).

16 COMMISSIONER TUCCI: -- five are not in compliance. And
17 you'll just list those five?

18 MR. KUCHTA: And here is what -- and here is what we
19 are doing about it. And we'd also want to say what we are
20 doing about it to bring them into compliance. The whole
21 thrust of this is to say to make sure that we are in
22 compliance (indiscernible) language (indiscernible).

23 COMMISSIONER TUCCI: Right.

24 ALAN GENITEMPO: Well, if they're not in
25 compliance, will there be a list of landlords that are non-

1 compliant as opposed to all the landlords if we want to try
2 to avoid listing everyone?

3 MR. KUCHTA: Yes.

4 ALAN GENITEMPO: So now, (indiscernible)
5 make that adjustment (indiscernible). Would that be
6 (indiscernible)?

7 MAURO TUCCI: With all due respect, it'd
8 be (indiscernible), though, wouldn't it?

9 MAYOR SCARPELLI: It wouldn't be only the
10 landlords, though, wouldn't it? It would be all the tenants
11 and --

12 MR. KUCHTA: Yes, the list is (indiscernible).

13 MAYOR SCARPELLI: The list would have all the
14 apartments and tenants' names and addresses. And I think
15 that's more of the issue.

16 COMMISSIONER TUCCI: Why wouldn't it be the owner
17 who's not in compliance?

18 MR. KUCHTA: The owner's name has not been
19 (indiscernible). So --

20 COMMISSIONER TUCCI: Right. So --

21 MAYOR SCARPELLI: But the other report that they
22 were talking about changing would have everything in there.

23

24 COMMISSIONER TUCCI: Right, I got it.

25 COMMISSIONER EVANS: The ask was --

1 COMMISSIONER TUCCI: I got that one. That's the
2 one --

3 COMMISSIONER EVANS: The ask was owner of the
4 building, are they in compliance, are they compliant, have
5 they reported all the information. Because under the
6 ordinance, that's what's required to be reported. Okay?
7 What they were generating in the report was a detailed list
8 beyond that of --

9 COMMISSIONER TUCCI: Right.

10 COMMISSIONER EVANS: -- who the tenants were, a
11 lot of their personal information associated with that
12 tenant. And the question was -- simply was screen out what
13 you want to capture, right, in order to meet the compliance
14 with this standard.

15 COMMISSIONER TUCCI: Gotcha.

16 COMMISSIONER EVANS: Got it?

17 COMMISSIONER TUCCI: But it doesn't say that.

18 COMMISSIONER EVANS: I know that. That's the
19 issue.

20 COMMISSIONER TUCCI: It doesn't say that.

21 COMMISSIONER EVANS: That's the issue.

22 COMMISSIONER TUCCI: Okay.

23 ALAN GENITEMPO: That's the old
24 statute (indiscernible).

25 COMMISSIONER EVANS: That's the issue. I have

1 that, too.

2 COMMISSIONER TUCCI: So there's several
3 subsections of the issue? Okay.

4 MAYOR SCARPELLI: Which is -- which is why, I
5 think, --

6 COMMISSIONER TUCCI: I gotcha.

7 COMMISSIONER EVANS: Okay.

8 MAYOR SCARPELLI: Okay.

9 COMMISSIONER TUCCI: Which is why we're going to
10 --

11 COMMISSIONER EVANS: Right, have the two
12 attorneys.

13 MAYOR SCARPELLI: That's why I want a red line
14 version, too.

15 COMMISSIONER TUCCI: All right. I gotcha.

16 COMMISSIONER EVANS: That's why the two attorneys
17 have to work that out.

18 COMMISSIONER TUCCI: Okay. And my second question
19 is much easier. The surcharge, the capital improvement
20 surcharge -- is that a flat fee? Or what is that?

21 MR. KUCHTA: No, it's --

22 COMMISSIONER TUCCI: Or is it a percentage?

23 MR. KUCHTA: It's based on -- it's neither. It's
24 what -- the capital improvement surcharge of amortized loss
25 of what the improvements are over the (indiscernible) the

1 life (indiscernible).

2 COMMISSIONER TUCCI: Right, uh-huh.

3 MR. KUCHTA: It lasts for that period of time. And
4 then it's dropped. So it's a function of what the expenses
5 are. And there's a maximum of how much the surcharge can be
6 up to ten percent.

7 COMMISSIONER TUCCI: Okay. So the surcharge only
8 relates to the improvement in the life of that improvement
9 over -- amortized over the life of --

10 MR. KUCHTA: And then it drops. And it's not --

11 COMMISSIONER TUCCI: Okay. I gotcha.

12 MR. KUCHTA: -- included in the base rate.

13 COMMISSIONER TUCCI: So it's not like okay, well,
14 and then you're making \$1 million improvement. So we know,
15 we want to -- we're going to hit you with a ten percent
16 surcharge. Fine. I'm happy to hear that. Thank you.

17 MAYOR SCARPELLI: Thank you both for coming in.
18 Appreciate it.

19 COMMISSIONER TUCCI: Gentlemen, thank you.

20 MR. KUCHTA: Thank you for talking to us.

21

22 MR. HANNON: Thank you.

23 MAYOR SCARPELLI: Do I have a motion to go into
24 executive session to discuss --

25 COMMISSIONER EVANS: Contract negotiations.

1 ALAN GENITEMPO: Litigation.

2 MAYOR SCARPELLI: -- contract negotiations and
3 litigation?

4 COMMISSIONER TUCCI: Personnel. Do them
5 all.

6 MAYOR SCARPELLI: A motion?

7 COMMISSIONER ROGERS: Motion.

8 COMMISSIONER TUCCI: Second.

9 MAYOR SCARPELLI: Madam Clerk?

10 MADAM CLERK: (Indiscernible) Section 8 of the
11 Open Public Meeting Act (Indiscernible) --

12 (Cross-talk)

13 MADAM CLERK: AND NOW, therefore, be it resolved
14 by the board of commissioners of the township of Nutley will
15 move into closed executive session to discuss potential
16 contract negotiations (indiscernible) --

17 BE IT FURTHER RESOLVED that the time when such
18 discussion may be disclosed to the public shall be when and
19 that such disclosure may be made without adversely affecting
20 the township of Nutley pending and/or anticipated legal
21 personnel, contractual matters, and other matters within
22 exceptions provided for by statute.

23 Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 MADAM CLERK: The time is 7:27.

7 (Recessed to executive session)

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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

November 1, 2016

7:54 p.m.

BEFORE:

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

Transcribed by: Nicole Yawn

P R O C E E D I N G S

(Pledge of Allegiance)

(Pause)

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Yes, Mayor.

Board of Commissioners public meeting Tuesday, November 1st, 2016. The time is 7:54.

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. A copy of this notice has been posted on the Nutley Town Hall bulletin board, and a copy is on file in the municipal clerk's office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commission Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco is absent/excused.

Mayor Scarpelli?

MAYOR SCARPELLI: Here.

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

1 MAYOR SCARPELLI: Let's get right to the minutes.

2 MADAM CLERK: Yes, Mayor. We have regular meeting
3 minutes for September -- I'm sorry. These are executive
4 session minutes -- for September 6th, 2016; September 20th,
5 2016, first session; September 20th, 2016, the second
6 session; and October 4th, 2016.

7 I need a motion.

8 COMMISSIONER TUCCI: Move it.

9 COMMISSIONER EVANS: Second.

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 MADAM CLERK: You just need to abstain.

13 UNIDENTIFIED SPEAKER: You should abstain.

14 COMMISSIONER ROGERS: Okay. Abstain. I'm
15 sorry. Thank you.

16 MADAM CLERK: Thank you.

17 Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye, except for the 4th of
21 October.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 MADAM CLERK: And then we have regular Board of
25 Commissioner meeting minutes for September 20th, 2016 and

1 October 4th, 2016.

2 COMMISSIONER TUCCI: Move it.

3 COMMISSIONER EVANS: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Abstain October 4th.

6 MADAM CLERK: Thank you.

7 Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: I agree. I abstain for the
11 4th.

12 MADAM CLERK: And, Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 MADAM CLERK: And that's it for minutes.

15 MAYOR SCARPELLI: Communication and correspondence
16 in the back. We're going to go a little out of order.

17 We have some guests here tonight. First, we're
18 going to do a proclamation for one of our Eagle Scouts in
19 town. And second, I'm going to turn it over to
20 Commissioner Tucci for honoring the U12 baseball team.

21 So this is a proclamation to honor Zachary Sebek.
22 He is an Eagle Scout. And I'm going to read the
23 proclamation.

24 Congratulations, young man.

25 (Applause)

1 WHEREAS, Zachary Robert Sebek is a member of the
2 Boy Scouts of America Troop 22, sponsored by St. Thomas the
3 Apostle in Bloomfield, New Jersey; and

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

6 WHEREAS, Zachary has dedicated many years with the
7 Boy Scouts of America and during this time worked tirelessly
8 to achieve twenty-three Merit Badges; and

9 WHEREAS, Zachary organized a music concert at
10 Grace Church in Nutley benefiting local senior citizens for
11 his Eagle Scout project; and

12 WHEREAS, as a result of Zachary's hard work and
13 dedication he achieved the level of Eagle Scout and will be
14 honored during an Eagle Court of Honor ceremony on November
15 6, 2016; and

16 NOW THEREFORE BE IT RESOLVED by the Board of
17 Commissioners, Township of Nutley, County of Essex, State of
18 New Jersey that Zachary Robert Sebek be commended and
19 recognized for earning the level of Eagle Scout with the Boy
20 Scouts of America and for providing to the Township of Nutley
21 a sense of true pride.

22 Zachary, congratulations.

23 (Applause)

24 MAYOR SCARPELLI: Zachary, before we take a
25 picture with you, I'm just going to start with Commissioner

1 Evans and just offer his congratulations.

2 COMMISSIONER EVANS: Zachary, congratulations. I
3 have said this before. Eagle is a differentiating
4 achievement in your young career, because it's about
5 leadership, right? So you have done work that actually put
6 you on a path that I think will serve you well as you enter
7 into adulthood.

8 I encourage you to talk to your brethren and
9 encourage them to follow the same path. You know, the world
10 we're in is a crazy world. There's a lot of things going
11 on, shifting technologies, shifting beliefs. But people who
12 actually have the ability to say I want to stand up and I
13 want to be different, I want to stand up and I want to be
14 counted, and I want to stand up and I want to lead should do
15 so. So I congratulate you on that.

16 My son is an Eagle Scout. I think the concert was
17 a great idea. He had to clean up River Road along the
18 Nutley border. So I think you lucked out on that one to a
19 degree. But I encourage you to actually be a role model for
20 others. So congratulations, and it's a great honor.

21 MR. SEBEK: Thank you.

22 (Applause)

23 MAYOR SCARPELLI: Commissioner Tucci?

24 COMMISSIONER TUCCI: Yes.

25 Zachary, I am by no means an expert on what it

1 takes to become an Eagle Scout, but I do know this. I know
2 you're part of a very select and special group that
3 understands what hard work is and what dedication is. And
4 you are definitely a testament to your generation and to
5 your parents' and to all of us here. We're very proud of
6 you. Congratulations.

7 MR. SEBEK: Thank you.

8 (Applause)

9 MAYOR SCARPELLI: Commissioner Rogers?

10 COMMISSIONER ROGERS: Hello, Zach. How you doing?

11 Zach, you and I have talked a lot, and I must tell
12 you that the one thing you did that was really impressive,
13 not only to me, but to my mother -- now, my mother said to
14 never, ever again mention her age anywhere, because she's
15 way up there. But I took her to one of the concerts that
16 you conducted at Grace Church. She doesn't get out that
17 much. But it was an opportunity, I thought, for -- you
18 know, to get her out.

19 And she didn't want to leave the music. What you
20 and that group did, the impact you had on her life and I'm
21 sure on the lives of many seniors that you have been able to
22 perform in front of have everlasting impact. So the work
23 that you have done as a student here in Nutley and part of
24 the greatest music program in the country, let alone the
25 state of New Jersey and what you've done as an Eagle Scout I

1 just pray and hope and I believe that you will carry that
2 dedication and commitment through the rest of your life. So
3 on behalf of my mom and me, thank you very much. Job well-
4 done.

5 (Applause)

6 MAYOR SCARPELLI: Zachary, you've made us proud
7 here as a township, and the Board of Commissioners. You've
8 made yourself proud, your family proud, your troop proud.
9 And it's a great accomplishment to become an Eagle Scout.
10 And from the bottom of my heart, I congratulate you. And I
11 know you're going to go on and do great things as you grow
12 and become a young man. So thank you.

13 (Applause)

14 MAYOR SCARPELLI: Come on up for a picture.

15 (Pause)

16 MAYOR SCARPELLI: Commissioner Tucci?

17 COMMISSIONER TUCCI: Yes, thank you, Mayor.
18 Speaking of select and special groups, once again this
19 evening, we have the pleasure of saluting some of our
20 youngest and some of our finest citizens in this township.
21 And it gives me great pleasure and it's a great honor to
22 read this resolution.

23 WHEREAS, the 12U Nutley East Little League
24 Baseball Team has enjoyed an outstanding season winning the
25 District 8 Championship; and

1 WHEREAS, the members of the 12U Nutley East League
2 Baseball Team are Evan Cirone, Chris Cugliari, Roger
3 Dieterle, Cooper Fojas, Matthew Harbison, Christopher
4 Lamond, Max Malanga, Nick Polewka, Alex Sanchez, Joe
5 Senatore, Jonathan Velez, Ben Wuebben; and

6 UNIDENTIFIED SPEAKER: Wuebben.

7 COMMISSIONER TUCCI: Wuebben. I was close. Okay.

8 WHEREAS, Manager Chris Lamond, along with
9 Assistant Coaches Greg Latino and Wayne Umbach worked
10 tirelessly to train and guide these athletes; and

11 WHEREAS, the members of the 12U Nutley East League
12 Baseball Team are the District 8 Champions; and

13 NOW THEREFORE, BE IT RESOLVED, that the Board of
14 Commissioners of the Township of Nutley, County of Essex,
15 State of New Jersey, join with the citizens of Nutley to
16 honor and congratulate the members and coaches of the 12U
17 East League Baseball Team, for their exceptional efforts and
18 accomplishments.

19 I very proudly move this resolution.

20 COMMISSIONER EVANS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 Commissioner?

5 COMMISSIONER EVANS: Guys, congratulations. If I
6 was coordinated enough to play baseball, I'd probably be
7 among you. But given my past history and experience, it
8 probably wouldn't be a good idea. Congratulations again.

9 Being as a team, working together to achieve a
10 result, wonderful. Continue to do it. I wish you much,
11 much, (indiscernible)?

12 COMMISSIONER TUCCI: Can I go again? Thank you,
13 Mayor.

14 You know, in this day and age of individuals
15 stepping out and jumping out ahead of many folks, it's
16 really nice to see what teamwork is all about here in
17 Nutley. And each and every one of you need to be commended
18 on the level of dedication and hard work that you put in.
19 And you know what? The efforts on behalf of your coaches
20 came through loud and clear. You're District 8 champions,
21 and that's not because of any accident.

22 It's because of all your hard work and dedication.
23 I couldn't be prouder of each and every one of you and of
24 all your coaches. Congratulations, and keep up the good
25 work.

1 MAYOR SCARPELLI: Commissioner Rogers?

2 COMMISSIONER ROGERS: Well, like my colleagues, I
3 certainly commend you for commitment and dedication and
4 character. And you know what's gone through my mind? I'm
5 looking at some of you, and I know some of you. And I'm
6 remembering that some of you started as young men and in
7 some cases, some young women, who started, whether it be
8 baseball or any sports program with the recreation
9 department.

10 And I mentioned to a few people this past week
11 that we have extraordinary recreation programs in town that
12 I think are unlike anywhere in this state. And they start
13 with the little pee-wees. You know? You know, they're out
14 there with these t-balls, and they're starting to learn how
15 to play ball and what teamwork is all about and character
16 building.

17 So, Commissioner Tucci, if I may, I want to
18 congratulate you on, you know, helping form lives and create
19 lives that are really becoming champions that we could be so
20 proud of.

21 So I salute all of you, and thank you, and God
22 bless you.

23 COMMISSIONER TUCCI: Thank you, Commissioner.

24 (Applause)

25 MAYOR SCARPELLI: Guys, I say this to all the

1 young men who come here. I want you to look at the person
2 next to you that's sitting there. You went through a whole
3 summer of playing together, you know, missing some vacation
4 time, you know, your parents giving up time to be with you
5 and your coaches. That person next to you 30 years from now
6 they're going to still be your friend because of what you
7 went through on that field.

8 It's an exciting time as a young man when you make
9 friendships that last a lifetime. And that's what sports
10 are all about. It's learning, you know, to be friends, to
11 play as a team, and learning some of the leadership
12 qualities that will take you into adulthood. So
13 congratulations.

14 I'm sure Commissioner Tucci wants to get you up
15 here for a picture.

16 COMMISSIONER TUCCI: Absolutely, Mayor.

17 MAYOR SCARPELLI: All right.

18 So come on up, guys.

19 COMMISSIONER TUCCI: All right. Come on up.

20 (Applause)

21 (Pause)

22 MAYOR SCARPELLI: I'll give you guys a couple of
23 seconds to make your way out.

24 (Pause)

25 MAYOR SCARPELLI: Madam Clerk, you let me know

1 when you're ready for bills.

2 MADAM CLERK: Yes, I'm ready. Are we ready,
3 Mayor?

4 MAYOR SCARPELLI: Yes.

5 MADAM CLERK: Okay. Bill list for Tuesday, November 1st,
6 2016. Public Affairs, \$113,698.52; Revenue and Finance,
7 \$7,628,983.97; Public Safety, \$25,744.99; Public Works,
8 \$132,821.02; Parks and Public Property,
9 \$716,594.15. Total payroll, \$785,791.64, for a grand total
10 of \$9,403,634.29.

11 Motion, please.

12 COMMISSIONER EVANS: Move the bills.

13 COMMISSIONER TUCCI: Second.

14

15

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

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

25 MAYOR SCARPELLI: Public comment on agenda items

1 only?

2 Madam Clerk?

3 MADAM CLERK: Yes, Mayor.

4 All persons addressing the board of commissioners
5 regarding community concerns should approach the microphone
6 and provide their name and address for the record. Unless
7 further time is granted by the Board, each person shall limit
8 their address for three minutes. All remarks for the Board
9 and its individual members must be addressed to the Mayor.

10 The Mayor may defer citizens' comments to the
11 appropriate member of the Board. Dialogue between citizens
12 and others addressing the Board shall be allowed, unless the
13 Mayor or presiding officer or the majority of the membership
14 of the board shall determine that the interests of decorum
15 and/or the expeditious conduct of municipal business are
16 being adversely affected by such dialogue.

17 MS. LANDRY: Pennie Landry, 135 Lakeside Drive.
18 Agenda item communications/correspondence relating to the
19 presentation in the back room by Joseph Hannon, Rent Leveling
20 Board attorney, and James Kuchta, Rent Leveling Board
21 Chairman, regarding proposed changes to the rent leveling
22 ordinance -- I have a question. What is the total number of
23 apartment complexes that fall under the Rent Leveling Board?

24

25

1 MAYOR SCARPELLI: I don't have that information,
2 Ms. Landry. We'll get that for you.

3 MS. LANDRY: You can get that for me? Thank you.
4 And do we have ordinances or a board -- I guess
5 since they don't fall under the board -- that regulate
6 apartment buildings with three or less rental units?

7 MAYOR SCARPELLI: I don't believe so.

8 MS. LANDRY: We do not have any ordinances that
9 regulate buildings that have three or under rental --

10 MAYOR SCARPELLI: They have ordinances, but that's
11 not under the Rent Leveling Board.

12 MS. LANDRY: And do you know how many different
13 buildings have three or less rental units in them in the
14 town?

15 MAYOR SCARPELLI: I do not.

16 MS. LANDRY: You do not? Where would I get that
17 information?

18 MAYOR SCARPELLI: I don't know if we have that
19 information.

20 MS. LANDRY: You don't know how many buildings in
21 Nutley have three --

22 MAYOR SCARPELLI: I said I don't know if we have
23 that information.

24 MS. LANDRY: Okay. Do you -- can you give me some
25 direction as to where I might find that?

1 MAYOR SCARPELLI: I don't -- I don't know where
2 you could find that.

3 MS. LANDRY: You don't know where I could find it?
4 Okay.

5 And a final question about the apartments. How
6 many apartment units that fall under the Rent Leveling Board
7 are designated as Section 8 or affordable housing?

8 MAYOR SCARPELLI: I don't know if we have that
9 information, Ms. Landry.

10 MS. LANDRY: We don't have that information?

11 MAYOR SCARPELLI: I said I don't know if we have
12 that information.

13 MS. LANDRY: Would the Rent Leveling Board have
14 that information?

15 MAYOR SCARPELLI: They may.

16 MS. LANDRY: They may? So I can go to their
17 meeting? Do they have public comment at their meetings?
18 Because some of our boards do not.

19 MAYOR SCARPELLI: I don't know.

20 MS. LANDRY: You do not know? Is that your
21 answer, sir?

22 MAYOR SCARPELLI: Yes.

23 MS. LANDRY: Okay. Thank you.

24 Regarding number 267-16, exception of payment.

25 Commissioner Evans said that 72 Stanley Avenue was now owned

1 by the State of New Jersey and would no longer be paying
2 taxes. Is this Section 8 housing?

3 COMMISSIONER EVANS: No, it's not.

4 MS. LANDRY: And what does the state intend to do
5 with 72 Stanley Ave., for which it is paying no taxes?

6 COMMISSIONER EVANS: They haven't advised us.

7 MS. LANDRY: They bought it from the town?

8 COMMISSIONER EVANS: No, they bought it from the
9 private owner.

10 MS. LANDRY: The state of New Jersey bought 72
11 Ave. from a private property owner and was granted tax
12 exemption and we don't know what they're using the house
13 for?

14 COMMISSIONER EVANS: The state itself is exempt
15 from taxation. So by virtue of the fact it's owned as state
16 property, they're automatically exempt. Whatever they want
17 to use it for, it is not subject to taxation, under state
18 law.

19 MS. LANDRY: So they could make it into a rental,
20 and they wouldn't have to pay taxes on it?

21 COMMISSIONER EVANS: Generally, the history is
22 they intend to turn them over, right? But it's just -- it's
23 something that was -- they purchased. But again, I have not
24 had a conversation with them specifically about what they
25 intend to do with this particular piece of property. Just

1 that once they purchase it, it is automatically, by
2 statute, exempt from tax.

3 MS. LANDRY: Okay. Thank you.

4 Number 270-16, a change order for Inglesino,
5 Webster, & Taylor -- is that an additional \$94,000 being
6 added to their contract or a reduction?

7 COMMISSIONER EVANS: Mayor, could you please
8 clarify? Are we in the public comment section? Where are
9 we?

10 MS. LANDRY: This is an agenda item.

11 MAYOR SCARPELLI: Public comment on agenda items
12 only.

13 COMMISSIONER EVANS: So I'm just -- I'm just -- is
14 this within the category of what we're doing? Just help me
15 understand that. That's all.

16 MAYOR SCARPELLI: Yes.

17 MS. LANDRY: Yeah, it's an agenda item.

18 COMMISSIONER EVANS: I think I have an answer. I
19 just need to clarify.

20 So question again, please?

21 MS. LANDRY: Authorize, award change order for
22 Webster, -- how do you say their middle name?

23 COMMISSIONER EVANS: Ingelsino, Webster &
24 Wyciskala.

25 MS. LANDRY: Wyciskala & Taylor for \$94,000 for

1 special development counsel services. Now, I know we
2 previously have awarded --

3 COMMISSIONER EVANS: Yes.

4 MS. LANDRY: -- this firm monies for Roche
5 redevelopment. My question is is this an additional
6 \$94,000, given that it is called a change order.

7 COMMISSIONER EVANS: Yes, it's additional services
8 that were rendered related to the transaction to close the
9 Phase I medical school piece of that, all of which those
10 costs, those -- you'll see in there that it's a trust
11 account, not an operating account. So those monies are in
12 trust, which they are paid for by the redeveloper, not by
13 the township. So it's not -- it's not affecting our
14 municipal budget.

15 MS. LANDRY: Okay. So you -- but what portion of
16 the services of Ingelsino, Webster were paid for by the
17 taxpayers?

18 COMMISSIONER EVANS: Oh, they were substantially
19 all reimbursed. I don't have a number, but substantially --

20 MS. LANDRY: Okay. Could you get that for me, if
21 I called your office?

22 COMMISSIONER EVANS: Will we be able to get --
23 yes, we'll be able to get it.

24 MS. LANDRY: Okay. And should I call -- which one
25 of you?

1 COMMISSIONER EVANS: Just contact the clerk.

2 MS. LANDRY: Okay.

3 Anyway, yours isn't working? Oh, darn.

4 MR. GENITEMPO: Yeah, it's on, but apparently,
5 that's not going to work tonight.

6 Just the number is a moving number. It's not --
7 it's not a hard number, because in that 94 is money to take
8 us to the end of the year, not necessarily what's been
9 already billed. So there's been a lot of money billed and
10 paid, some outstanding, some for the future to the end of
11 the (inaudible). All of it is being paid by the developers
12 now. And so, it's a moving number. If I give you a
13 number today, it might be wrong, because it might be
14 (indiscernible).

15 MS. LANDRY: Well, yeah, it just said --

16 MR. GENITEMPO: But I'll give you --

17 MS. LANDRY: It just said change order, and I know
18 that we've had several --

19 MR. GENITEMPO: All it does is give us
20 authorization --

21 MS. LANDRY: Authorizations --

22 MR. GENITEMPO: -- to pay them.

23 MS. LANDRY: -- to add --

24 MR. GENITEMPO: That's all it is.

25 MS. LANDRY: As Commissioner Evans said, it was

1 costs related to closing Phase I.

2 MR. GENITEMPO: This is all the Roche
3 redevelopment, Phase I and also --

4 MS. LANDRY: So actually -- so actually, what
5 you're saying it's in a trust that Prism or the LLC actually
6 has money in this trust that we're pulling out of it?

7 MR. GENITEMPO: Yeah, the word trust could be
8 overused, but it's in a -- it's in a separate account used
9 specifically for the development. And it's replenished by
10 the developer when it starts to run low. All this does is
11 authorize us to pay them. We have to have a mechanism to
12 pay them, even though when the money's coming from somewhere
13 else.

14 MS. LANDRY: Okay.

15 MR. GENITEMPO: -- be able to do that. That's all
16 (indiscernible).

17 MS. LANDRY: I was just wondering why the
18 developer didn't pay.

19 MR. GENITEMPO: I can give you what has been
20 reimbursed so far.

21 MS. LANDRY: Okay.

22 MR. GENITEMPO: But I don't have it. I don't have
23 it with me.

24 MS. LANDRY: Thank you. Okay. Thank you so much.

25 MAYOR SCARPELLI: Anybody else like to address the

1 Board of Commissioners on agenda items only?

2 Seeing none, I'm going to move to Board of
3 Commissioner announcements.

4 Anybody have any announcements?

5 COMMISSIONER TUCCI: I have one announcement, one
6 short announcement. And I think it's timely in light of the
7 fact that our town attorney is using a hand-held mic. We
8 expect to go out to bid by the next meeting for a new sound
9 system for these chambers.

10 MAYOR SCARPELLI: Thank you, Commissioner.

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

12 MAYOR SCARPELLI: Commissioner, when we do that,
13 could we also -- because the planning board (inaudible).

14 COMMISSIONER TUCCI: Absolutely.

15 MAYOR SCARPELLI: Thank you.

16 Ordinance introductions.

17 Ordinance Number 3349, an ordinance to amend
18 Ordinance 3103 of the Code of the Township of Nutley
19 entitled Solid Waste Recycling, and more specifically,
20 Chapter 614, Article I, recycling.

21 I move this ordinance be passed to a second
22 reading, advertised in the Nutley Sun, together with the
23 notice required by law and that further consideration of
24 said ordinance for final passage by the board of
25 commissioners to be held at its second reading on December

1 6th, 2016.

2 I move the ordinance.

3 COMMISSIONER ROGERS: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 We also have a public hearing on Ordinance Number
13 3350, an ordinance to amend an ordinance codified in the
14 Code of the Township of Nutley, Chapter 228 entitled
15 Vehicles and Traffic, particularly Article VII, Special
16 Zones and Areas, Section 29(a) entitled Handicapped Parking.
17 They have the locations set forth therein.

18 I'm going to open the public hearing. Would
19 anybody like to be heard on Ordinance Number 3350?

20 Seeing none, I move to close the public hearing.

21 COMMISSIONER TUCCI: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 I move the ordinance.

6 COMMISSIONER TUCCI: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 Resolutions.

16 Commissioner Rogers?

17 COMMISSIONER ROGERS: Resolution Number 256-16,

18 resolution proclaiming November as Alzheimer's Disease

19 Awareness Month as written.

20 So moved.

21 COMMISSIONER TUCCI: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 COMMISSIONER ROGERS: Resolution Number 257-16
6 proclaiming November as National Diabetes Awareness Month.

7 So moved.

8 COMMISSIONER TUCCI: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 COMMISSIONER ROGERS: Resolution Number 258-16
18 proclaiming November as Pancreatic Cancer Awareness Month.

19 So moved.

20 COMMISSIONER TUCCI: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 Commissioner Tucci?

5 COMMISSIONER TUCCI: Yes.

6 WHEREAS, The Township of Nutley Ordinance# 665-22,
7 Preservation of Trees states that tree removal permits must
8 be obtained for a cost of \$50 per tree, 3 trees totaling
9 \$150; and

10 WHEREAS, The Township of Nutley Department of
11 Parks and Recreation authorizes a refund for each
12 tree permit submitted upon the planting of a new tree on the
13 said property; replacement tree(s) size and species
14 must be approved in advance by the township forester; and

15 WHEREAS, funds will be available from account C-
16 01-904-905; and

17 NOW THEREFORE, BE IT RESOLVED, that the Board of
18 Commissioners of the Township of Nutley, County of Essex,
19 State of New Jersey that the township treasurer is authorized
20 to refund the tree permit fee collected as per the Shade Tree
21 Preservation Ordinance for permit number 14-822 through 823
22 to Elena Dymova, 3 trees @ \$50 per tree for a total amount of
23 \$150 at 55 Yale Street.

24 I move the resolution.

25 COMMISSIONER EVANS: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 COMMISSIONER TUCCI: BE IT RESOLVED, by the Board of
10 Commissioners of the Township of Nutley, County of Essex,
11 State of New Jersey that in accordance with the provision of
12 R.S. 40A 4-58, the following transfer of appropriations in
13 the '16 budget be and the same are hereby authorized and
14 approved. From other insurance, an amount of \$36,000 to
15 buildings other expenses for 21,000; parks other expenses
16 for 2,000; shade tree O & E for 5,000; debris removal for
17 3,000; transportation O & E for 5,000, totaling the like
18 amount of 36,000

19 I move the resolution.

20 COMMISSIONER EVANS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 COMMISSIONER TUCCI: WHEREAS, The Township of
5 Nutley entered into a contract with Viridian Environmental
6 Consultants, Upper Montclair, New Jersey for environmental
7 services via Resolution No. 122-16; and

8 WHEREAS, the Director of Parks and Public Property
9 has recommended the following change order from said
10 contract:

11 Change Order Number 1 for environmental services
12 -- and this is relative to tank removal and cleanup -- in
13 the amount of \$6,177.52. The money is available from
14 Capital Ordinance 3323E and has been certified by the chief
15 financial officer, said certification is attached to this
16 resolution.

17 NOW THEREFORE, BE IT RESOLVED by the Board of
18 Commissioners in the Township of Nutley, County of Essex,
19 State of New Jersey, that Change Order Number 1 in the amount
20 of 6,177.52 be and is hereby approved.

21 I move the resolution.

22 COMMISSIONER EVANS: Second.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 COMMISSIONER TUCCI: WHEREAS, the Township of
7 Nutley issued resolution number 221-16 on September 20th,
8 2016 stipulating a bid opening date of November 10th, 2016 at
9 3:00 p.m. prevailing time for the Park Avenue Cellular
10 Antenna Installation; and

11 WHEREAS, the Township of Nutley desires to extend
12 the bid opening date to November 30th, 2016 at 3:00 p.m.
13 prevailing time.

14 NOW THEREFORE BE IT RESOLVED by the Board of
15 Commissioners of the Township of Nutley, County of Essex,
16 State of New Jersey, that the township clerk is hereby
17 authorized to advertise for sealed bids for the Park Avenue
18 Cellular Antenna Installation, in the township of Nutley, to
19 be received on behalf of the Board of Commissioners, in the
20 Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley,
21 New Jersey on Wednesday, November 30th, 2016 at 3:00 p.m.
22 prevailing time, at which time they will be opened and read.

23 I move the resolution.

24 COMMISSIONER EVANS: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 COMMISSIONER TUCCI: WHEREAS, the Township of
9 Nutley has the need for analog copper phone lines for
10 existing alarm systems and departmental fax lines: and

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

15 WHEREAS, the proposal from Princeton Hosted
16 Solutions, 700 Godwin Avenue, Midland Park, New Jersey will
17 result in a substantial savings and improved quality and is
18 recommended by the township's Office of Information
19 Technology for \$1,998 per month, for a total contract amount
20 of \$47,952 beginning July 1, 2016 through June 30th, 2018;
21 and

22 WHEREAS, funds are available from Account# 6-01-
23 510-237 in the amount of \$11,988 and have been certified by
24 the chief financial officer, said certification is attached
25 to this resolution, account #7-01-510-237, in the amount of

1 \$23,976 subject to the adoption of the 2017 Municipal Budget
2 and also account #8-01-510-237, in the amount of \$11,988,
3 subject to the adoption of the 2018 municipal budget.

4 NOW, THEREFORE BE IT RESOLVED by the Board of
5 Commissioners of the Township of Nutley, County of Essex,
6 State of New Jersey, that the Mayor and Township Clerk be and
7 are hereby authorized to enter into a contract with Princeton
8 Hosted Solutions for the provision of analog phone lines
9 throughout the Township of Nutley.

10 I move the resolution.

11 COMMISSIONER EVANS: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

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

21 MAYOR SCARPELLI: Commissioner Evans?

22 COMMISSIONER EVANS: Thank you.

23 BE IT RESOLVED, by the Board of Commissioners the
24 following transfers of appropriations pursuant to 40A 4-58
25 in the 2016 budget. From municipal election 0 /E, 14,000;

1 unemployment comp, 2,000; tax assessor's salary and wage,
2 20,000, for a total of 36,000 to clerk's office O/E DCRP for
3 2,000 and the tax assessor's O/E for 2,000, for a total of
4 36,000.

5 So move.

6 COMMISSIONER TUCCI: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER EVANS: Then the next Resolution 266-
16 16, the tax collector of the municipality has previously
17 issued tax sale certificates for block 6702, Lot 1 and 6702,
18 Lot 2. Certificates are included in the resolution.

19 WHEREAS, the purchaser of the aforesaid tax sale
20 certificates has indicated they have lost or otherwise
21 misplaced the original tax sale certificate.

22 NOW, THEREFORE, BE IT RESOLVED that the tax
23 collector of the municipality be and is hereby authorized,
24 upon receipt of the appropriately executed and notarized
25 loss affidavit and the payment of a fee of \$100 per

1 certificate, to issue appropriate duplicate tax sale
2 certificates to said purchaser covering the certificate lost
3 as previously described all in accordance with the
4 requirements of Chapter 99 of Public Laws of 1997.

5 BE IT FURTHER RESOLVED, that a copy of this
6 resolution and the loss affidavit be attached to the
7 duplicate tax certificate to be issued to said purchaser and
8 that said duplicate certificates shall be stamped or
9 otherwise have imprinted upon it the word duplicate.

10 So move.

11 COMMISSIONER TUCCI: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 COMMISSIONER EVANS: WHEREAS, the property known
21 as Block 2702, Lot 3, 72 Stanley Avenue has been acquired by
22 the New Jersey Housing and Mortgage Finance Agency, pursuant
23 to N.J.S.A. 55:14K-34 and N.J.S.A 54:4-3.3(a),(b), and (f),
24 said property is owned by an agency of the state of New
25

1 Jersey; being used for a public purpose is therefore tax-
2 exempt; and

3 WHEREAS, N.J.S.A. 55:14K-34(a) provides that all
4 properties of the agency is public property devoted to an
5 essential public and governmental function and purpose and
6 shall be exempt from all taxes and special assessments of
7 the state;

8 NOW, THEREFORE, BE IT RESOLVED, by the Board of
9 Commissioners of the Township of Nutley that New Jersey
10 Housing & Mortgage Finance Agency be granted full exemption
11 from payment of property taxes from January 1, 2017 and all
12 subsequent years thereafter on Block 2702, Lot 3, known as
13 72 Stanley Avenue.

14 So move.

15 COMMISSIONER TUCCI: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24

25

1 COMMISSIONER EVANS: BE IT RESOLVED BY the board
2 of commissioners that the treasurer is hereby authorized to
3 refund overpayments of \$463.32 for Block 2702, Lot 31.

4 So move.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 COMMISSIONER EVANS: BE IT RESOLVED by the Board of
15 Commissioners that the treasurer be and she is hereby
16 authorized to refund overpayment of property taxes for
17 \$14,300.30 arising from tax court judgments for Block 7202,
18 Lot 4.

19 So move.

20 COMMISSIONER TUCCI: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 COMMISSIONER EVANS: WHEREAS, Inglesino, Webster,
5 Wyciskala & Taylor, 600 Parsippany Road, Suite 204,
6 Parsippany, New Jersey has been awarded a non-fair and open
7 contract as a professional service pursuant to the
8 provisions of N.J.S.A. 19:44 A-20.4 and 20.5, as appropriate
9 for the special development counsel on August 2nd, 2016,
10 Resolution 201-16; and

11 WHEREAS, the Township has entered into a contract
12 with Inglesino, Webster, Wyciskala & Taylor for a contract
13 amount of \$150,000; and

14 WHEREAS, such services have exceeded the original
15 contract amount in the amount of \$94,069.46, bringing the
16 contract total to \$244,069.46; and

17 Giving rise to Change Order Number 1, Special
18 Development Counsel for \$94,069.46;

19 WHEREAS, funds are available from account 6-01-
20 226-205 in the amount of \$18,000 and from account T-15-909-
21 917 in the amount of \$76,069.46 and have been certified by
22 the chief financial officer, said certification being
23 attached to this resolution; and

24 NOW, THEREFORE, BE IT RESOLVED by the Board of
25 Commissioners that Change Order 1 is a change from a

1 contract previously made by the township with Inglesino,
2 Webster, Wyciskala & Taylor and are hereby authorized and
3 approved.

4 So move.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 COMMISSIONER EVANS: WHEREAS, the Township of Nutley has a
15 need to acquire professional services to assist with real
16 estate 2016 added assessments;

17 WHEREAS, Hendricks Appraisal is particularly
18 suited to provide such services; and

19 WHEREAS, the contract is in an amount not to
20 exceed \$33,750; and

21 WHEREAS, the funds are available in account 6-01-
22 204-200 as evidenced by the chief financial officer's
23 certification attached hereto; and

24 WHEREAS, the Local Public Contracts Law N.J.S.A.
25 19:44A - 11-1 requires that notice with respect to contracts

1 for professional services awarded without competitive bid
2 must be publicly advertised; and

3 NOW, THEREFORE, BE IT RESOLVED by the Board of
4 Commissioners of the township that a contract be awarded to
5 Hendricks Appraisal Company, LLC, 7 Hutton Avenue, West
6 Orange, New Jersey; and

7 BE IT FURTHER RESOLVED that this contract is
8 awarded without competitive bidding as a professional
9 service in accordance with N.J.S.A. (indiscernible) of
10 5(1)(a) of the Local Public Contracts Law because the
11 contract is for a service performed by a person authorized
12 by law to practice a recognized profession; and

13 BE IT FURTHER RESOLVED that a copy of this
14 resolution, as well as the contract itself shall be placed
15 on file with the Municipal Clerk of the Township of Nutley
16 and a notice of this action shall be printed once in the
17 Nutley Sun in accordance with the public law.

18 So move.

19 COMMISSIONER TUCCI: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 The next two ordinances -- the next two
4 resolutions are Commissioner Petracco's resolutions.

5 WHEREAS, N.J.S.A. 40A: 4-87 provides that the
6 director of the Division of Local Government Services
7 may approve the insertion of any special item in the budget
8 of any county or municipality when such item shall
9 have been made available by law and the amount thereof was
10 not determined at the time of the adoption of the
11 budget; and

12 WHEREAS, said director may also approve the insertion of any
13 item of appropriation for an equal amount;

14 SECTION 1: NOW, THEREFORE, BE IT RESOLVED, that
15 the Board of Commissioners of the Township of Nutley, County
16 of Essex, New Jersey, hereby requests the Director of the
17 Division of Local Government Services to approve the
18 insertion of an item of revenue in the budget for the year
19 2016 in the sum of \$6,113.90, which item is now available as
20 a revenue from the Body Armor Replacement Fund Grant pursuant
21 to the provisions of the statute;

22 SECTION 2: BE IT FURTHER RESOLVED, that a like
23 sum of \$6,113.90 be and same is hereby appropriated under
24
25

1 the caption of general appropriations operations -- excluded
2 from 5% CAP Body Armor Replacement Fund Grant, other
3 expenses, \$6,113.90;

4 BE IT FURTHER RESOLVED, that the Township Clerk
5 forward two certified copies of this resolution to the
6 director of Local Government Services.

7 I move the resolution.

8 COMMISSIONER TUCCI: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 BE IT RESOLVED by the Board of Commissioners of the Township
18 of Nutley, County of Essex, New Jersey that in accordance
19 with the provisions of R.S. 40A 4-58, that the following
20 transfers of appropriation in the 2016 budget be and the
21 same are hereby authorized and approved. From municipal
22 court operating expenses, \$9,000 to the public defender
23 salary and wages, \$9,000.

24 I move the resolution.

25 COMMISSIONER TUCCI: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 The next three resolutions are my own.

10 BE IT RESOLVED, by the Board of Commissioners of
11 the Township of Nutley, in the County of Essex, State of New
12 Jersey that the township treasurer be and she is hereby
13 authorized to refund \$600 to Damiano Corino, 491 Harrison
14 Street, Nutley, New Jersey, for a refund of payment made to
15 the Department of Public Works.

16 I move the resolution.

17 COMMISSIONER TUCCI: Second.

18 MADAM CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

1 WHEREAS, bids for the reconstruction of Conover
2 Avenue, Union Avenue to St. Mary's Place, were received and
3 opened on October 7, 2015; and

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

6 WHEREAS, the Township of Nutley entered into a
7 contract with AJM Contractors for a base bid in the amount
8 of \$187,595.02 and alternate bid number 1 in the amount of
9 \$12,250 for a total bid amount of \$199,845.02; and

10 WHEREAS, Change Order #1 has been authorized for a
11 decrease in the amount of \$32,253.22 to Ordinance #3295A for
12 a total contract price of \$167,591.80.

13 NOW THEREFORE, BE IT RESOLVED by the Board of
14 Commissioners in the Township of Nutley, County of Essex,
15 State of New Jersey, that the Change Order #1 as attached, is
16 a change from the contract previously made by the Township of
17 Nutley with AJM Contractors, for the project known as
18 reconstruction of Conover Avenue Union Avenue to St. Mary's
19 Place and is hereby authorized and approved.

20 I move the resolution.

21 COMMISSIONER TUCCI: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 BE IT RESOLVED by the Board of Commissioners of
6 the Township of Nutley, County of Essex, New Jersey that
7 Jonathan Bruno be appointed the public defender for the
8 Township of Nutley, effective October 3rd, 2016 and expiring
9 October 3rd, 2017.

10 I move the resolution.

11 COMMISSIONER TUCCI: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 That concludes the business portion of our
21 meeting. Time for public comment.

22 Madam Clerk?

23 MADAM CLERK: Yes, Mayor.

24 All persons addressing the Board of Commissioners regarding
25 community concerns should approach the microphone

1 and provide their name and address for the record. Unless
2 further time is granted by the Board, each person shall limit
3 their address to five minutes. All remarks to the Board and
4 its individual members must be addressed to the mayor.

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

12 MAYOR SCARPELLI: Would anybody like to address the
13 Board of Commissioners this evening?

14 MR. ODRIA: Mayor Scarpelli, 133 High Street.
15 Michael Odria. Mayor Scarpelli, the last time that I was
16 standing in front of this microphone, you made a request of
17 me. You said I would like to see your 1999 property taxes
18 bill. So what happened was I know I have them in my house
19 somewhere. I couldn't exactly find them.

20 So I went to town hall last Thursday and made a --
21 went to the tax assessor's office before 1 o'clock. He
22 couldn't give them to me. So I had to make an OPRA. So I
23 did an OPRA. So I'm supposed to get them by Thursday.

24
25 But what I did was I did find my 2003 property tax

1 bill. And in my 2003 property tax bill, is actually \$5,180.
2 My property tax bill -- my newest -- my latest one is
3 \$11,933.28. And since -- was my question -- since Thomas
4 Evans is the director of finance, please ask him,
5 percentage-wise, from the numbers I've given, how much
6 higher are my property taxes are from 2003 to 2016.

7 Again, the numbers are \$5,180, January 31st, 2003.
8 And this year, it's \$11,943.28. Percentage-wise, please ask
9 him how much higher it is.

10 MAYOR SCARPELLI: Michael, I think you could
11 figure that out yourself. You don't need Commissioner Evans
12 to do that.

13 MR. ODRIA: So you can't do it?

14 MAYOR SCARPELLI: I think you could do it
15 yourself.

16 MR. ODRIA: You want to do it, Mr. Evans? Can you
17 give me an answer?

18 COMMISSIONER EVANS: (Inaudible).

19 MR. ODRIA: No, I just wanted -- I just want you
20 to answer the question. I just want to know if you have any
21 comments about how high it is. So you don't want to answer
22 the question. I mean, if you need a calculator, buddy, I
23 have one right here. Oh, yep, in my pocket. I have one
24 right here.

25 COMMISSIONER EVANS: The question is is that

1 (inaudible) --

2 MR. ODRIA: Are you the Finance --

3 COMMISSIONER EVANS: I would assume you want to
4 point out (inaudible) over a (indiscernible).

5 MR. ODRIA: Uh-huh, oh, yeah. But, yes, it has.
6 And you don't want to give me the answer, percentage-wise,
7 what it is?

8 COMMISSIONER EVANS: (Inaudible).

9 COMMISSIONER TUCCI: Pull the calculator. Right
10 there, just do it. Just do it.

11 MR. ODRIA: All right. Well, I'll do it for you.
12 That's 130.6 percent higher. That's 130.6 percent higher,
13 my property taxes, since 2003.

14 Now, as of 2003, my home was 70 years old. And in
15 70 years of the life of my home, my house -- my house's real
16 property taxes was \$5,180. Now, 13 years later, it just
17 went up so dramatically. And I know you -- the only reason
18 why I'm asking either question is because you're the
19 director of finance. If Tucci was director of Finance, I
20 would be addressing it to him.

21 COMMISSIONER EVANS: (Inaudible) question is very
22 broad (inaudible) taxes went up. My taxes (inaudible) at
23 some very high level, \$50,000. Obviously, your taxes
24 (inaudible). The question is what portion of your taxes
25 (inaudible).

1 What portion of your taxes (inaudible). What
2 portion of your tax increase related (inaudible) property
3 when the taxes were valued and those reassessments were
4 applied in (inaudible). What factors contributed
5 (inaudible) such as the age and the cost of tipping fees
6 related to (inaudible) federal law changes (inaudible).

7 How much of the cost increases (inaudible)
8 subsequent bonding associated with (inaudible). How much of
9 those costs (inaudible). There are a whole list of things
10 (inaudible) bored into this (inaudible) saying my taxes have
11 just gone (inaudible). Because your taxes have gone up.

12 (Inaudible) this board together collectively works
13 very hard (inaudible) abide by the caps as best we can. We
14 have yet to (inaudible) 2 percent levy tax. (Inaudible)
15 very diligent about saying that. (Inaudible) comment on
16 that at all. What you say simply is I live in town and my
17 taxes have gone up.

18 I would be happy to answer your question. I would
19 ask you, though, to be specific about what particular part
20 of your tax (inaudible).

21 MR. ODRIA: All three of them, county, municipal,
22 and the school.

23 COMMISSIONER EVANS: I would encourage you to go
24 to the County Board of Freeholders meeting and ask them why
25 their taxes are going up. I encourage you to go to the

1 school board meetings and ask them why their taxes have gone
2 up. (Indiscernible) I will tell you that the basic cost of
3 services (inaudible) healthcare related to pension, related
4 to (indiscernible) removal, as well as environmental factors
5 as well as the implications associated with the
6 (indiscernible) a range of increases (indiscernible) that
7 have impacted taxpayers (indiscernible) differently.

8 In your case, you have had (indiscernible)
9 probably in 2006 of that increase (inaudible) all from
10 looking at your taxes (inaudible) about \$3,000 of
11 (indiscernible), which (inaudible) related to a change in
12 the (inaudible) you are open to, as every citizen is in
13 Nutley to appeal it before the Essex County Tax Board.

14 MR. ODRIA: And I have, and they threw it back in
15 my -- they just said no.

16 COMMISSIONER EVANS: They agreed with the township
17 (inaudible). So there's a fairness (indiscernible) that
18 you, along with everybody else (inaudible) which is how the
19 revaluation (indiscernible) to begin with. You exercise
20 your right as a taxpayer and (indiscernible) to go before
21 (inaudible) know that. Then you're complying with what you
22 need to do (inaudible).

23 Our job here is to continue to find ways we will
24 manage our costs. You and everybody in town that we are
25 relentless and (inaudible) broad implications associated

1 with that. (Indiscernible) that says historically
2 (inaudible) fundamentally (inaudible).

3 There are questions that I think (inaudible)
4 broadly to the residents of (inaudible). What type of town
5 do we want (indiscernible). The commissioners talk about
6 this all the time collectively as a board, not just
7 department heads, but collectively as a board thinking about
8 this as historically, how do we look at the history of our
9 town.

10 What brought us to this point (inaudible) page of
11 our life cycle (inaudible). What we're going to do is
12 respect that history and, two, advance the life cycle of
13 that history based on (inaudible). There is so much that is
14 unbundled by your question that simply says my taxes went up
15 130 percent. That's why I'm confused.

16 Because to answer your question -- it's a very
17 complex question. And I'd be happy to address what the
18 municipal piece of that is. But I encourage you and every
19 resident in town to go before the county, to go before the
20 school board and ask them why those costs, their school
21 board costs cost as much as they do.

22 MR. ODRIA: Well, what I would suggest is this.
23 First of all, it seems like there's no end to these property
24 taxes going up. And the other thing is if you want to
25 control the school system and not overburden it, we should

1 obviously not build more apartments in this town. Because,
2 like I said before, I came to this town because -- this is
3 my opinion. You guys -- you -- the board here should --

4 COMMISSIONER EVANS: Michael, excuse me.

5 MR. ODRIA: -- work hard to keep the town small.

6 Just keep the town -- because you bring more people.

7 They're going to overburden schools. Then my school taxes

8 go up. And I don't even have a kid in the school.

9 COMMISSIONER EVANS: Michael, I don't, either. I
10 don't, either. But I --

11 MR. ODRIA: You've got to cap, control and reduce.
12 That's it.

13 COMMISSIONER EVANS: I don't have children in the
14 school system. My children are all older. They're 23 to 34
15 years old. I have a grandson, right? But I do know that the
16 value of our school system is important to maintaining the
17 value of our town.

18 MR. ODRIA: Okay, that's a good point. But --

19 (Cross-talk)

20 MAYOR SCARPELLI: All right, Commissioner.

21 MR. ODRIA: But if you can't afford to live here
22 anymore, --

23 MAYOR SCARPELLI: Michael, Michael, Michael, --

24 COMMISSIONER EVANS: Let me finish.

25 MAYOR SCARPELLI: -- let the commissioner speak.

1 COMMISSIONER EVANS: Let me finish.

2 MR. ODRIA: Sorry.

3 COMMISSIONER EVANS: Right? There is nothing
4 within our constitution of this country, of this town that
5 suggests that we can prevent somebody from occupying a
6 residence simply because they have children and they may not
7 -- they may add children to our school system. The burden
8 on our town is more related to the fact is that we have
9 single-family homes, two-family homes which are empty nester
10 homes where those people are now reaching a point where they
11 say I want to change my lifestyle. And they're turning that
12 home over to a young family. Are you suggesting that those
13 homeowners cannot sell their home to a young family?

14 MR. ODRIA: Well, for the homeowners, I speak --
15 maybe the reason why they're getting out is because they
16 just can't afford it any more. They're just getting
17 burdened. The water tax, the property taxes -- people don't
18 want to leave Nutley. I don't want to leave Nutley.

19 COMMISSIONER EVANS: Yeah, that's (indiscernible).

20 MR. ODRIA: You know, I want to live here, but I
21 don't want to be taxed to the point where I'm going to be in
22 poverty as a middle -- I'm barely hanging on to middle
23 class. What's going on is the middle class in this town and
24 in this county, but more in this town, is being taxed into
25 poverty. And they have to get out.

1 You know, people don't want to leave. I mean,
2 people that I speak to that moved out -- they didn't want to
3 leave. They couldn't afford it.

4 COMMISSIONER EVANS: I want you to know I fully
5 appreciate the fact that people are being pressured and
6 burdened, right, because of the fees and costs, taxes,
7 whatever services, excise taxes, property taxes, whatever
8 you want to name. People -- income taxes -- they're
9 overburdened with that. I agree with you, right? And I
10 think there's not a member of this board that wouldn't agree
11 that we have to find a way to figure out a way to do things
12 in such a way that manages that tax burden.

13 Your point has been heard. It's been heard many
14 times. Fundamentally, some of the things that affect your
15 property tax bill, right, are significantly challenging in
16 order to create a substantial change in your tax bill. A
17 million dollar reduction in spending affects your tax bill
18 \$25 a quarter.

19 Has your life improved by \$25 a quarter? I would
20 say maybe. It would get you a free dinner. But the fact is
21 in order to change the dynamic, right, the wholesale change
22 of what you are suggesting about your taxes -- to, in
23 effect, suggest that we could roll back taxes from 2016 on
24 your property \$11,900 a year to where they were pre-
25 valuation to \$5,000 -- in order to reduce your taxes by that

1 amount, we've got to reduce the tax levy by almost \$60
2 million. Levy is about \$109 million. The significance of
3 that is extraordinary.

4 MR. ODRIA: Well, respectfully, the bottom line --

5 MAYOR SCARPELLI: Michael, Michael, Michael, --

6 MR. ODRIA: -- is the reason why we're -- no, it's
7 because you guys (indiscernible).

8 MAYOR SCARPELLI: Michael, you're --

9 MR. ODRIA: I know there's other things you've got
10 to (indiscernible) --

11 MAYOR SCARPELLI: Michael, this is not a debate.
12 You made your point. Your time is up. It's time for
13 somebody else to come up to the mic.

14 MR. ODRIA: All right. I'll still bring you the
15 1999 when the clerk's office gives me my OPRA.

16 MAYOR SCARPELLI: Would anybody else like to
17 address the board of commissioners?

18 MS. LANDRY: Pennie Landry, 135 Lakeside Drive. I'd
19 just like to add, Commissioner Evans, to the two percent cap.
20 Since I've owned my home, every year an ordinance or a
21 resolution has been passed to exceed the cap. So we have
22 actually maybe stayed within what is allowable under the
23 cap.

24 But there are many, many things that the law
25 states that can be over two percent, which, if I go back for

1 the six years that I've owned my home, every year an
2 ordinance has been passed to exceed the two percent to allow
3 for those exceptions. And I don't need an answer to that.
4 I would just like to point that out.

5 My issue here in public comment is in July 2016,
6 Clifton Councilman Colidez something was quoted in
7 northjersey.com as saying that the bulk of residential
8 development will occur on Nutley portion of the Roche site
9 and that Clifton will only consider residential if it
10 doesn't impact schools, police, et cetera, for Clifton
11 residents. I called Prism today, because at their
12 presentation that they did here, they said that they would
13 have a website for the Nutley citizens to give input and
14 that they would also be doing some town hall meetings for
15 input, which, to your point, Commissioner Evans, about the
16 issues of taxation, could be addressed asking the
17 townspeople what they were willing to give up a little
18 better or where they were willing to.

19 However, in the six years I've been here, I have
20 not been invited to a town hall meeting to discuss taxes.
21 And I just respectfully ask that you do and that maybe we
22 could tie it into one of the Roche town hall meetings that
23 their representatives said they would be getting back with
24 me about the address for the website for citizens as well
25 as, you know, for the dates of these public forums. So I

1 guess the question is do we have a citizen or a person
2 liaison with Prism that is in charge of communications or a
3 P.R. person or something at the township level who can act
4 as the point of contact for the Roche redevelopment.

5 MAYOR SCARPELLI: I don't understand your
6 question, Ms. Landry. Could you repeat it?

7 MS. LANDRY: Do we have someone who is the
8 designated person who is communicating with the LLC under
9 Prism to communicate what is going on to the citizens of
10 Nutley?

11 MAYOR SCARPELLI: Well, when it gets to that
12 point, I'm sure they're going to offer that up to the
13 citizens of Nutley. And the point of contact will probably
14 be, as it has been all along, Mr. Genitempo.

15 MS. LANDRY: Okay, great. So I just direct things
16 to Mr. Genitempo?

17 And I have a request attached to that. I attend a
18 lot of planning board meetings, because I'm concerned about
19 the future planning of our town. Last year, our chairman,
20 Mr. McGovern, was absent or excused for 40 to 50 percent of
21 the meetings. I have that exact number at home. I forgot
22 to write it down.

23 This year so far, Chairman McGovern has missed 50
24 percent of the planning board meeting. Now, I was unable to
25 locate anywhere in the code if there was a criteria for

1 members attending meetings once they are appointed by the
2 mayor. In the event that there is something that's hidden
3 in the code, I was unable to locate.

4 If Chairman McGovern is not going to be able to
5 chair the planning board meetings, which are critical right
6 now, especially in light of Roche and changes that are being
7 made and new developments being added, I would like for you
8 to respectfully consider a person who, as the appointee, or
9 maybe when he is Mr. McGovern is excused. There is someone
10 here who is actually in this room who has shown really a
11 great desire to want to serve the Township of Nutley. And I
12 would respectfully ask that you consider, as maybe co-chair
13 or as interim chair for the planning board, John Kelly III.

14 MAYOR SCARPELLI: Thank you, Ms. Landry. I'll
15 take that under advisement.

16 MS. LANDRY: Thank you.

17 MAYOR SCARPELLI: Anyone else?

18 MR. MOORE: Rory Moore (ph), 462 Chestnut Street.

19 Mr. Scarpelli, after the last meeting, I had spoke
20 to you briefly outside. I thought that Mr. Rogers' behavior
21 last time was reprehensible where he challenged anyone to
22 appear before the board saying could we do a better job.
23 And I spoke to you, and I expected to at least have enough
24 time to address that issue. But if you --

25 MAYOR SCARPELLI: You know, Mr. Moore, I -- after

1 I spoke to you, I reviewed --

2 MR. MOORE: You said you were going to look at it.

3 MAYOR SCARPELLI: And I didn't take it the same
4 way you took it.

5 MR. MOORE: Well, I did.

6 MAYOR SCARPELLI: I think Mr. -- I think -- and
7 I'm not going to speak for the commissioner. But I think he
8 challenged people to find another town that works as well as
9 ours does. And I think that's what he said. And I think
10 you may have taken it the wrong way.

11 MR. MOORE: To say something -- the fear of death
12 is only second to public speaking. When somebody has to
13 come up here and address the commissioners, especially in
14 complaint mode -- taxes are too high, whatever -- that's
15 devastating to a lot of people. They're afraid to
16 (indiscernible).

17 You should at least -- great opportunity for the
18 board to understand that when people come here, it's not
19 adversarial. They're addressing you, because somewhere
20 along the line, the process below it didn't work. And I'll
21 give you an example.

22 You have a three-minute rule for agenda items.
23 But yet, downstairs when you first come in, there's
24 different sets of agendas. You have one for the newspapers
25 and one for the public. I can understand that printing

1 because of trees. I'm into that.

2 But you should have at least provide the public
3 with the same information that the newspapers are receiving.
4 I'm going to stand here for three minutes, and I have to
5 formulate a question in less than 30 minutes, I should at
6 least be able to see the documents. We don't.

7 If you wanted to look at the billables, the
8 payables that you guys authorized, I have to look down to
9 the board and make a determination that I have a few minutes
10 to (indiscernible). Last meeting, Mr. Evans cited to
11 Moody's, which I nicely got two days after the fact. He
12 also cited the best practices. I got a copy two days after
13 the fact.

14 But when you read the papers -- and I hear how
15 great this was -- Moody's is based on \$124,000 a year
16 average income for Nutley. Nationwide, it was 58. And the
17 state of New Jersey was 85. If 85 was applied to this, the
18 numbers would have changed. They would have changed.

19 It's the taxpayers that earn a lot of money that
20 help you to do that. In your best practices -- speaking to
21 the gentleman -- mandated by law, not because you guys came
22 up with a really good idea. All your health benefits, the
23 township website, how things are paid for contractors are by
24 law. They're not done because you guys are doing a great
25 job.

1 And I think it was reprehensible to challenge
2 everybody to do a better job, to find a better -- there is.
3 Under LOSAP, under the volunteer --

4 MAYOR SCARPELLI: Direct your remarks to the
5 mayor, please. That's the protocol. Thank you.

6 MR. MOORE: Under the volunteer firemen, Paul
7 Cafone (ph) has, by law, LOSAP, Length of Service Award
8 Programs, has decided he wasn't going to pay the firemen the
9 owed amount of money. Fine.

10 ALAN GENITEMPO: (Indiscernible).

11 MR. MOORE: Well, that is absolutely 100 --

12 ALAN GENITEMPO: Excuse me. That is 100
13 percent untrue. And I've been in the meetings regarding the
14 LOSAP, and you are 100 percent wrong.

15 MR. MOORE: Then you should tell --

16 ALAN GENITEMPO: I don't know where you're
17 getting your information from, but you're wrong.

18 MR. MOORE: Then you should tell the firemen that,
19 because they were told that they're not getting the full
20 amount. Now, that's mandated by law.

21 ALAN GENITEMPO: Mr. Cafone -- Chief Cafone has
22 been working with the volunteers to develop an easier way for
23 them to earn the credits to get the LOSAP payments, not the
24 other way around.

25 MR. MOORE: It's by law.

1 ALAN GENITEMPO: And you're -- no, it isn't
2 by law.

3 MR. MOORE: Yes, it is.

4 ALAN GENITEMPO: Mr. Moore, please.

5 MR. MOORE: Would you like to see the program?

6 ALAN GENITEMPO: I know what the law is on
7 this issue. I've studied it, and I've read it. And you're
8 100 percent wrong. So don't mischaracterize what Chief
9 Cafone is doing, please.

10 MR. MOORE: Then you could say emphatically
11 tonight that all of the volunteer firemen are going to
12 receive the full amount for the LOSAP, according to state
13 law? That's emphatic?

14 UNIDENTIFIED SPEAKER: (Indiscernible).

15 MR. MOORE: No, I do.

16 ALAN GENITEMPO: It's set up by ordinance,
17 and it's set up by our ordinance. Each town has its own
18 separate ordinance to qualify for LOSAP. The volunteers did
19 not keep their records clear enough to enable themselves to
20 get paid. Chief Cafone had nothing to do with it. So get
21 your facts straight. I'll be happy to explain it to you.

22 MR. MOORE: Be my guest.

23 ALAN GENITEMPO: But not in this public
24 forum.

25 MR. MOORE: All right. Be emphatic that right

1 now, the volunteer firemen are going to receive
2 (indiscernible).

3 ALAN GENITEMPO: (Indiscernible) wrong.

4 MR. MOORE: And I can understand that. And also
5 potential litigation -- because Mr. Cafone hired a relative,
6 which I asked for an OPRA which (indiscernible). And there
7 is a potential litigation for that. But don't tell
8 everybody up here you're doing a bang up job, this is really
9 great that you're doing this. And everything that you're
10 doing is mandated by law. You should at least be honest
11 enough to say that when somebody gets up here because his
12 taxes went up, he's concerned.

13 UNIDENTIFIED SPEAKER: (Indiscernible).

14 MR. MOORE: Yes, it's the mayor's (inaudible).
15 When you look at this document, it's very clear that the
16 citizens of Nutley worked very hard and very diligently to
17 make a lot of money so you guys can tax it. You should at
18 least be diligent and allow people to stand here and explain
19 that to you. They might not be happy with your services.

20 MAYOR SCARPELLI: Thank you, Mr. Moore.

21 Would anybody else like to address the Board of
22 Commissioners?

23 MR. ALESSIO: Carmine Alessio, 81 East Centre
24 Street. Yeah, a couple of weeks ago, I was here. I was
25 speaking with Mr. Rogers, and he had spoken about pest

1 control and animal cruelty. Okay. So I watched what, you
2 know, unraveled on the cable TV again. And totally into the
3 climax of what, you know he was saying and what I was going
4 to reciprocate in saying. The TV went boom, shut off right
5 at the main punch line during the climax, as I just said.

6 So the following day, I went down to the Parks
7 Department on Mauro Tucci, Commissioner. His advice -- if
8 you have any questions, go down to the Parks Department,
9 which I did. So I went down there, and I spoke to
10 Mr. DeMaio. And we had a nice little conversation. And he
11 looked into it, and he got it straightened out to where the
12 film completely went through.

13 The matinee one during the morning was good. The
14 one in the evening went boom, and it cut off at the same
15 spot a couple of times. So it managed to work for a day or
16 so. Then a day later, boom, it went out. I went down to the
17 Parks Department three times. So without me being
18 interrupted now, at the end of my five minutes, if you have
19 any questions or any answers to give me, I'd appreciate it.

20 In reference to Commissioner's Tucci's number 263-
21 16, the microphone system, is the video system going to be
22 included with that? That's one of my questions.

23 But what I mainly came here to address was the
24 animals that were undermining my garage and being infested
25 with mosquitoes and living next door to an empty lot, which

1 happens to be 75 East Centre Street. And the Cafones own
2 it. It's an empty lot. It's on the -- down at the tax
3 assessor listed as an empty lot. But yet, it's being rented
4 out as a transit station for different contractors going in
5 and out of there and parking their vehicles.

6 Very high volume, very maxed out with trailers all
7 over the place. Okay? So I took it upon myself. In my
8 opinion, okay, this activity violates C.55:19-82,
9 determination of a property as a nuisance. And it also
10 violates C.55:19-92, deemed (indiscernible) that the owner
11 has failed to take action to further the revitalization of
12 the property.

13 In a sense, that means that when he purchased the
14 property, he didn't submit a site plan. It's being used as
15 a seasonal use, and it's open 24 hours a day and where
16 people from the park come all hours of the night and use it
17 for parking, municipal-type lot. And this is going on right
18 next door to me, along with all of the vermin that's there
19 and going onto my property and being a nuisance to me.

20 At that, there's included in that, if you were to
21 research the law, dumping of grass, leaving it for a long
22 period of time, stench, and everything else that goes along
23 with being a nuisance. That's what that place is. The
24 Nutley Code Officers do not enforce C.55:19-92, because the
25 owner seems to be of special interest.

1 Then the New Jersey -- or N.J.S.A. Statute 55:19-
2 --

3 ALAN GENITEMPO: That's five minutes, Mayor.

4 MR. ALESSIO: Well, thank you so much. I'll have
5 to come back next week and finish it. I'm almost done.

6 MAYOR SCARPELLI: Wrap it up, Mr. Alessio.

7 MR. ALESSIO: What I wished that I would have done
8 was come here, because I think I used three minutes with
9 Mr. Tucci's -- with talking about the video part when in a
10 sense, I really wanted to do this. But that's okay. I can
11 come back next week and talk about it, because for two weeks
12 now, nobody has given me a call or did anything, took
13 anything upon himself as far as the town of Nutley to worry
14 about these pests that I keep on getting and, you know,
15 going in and out of my property. But at that, I'll come
16 back next week and finish this.

17 MAYOR SCARPELLI: Thank you, Mr. Alessio.

18 Anybody else like to address the Board of
19 Commissioners this evening?

20 Seeing none, --

21 COMMISSIONER ROGERS: Make a motion that we
22 adjourn, Mayor.

23 COMMISSIONER EVANS: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 Good night, everybody.

8 MADAM CLERK: And the time is 9:10.

9 (Whereupon, these proceedings were concluded at 9:10
10 PM)

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



Nicole Yawn

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| & | 14 52:21 | 63:16 65:19 66:20 | 30th 55:12,21 | |
| & 44:5,23,25 53:16,17 60:10 62:5,12 63:2 | 14,000 57:25 14,300.30 61:17 15-909 62:20 150 52:9,23 150,000 62:13 | 69:8 71:6 78:23 80:5 2017 57:1 60:11 69:9 2018 56:20 57:3 204 62:5 204-200 63:22 20th 29:4,5,25 55:7 | 56:20 31 61:3 3103 48:18 31st 71:7 32,253.22 68:11 3295a 68:11 33,750 63:20 3323e 54:14 3349 48:17 3350 49:13,19 34 59:23 60:3 76:15 36,000 53:14,18 58:2,4 3:00 55:9,12,21 3rd 17:14 69:8,9 | |
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