

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

August 1, 2017

BEFORE:

Commissioner Steven L. Rogers

Mayor Joseph P. Scarpelli

Commissioner Mauro G. Tucci (Absent/Excused)

Commissioner Alphonse Petracco (Absent/Excused)

Commissioner Thomas J. Evans

Job No. NJ2673289

P R O C E E D I N G S

MADAM CLERK: Board of Commissioners public meeting, Tuesday, August 1st, 2017. The time is now 7:00 p.m. Pursuant to the requirements of the Open Public Meeting Act (Chapter 231, Public Law 1975), notice of this meeting was published in the December 1st, 2016 issues of The Nutley Sun and the Herald News, and the December 2nd, 2016 issue of the Star Ledger. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk's Office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci is absent/excused.

Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco is absent/excused.

Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: Everyone present, except for Commissioner Tucci and Commissioner Petracco. They are absent/excused this evening.

MAYOR SCARPELLI: Thank you, Madam Clerk.

MADAM CLERK: You're welcome, Mayor.

1 MAYOR SCARPELLI: Commissioner Evans, what do you
2 have on the agenda this evening?

3 COMMISSIONER EVANS: I just have one resolution
4 for a refund, an overpayment of water charges.

5 MAYOR SCARPELLI: Commissioner Rogers?

6 COMMISSIONER ROGERS: I have one resolution
7 appointing Michele Schiber as our animal cruelty
8 investigator. Now, this -- there's no additional cost.
9 It's built into our contract with the Montclair Animal
10 Shelter. But we're required by state law to do this to give
11 her the authority to investigate/issue summons and to work
12 with the police department procedural (indiscernible).

13 MAYOR SCARPELLI: I have a raffle application
14 resolution and a public hearing for pre-construction of
15 Harrison Street with a Department of Transportation grant.

16 Madam Clerk?

17 MADAM CLERK: And the Nutley FMBA is requesting
18 permission to hold a drawing on Sunday, December 31st. And
19 that's it. We have no minutes or anything else.

20 MAYOR SCARPELLI: Counselor?

21 MR. GENITEMPO: I just have one issue for
22 executive, a contract.

23 MAYOR SCARPELLI: Anything else? That's it?

24 MR. GENITEMPO: That's it.

25 MAYOR SCARPELLI: Can I have a motion to go to

1 executive?

2 COMMISSIONER ROGERS: I make that motion since the
3 Mayor is looking at me.

4 COMMISSIONER EVANS: Second. I'll second the
5 motion since there's no one else here.

6 MADAM CLERK: Whereas, Section 8 of the Open
7 Public Meeting Act Chapter 231, Public Law 1975 permits the
8 exclusion of the public for meeting in certain
9 circumstances. And whereas the public body is of the
10 opinion that such circumstances exist. And whereas the
11 Board of Commissioners of the Township of Nutley, in the
12 County of Essex, in the State of New Jersey desire to
13 proceed to closed executive session.

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

17 MR. GENITEMPO: Contracts.

18 MADAM CLERK: Contracts.

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

25 Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 MADAM CLERK: 7:02.

7 (End of audio)

8 (Pledge of allegiance)

9 MAYOR SCARPELLI: Madam Clerk?

10 MADAM CLERK: Yes, Mayor. Thank you. Board of
11 Commissioners Public meeting, Tuesday, August 1st, 2017, the
12 time is 7:30.

13 Pursuant to the requirements of the Open Public
14 Meeting Act (Chapter 231, Public Law 1975), notice of this
15 meeting was published in the December 1st, 2016 issues of
16 The Nutley Sun and the Herald News and the December 2nd,
17 2016, issue of the Star Ledger. A copy of this notice has
18 been posted on the Nutley Town Hall bulletin board and a
19 copy is on file in the Municipal Clerk's Office.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Here.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Here.

24 MADAM CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Here.

1 MADAM CLERK: All present, Mayor, except for
2 Commissioner Tucci and Commissioner Petracco. They are
3 absent/excused this evening.

4 MAYOR SCARPELLI: I would like to welcome to the
5 meeting Ronan Somers (ph), who's here observing our meeting
6 for his Boy Scout badge. So, Ronan, just stand up so
7 everybody can see you. Welcome. Thank you for coming.

8 Communications, Madam Clerk?

9 MADAM CLERK: Yes, Mayor. The Nutley FMBA #44
10 Foundation is requesting permission to hold a raffle drawing
11 on Sunday, December 31st at noon at the Nutley Fire
12 Department headquarters. I need a motion, please.

13 COMMISSIONER EVANS: Move it.

14 COMMISSIONER ROGERS: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 MADAM CLERK: And that's it for communications.

22 MAYOR SCARPELLI: Bills?

23 MADAM CLERK: Bill list for Tuesday, August 1st,
24 2017. Public affairs, \$95,515.17; Revenue & finance,
25 \$7,119,469.14; Public safety, \$31,360.74; Public works,

1 \$784,493.42; Parks and public property, \$695,883.36. Total
2 payroll \$816,726.63. For a grand total of \$9,543,448.46.

3 COMMISSIONER EVANS: Move the bills.

4 MADAM CLERK: I need a second.

5 COMMISSIONER ROGERS: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

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

13 MAYOR SCARPELLI: Public comment on agenda items
14 only. Madam Clerk?

15 MADAM CLERK: Yes, Mayor. All persons addressing
16 the Board of Commissioners regarding community concerns
17 should approach the microphone and provide their name and
18 address for the record. Unless further time is granted by
19 the Board, each person shall limit their address to three
20 minutes. All remarks to the Board and its individual
21 members must be addressed to the Mayor. The Mayor may defer
22 citizens' comments to the appropriate member of the Board.
23 Dialogue between citizens and others addressing the Board
24 shall be allowed unless the Mayor or presiding officer, or
25 the majority of the membership of the Board, shall determine

1 that the interest of decorum and/or the expeditious conduct
2 of municipal business are being adversely affected by such
3 dialogue.

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

6 MR. SOMERS: Hello, my name is Ronan Somers from
7 140 Stager Street and I have a question for Mayor Scarpelli.

8 MAYOR SCARPELLI: Okay.

9 MR. SOMERS: What is the FMBA and why do they need to approve
10 the application?

11 MAYOR SCARPELLI: The FMBA is the Fireman's
12 Benevolent Association. And they're having a raffle on
13 Sunday and they do that to raise funds.

14 MR. SOMERS: Thank you.

15 MAYOR SCARPELLI: Anybody else like to address the Board of
16 Commissioners on agenda items only?

17

18 Seeing none, move that we close the public portion
19 of the meeting.

20 COMMISSIONER ROGERS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 Board of Commissioner announcements.

3 Commissioners?

4 COMMISSIONER ROGERS: I have none, Mayor.

5 COMMISSIONER EVANS: None this evening.

6 MAYOR SCARPELLI: Public hearings. Ordinance
7 number 3362, ordinance providing for the reconstruction of
8 the roadway on Harrison Street (Section 3), in the Township
9 of Nutley, in the County of Essex, New Jersey appropriating
10 \$252,504 from grant monies received from the New Jersey
11 Department of Transportation for the cost thereof.

12 I declare the public hearing open. Would anybody
13 like to address the Board of Commissioners on ordinance
14 number 3362?

15 Move to close the public hearing?

16 COMMISSIONER ROGERS: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 Move the ordinance.

24 COMMISSIONER ROGERS: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 Resolutions. Commissioner Rogers?

7 COMMISSIONER ROGERS: Resolution number 164-17, be
8 it resolved, by the Board of Commissioners, in the Township
9 of Nutley in the County of Essex, State of New Jersey that
10 Michele Schiber, be appointed as Animal Cruelty
11 Investigator, for the Township of Nutley, as per the
12 Interlocal Animal Control Agreement between the Township of
13 Montclair Animal Control Department and the Township of
14 Nutley, until December 31, 2017.

15 So moved.

16 COMMISSIONER EVANS: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 Commissioner Evans?

24 COMMISSIONER EVANS: Thank you.

25 Be it resolved, by the Board of Commissioners of

1 the Township of Nutley, in the County of Essex, State of New
2 Jersey, that the Treasurer be and she is hereby authorized
3 to refund the overpayment of water charges in the amount of
4 \$ 323.84 for block 9503, lot 11. 17 Centre Street, Nutley,
5 New Jersey for said amount.

6 So moved.

7 COMMISSIONER ROGERS: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 Whereas, raffle applications have been received
15 from the following organizations:

16 Nutley FMBA #44, License number 36-17, off-premise
17 50/50 cash raffle to be held Sunday December 31st, 2017;

18 St. Mary's Church, License number 37-17, on
19 premise 50/50 cash raffle; and

20 St. Mary's Church, License number 38-17, on
21 premise merchandise raffle, both to be held October 20th,
22 2017.

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

25 Now, therefore, be it resolved by the Board of

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

5 I move the resolution.

6 COMMISSIONER ROGERS: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 That concludes the business portion of our
14 meeting. Madam Clerk?

15 MADAM CLERK: Yes, Mayor.

16 All persons addressing the Board of Commissioners
17 regarding community concerns should approach the microphone
18 and provide their name and address for the record. Unless
19 further time is granted by the Board, each person shall
20 limit their address to five minutes. All remarks to the
21 Board and its individual members must be addressed to the
22 Mayor. The Mayor may defer citizens' comments to the
23 appropriate member of the board. Dialogue between citizens
24 and others addressing the Board shall be allowed unless the
25 Mayor or presiding officer, or the majority of the

1 membership of the Board, shall determine that the interest
2 of decorum and/or the expeditious conduct of municipal
3 business are being adversely affected by such dialogue.

4 MAYOR SCARPELLI: Would anybody like to address
5 the Board of Commissioners this evening?

6 MS. SOMERS: Yes, please. Good evening, Mayor. My
7 name is Jeana Somers. I'm at 140 Stager Street. The reason
8 why I'm here this evening is that we -- my husband and I, we
9 currently have our home up for sale, on the market since
10 March of this year. We have a property next door to us
11 that's a foreclosed property. It has some structures
12 attached to the garage. They're falling apart. There's a lot
13 of weeds growing on the property. It's an eyesore.

14 There's caution tape been put up. I don't know if
15 that's allowed with the Town, who would have put up caution
16 tape. So that's even more of a deterrent and also it's a
17 draw for the children in the neighborhood. They kind of --
18 you know, are very curious about it. There is a lot of
19 animals, carpenter bees that are sort of affecting my
20 property as well.

21 We've been given a suggestion by our realtor to try
22 to put up a privacy fence, but due to the Code, you know,
23 we're restricted by a certain, you know, length of space
24 between the back of the property and the end of our
25

1 home. So we just -- you know, we don't know where to go
2 from here. We're tied to this property next door. It's not
3 our problem, but it is our problem.

4 So one, I'd like the structure addressed on the
5 garage. You know, it's falling down. It's dilapidated and
6 you know, just causing safety issues. And then also, where
7 do I go with the issue with the privacy fence? It's more
8 than likely I'm going to take a day off of work, have to
9 fill out paperwork with a permit office. It's probably
10 going to get rejected. And then where do I go from there?

11 MAYOR SCARPELLI: Commissioner?

12 COMMISSIONER EVANS: Thank you. So a couple of
13 things. The nature of a privacy fence, I wouldn't suggest
14 out of hand that that would be rejected. The Code
15 Enforcement Office would take a look at that which is
16 allowed by our zoning.

17 A couple things you mentioned. It's a foreclosed
18 property, so if the owner isn't taking care of it, it's the
19 bank's responsibility to take care of the property. My
20 office handles the follow up for that. And so if you give
21 me the street address I'll make sure -- and your phone
22 number, I'll make sure that my office is in touch with you
23 tomorrow to make sure.

24 As far as -- a couple of things. If the garage is
25 in danger of falling down, it's an unsafe structure, it will

1 be taken down. All right? So there's -- and that's allowed
2 under the ordinance. A construction official has that
3 authority to make that order. And no one can object to it.
4 It's got to come down. And as far as property maintenance,
5 the property will have to be cleaned up. If the property
6 owner or the bank is unable to or unwilling to clean up the
7 property, we have -- under our maintenance code, we will
8 make sure the property is cleaned up and we'll put a lien on
9 that property so that at the point in time it sold, the
10 Township taxpayers get reimbursed for the cost of that
11 service.

12 So there's quite a bit that can be done to address
13 that property and we'll be happy to talk to you tomorrow if
14 you want to just give me a slip with your phone number on
15 it, I'll be happy to do that.

16 MS. SOMERS: Thank you.

17 MAYOR SCARPELLI: Thank you. Anybody else like to
18 address the Board of Commissioners this evening?

19 Seeing none.

20 COMMISSIONER ROGERS: I have a comment. First of
21 all, Mr. and Mrs. Somers, I want to -- I'm sorry to hear
22 you're selling. I want to publicly thank you for the
23 contributions that you've given this community. I've known
24 you for a long time, and the work and the absolute
25 commitment and dedication to your school district has been

1 extraordinary.

2 This is not the first time you've been out in the
3 public, and helping your children. And, you know, this is
4 what -- about our town and our country is about. And, you
5 know, it's unfortunate that there are people in this world
6 who continuously talk about negative things and hammer, and
7 hammer, and hammer on all the bad things that are going on.
8 But you're one of the good stories. You're a great story
9 about this community and about what parents do with their
10 children.

11 So I just want to thank you for doing all that
12 you've done over the years that I know you and I wish you
13 God's blessings as you move along.

14 MS. SOMERS: Thank you. Well, we want to stay in
15 Nutley, by the way.

16 COMMISSIONER ROGERS: Good --

17 MS. SOMERS: We're looking to --

18 MAYOR SCARPELLI: We're glad to hear that.

19 MS. SOMERS: Yeah. We want to stay here. We
20 love it here, but --

21 COMMISSIONER ROGERS: I'm glad my little talk just
22 convinced you to stay. Thank you.

23 COMMISSIONER EVANS: Way to go, Steve.

24 MR. ALESSIO: Carmine Alessio (ph), 81 East Centre
25 Street.

1 I thought that was a nice little speech that she
2 had given in reference to the dilapidated property. I gave
3 one years ago about mine. I have a tree on my property
4 that's been dead for eight years. The neighboring lot is
5 empty, which is owned by Michael Cafone (ph). And I came
6 here, dealt with Mr. Evans' office in reference to the tree
7 that's been dead for eight years that maybe the neighbor
8 could move the trailer so I could cut the tree down.

9 Although, it is hanging on their property, it's
10 been like that for eight years. Maybe they should cut it
11 down. I did have the public safety people come over and
12 write an incident report that the tree could fall down on
13 top of the trailer. That's part there -- that shouldn't be
14 there. It's too close to my fence. Because when that
15 property went for a variance, it stipulated in the
16 resolution that there would be trees bordering my property.
17 And I have yet to see them there.

18 It's been like maybe 15 years. So maybe if Mr.
19 Evans' code enforce people could come and take a look at
20 that tree for maybe the sixth or seventh time, maybe that
21 trailer could be moved so we could take down the tree
22 because it is a detriment and it looks like hell.

23 I know that the reason being that is somebody
24 wants my property and they're making it go to pot in that
25 section of the town because they want to steal the property

1 at a low assessed value. I think the town should be man
2 enough to come over and -- you know, I want my money and I
3 want all of your votes because I'm tired of people
4 contacting me and asking me different things. Why are these
5 apartments going up, this and that.

6 Now, I know my time is running out and I
7 specifically wanted to speak about this, but the excuse from
8 the Commissioners is, it's a separate entity. The Planning
9 Board is separate. It's not separate. Okay? I sat through
10 Planning Board meetings, okay, in reference to the
11 apartments that went behind my house. And that was supposed
12 to go in as a gated community, okay? It's not a gated
13 community. It's apartments that have Section 8, a little
14 portion of it, and low income housing in the area.

15 Another thing is that place is illegal, the
16 apartment complex behind -- over there, because according to
17 the municipal land use act, you're supposed to own property
18 abutting the street. Okay, and the Town of Nutley had a
19 right of way back there that Mr. Diiasi (ph), who's trying to
20 fight for back taxes, this back taxes, that -- a title for
21 the road, which is Stager Street -- excuse me, Springer.
22 Springer Road or Springer Lane, whatever they call it. And
23 it's a right of way. He was supposed to come back with the
24 title to purchase that for the contractor, which he never
25 did.

1 They built the building. Three years later, the
2 town goes to the county and gets the street right here. Mr.
3 Genitempo, I saw paperwork on it that now the Town owns that
4 property. What that actually does, it hurts somebody like
5 me because I'm living there trying to do the right thing and
6 maybe they needed my property to go back -- behind there to
7 get to the -- to get back there. But no, you have a
8 driveway on the left, which is supposed to be a two-carriage
9 road. And the one up above, which is supposed to be a two-
10 carriage road. The other one is a driveway. None of the
11 property abuts the street, which is definitely illegal. You
12 have to own the property abutting the street.

13 And it didn't work out that way. When a Planning
14 Board orders a foreclosure statement or a title for the
15 property to proceed with the construction, they're not
16 fooling around. Okay?

17 So what they do. They build the building first
18 and then they go and try to get a title later on, which they
19 never got because the town always owned the street because
20 we've been there since the 1920's and we know everything
21 that's going on.

22 So I want -- I'm coming up here and trying to put
23 forth what has happened to us down there. And maybe with
24 all of these apartments that are going up, people will see
25 that it can happen to them. Thank you.

1 MAYOR SCARPELLI: Thank you, Mr. Alessio.

2 Anybody else want to address the Board of

3 Commissioners this evening? Seeing none.

4 COMMISSIONER ROGERS: Move that we close.

5 COMMISSIONER EVANS: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci. I'm sorry.

9 Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 MADAM CLERK: And the time is 7:49.

14 MAYOR SCARPELLI: Good night, everybody.

15 (Meeting was adjourned at 7:49 P.M.)

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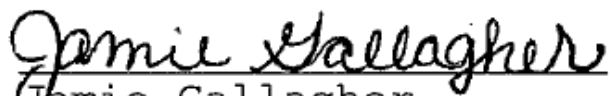
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C E R T I F I C A T I O N

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


Jamie Gallagher

Veritext Legal Solutions

Date: August 16, 2017

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