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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

September 5, 2017

BEFORE:

- Commissioner Steven L. Rogers
- Mayor Joseph P. Scarpelli
- Commissioner Mauro G. Tucci (Absent/Excused
Joined via Phone 7:51 - 8:14 PM)
- Commissioner Alphonse Petracco
- Commissioner Thomas J. Evans

Job No. NJ2703530

P R O C E E D I N G S

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MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Board of Commissioners public meeting, Tuesday, September 5th, 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?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

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

MAYOR SCARPELLI: But he will be joining us via phone for the budget?

MADAM CLERK: Yes.

1 MAYOR SCARPELLI: Okay. Commissioner Petracco?

2 COMMISSIONER PETRACCO: I have one resolution only
3 today.

4 MADAM CLERK: Two.

5 COMMISSIONER PETRACCO: Two? Let's see if I can
6 find them. Why can't I find them on here? Am I missing
7 them?

8 MAYOR SCARPELLI: Next page.

9 COMMISSIONER PETRACCO: Next page. Okay. We have
10 Opioid Abuse Day on October 6th and we have a community
11 police grant. That's all I have.

12 MAYOR SCARPELLI: Thank you, Commissioner.
13 Commissioner Evans?

14 COMMISSIONER EVANS: Yes, I have a budget
15 amendment resolution for tonight. It recognizes the change
16 in our State aid from the State and reflects the changes
17 that we've been able to make so far in absorbing the effects
18 of that so the taxpayers aren't absorbing that fully in
19 November.

20 I also have -- it looks like seven resolutions.
21 Allen, with your permission, there's six of them, they're
22 all the same on escrow accounts, if I could consolidate.

23 MR. GENITEMPO: Yes, absolutely.

24 COMMISSIONER EVANS: And then I have one
25 resolution which is cancelling a reserve on the balance

1 sheet in the amount of 700,000, which fully offsets the
2 municipal portion of the tax adjustment life of the aid.

3 MAYOR SCARPELLI: Thank you, Commissioner.
4 Commissioner Rogers?

5 COMMISSIONER ROGERS: I'm going to introduce an
6 ordinance to amend a code of the Township of Nutley to add to
7 Article 6 entitled sale of dogs and cats. But here's
8 something that I want to make completely clear.

9 Contrary to rumors, especially on social media,
10 we're not banning pet stores. I welcome pet stores.
11 They're businesses. I'm sure you do too. 107
12 municipalities in this State have passed this ordinance.
13 This ordinance is there to help address the problems that I
14 suppose the nation is facing with regard to puppy mills. It
15 will heighten the awareness of the need for people to obtain
16 puppies, and cats, and other animals, I suppose, from
17 shelters and from other breeders. It doesn't even prohibit
18 people from going to someone who is -- has a private home
19 and breeding little puppies under the confines of the law.

20 So I know we've received some e-mails, and some
21 calls, etcetera. But I can tell you this, I've been around
22 town. I've talked to residents. Not hundreds, I've talked
23 to about a dozen, but not one of those people in this
24 township that I spoke to opposed this ordinance.

25 So I would hope that as we hear what people have

1 to say, we keep in mind that I think a lot of what I'd like
2 to hear from our residents, I think that's important.
3 That's who we represent. So it's based on the ordinance of
4 protecting pets that are in puppy mills, as well as perhaps
5 the will of the people in this Township that I'm moving this
6 ordinance. Thank you.

7 MAYOR SCARPELLI: This is only introduction to
8 this.

9 COMMISSIONER ROGERS: Only the introduction.

10 MAYOR SCARPELLI: Resolutions, Commissioner?

11 COMMISSIONER ROGERS: Pardon me?

12 MAYOR SCARPELLI: Resolutions?

13 COMMISSIONER ROGERS: I have a resolution.

14 MAYOR SCARPELLI: All right, two.

15 COMMISSIONER ROGERS: I have two. I'm so wound up
16 in the puppy mill thing.

17 Here we go. Okay. I have a resolution that will
18 heighten the awareness of prostate cancer. That's pretty
19 important. And these resolutions are good because they do
20 heighten awareness of that. And also, I have a resolution
21 that will continue the shared service that we have with the
22 Nutley School Board regarding our Township physician. Thank
23 you very much.

24 MAYOR SCARPELLI: Thank you, Commissioner.

25 COMMISSIONER ROGERS: Saves money there, Commissioner.

1 MAYOR SCARPELLI: Commissioner Tucci has a report
2 and an introduction of an ordinance. I'll handle the report
3 -- I mean, I'll handle both.

4 And I have just one resolution on there for
5 approval of a raffle application from Nutley Rotary. Madam
6 Clerk?

7 MADAM CLERK: Yes, Mayor. We have regular Board
8 of Commissioners Meeting for June 26th and August 1st for
9 approval. And then communications, we have the Academic
10 Booster that has filed an application for social affair
11 permit and the Nutley-Belleville Columbus Day Committee has
12 submitted an event application for Sunday, October 8th, 2017
13 from 12:00 to 4:00. And that's it for me.

14 MAYOR SCARPELLI: Counselor?

15 MR. GENITEMPO: I just want an executive session
16 for potential litigation.

17 MAYOR SCARPELLI: And we've got a couple other --

18 MADAM CLERK: Personnel.

19 MAYOR SCARPELLI: Right, personnel.

20 MADAM CLERK: Okay.

21 MAYOR SCARPELLI: All right, so can I have a
22 motion to go into executive session?

23 COMMISSIONER PETRACCO: Move it.

24 COMMISSIONER ROGERS: Second.

25 MADAM CLERK: Whereas, Section 8 of the Open

1 Public Meeting Act Chapter 231, Public Law 1975 permits the
2 exclusion of the public for meeting in certain
3 circumstances. And whereas the public body is of the
4 opinion that such circumstances exist. And whereas the
5 Board of Commissioners of the Township of Nutley, in the
6 County of Essex, in the State of New Jersey desires to
7 proceed to closed executive session.

8 And now, therefore, be it resolved by the Board of
9 Commissioners of the Township of Nutley, move into closed
10 executive session to discuss personnel and potential
11 litigation.

12 Be it further resolved that a time when special
13 discussion may be disclosed to the public shall be when and
14 as such disclosure may be made without adversely affecting
15 the Township of Nutley pending and/or anticipated legal
16 personnel, contractual matters, and other matters within the
17 exceptions provided for my statute.

18 Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 MADAM CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

1 MADAM CLERK: The time is 7:07.

2 (End of audio)

3 MAYOR SCARPELLI: Everybody, please stand for the
4 pledge salute.

5 (Pledge of allegiance)

6 MAYOR SCARPELLI: Madam Clerk?

7 MADAM CLERK: Yes, Mayor. Thank you. Board of
8 Commissioners public meeting, Tuesday, September 5th, 2017.
9 The time is now 7:51.

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

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Here.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Here. (Via Phone)

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Here.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Here.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Here.

2 MADAM CLERK: All present, Mayor.

3 MAYOR SCARPELLI: Minutes, Madam Clerk.

4 MADAM CLERK: Yes. We have Board of Commissioner
5 meeting minutes for June 26th, 2017 and August 1st, 2017. I
6 need a motion, please.

7 COMMISSIONER PETRACCO: Move it.

8 COMMISSIONER EVANS: 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: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 Communications, correspondence?

20 MADAM CLERK: The Academic Booster Club has
21 submitted an application for a Social Affair Permit to hold
22 their Wine Tasting event on Saturday, October 14th, 2017
23 from 7:00 p.m. to 10:00 p.m. at the Nutley Museum on 65
24 Church Street.

25 I need a motion, please.

1 COMMISSIONER PETRACCO: Move it.

2 COMMISSIONER ROGERS: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 MADAM CLERK: The Nutley-Belleville Columbus Day
14 Committee has submitted an event application to hold the
15 Columbus Day and Italian Heritage Parade along Franklin
16 Avenue on Sunday, October 8th, 2017 from 12:00 p.m. to 4:00
17 p.m.

18 I need a motion, please.

19 COMMISSIONER EVANS: Move it.

20 COMMISSIONER PETRACCO: 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: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

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

7 MAYOR SCARPELLI: All right, we're going to move
8 the agenda around a little bit. We're going to go right to
9 the municipal budget amendment. Commissioner Evans?

10 COMMISSIONER EVANS: Thank you.

11 Tonight, we're introducing an amendment to the
12 municipal budget for 2017 that was originally introduced in
13 March of this year, on the 21st.

14 We have been notified by the state that our
15 anticipated aid under the transitional aid formula has been
16 very significantly reduced. Last year, we received 5.5
17 million of that aid. We were notified by certified letter
18 that that aid has now been reduced to \$2,625,000 or roughly
19 a \$2.8 million cut in our aid year over year.

20 We have been, as a Board, in working together very
21 active with the school board, addressing what the
22 consequences are of that adjustment. 825,000 of that loss
23 was anticipated in the budget because we did not introduce
24 with \$5.5 million worth of aid. We only introduced with
25 \$4.625 million worth of aid. So the remaining 2 million is

1 something that we have to address in time to have action so
2 that the taxpayers of Nutley don't absorb the full amount of
3 that in the November tax bill, which would be a very
4 significant increase to the November bills.

5 So tonight's budget amendment recognizes the State
6 taking action to reduce their aid. I want to share with you
7 that our negotiations with the state have been daily and
8 ongoing to try and recoup some of the aid that was lost.
9 We've been very successful in advising them of the
10 consequences and the implications associated with that aid,
11 especially to the implications for our school children as a
12 result.

13 So I am not prepared to discuss any changes in the
14 aid number tonight, but I am continuing to work this week
15 with the state to do so.

16 To recognize, though, that we do have to take
17 action, tonight's budget amendment does a few other things.
18 First, in losing \$2 million, the municipal portion of that
19 aid loss is \$701,000. We have taken action as a Board,
20 working together, to absorb that full amount of that
21 \$700,000 loss. So at the municipal portion of a tax bill,
22 because tax bills are divided between municipal, school, and
23 county, we will not have to have any adjustment to the
24 municipal portion of the bill for November because we've
25 been able to offset that -- the effect of the aid loss for

1 this year.

2 The second piece that I want to share is that we
3 have also -- have had very active and ongoing negotiations
4 with the school board and in through those discussions that
5 we've been able to reduce the current portion of their aid
6 loss, which is 900 -- their aid loss portion was \$967,000.
7 We've been able to reduce that by \$467,000.

8 The areas that are currently being worked on is to
9 find ways to adjust for the additional half a million
10 dollars' worth of school aid lost, as well as to work with
11 the county to work with a solution so that they recognize
12 that while we didn't get the aid, we did not have to give
13 them their share, which is equivalent of \$331,000.

14 So in total of the \$2 million of aid lost that we
15 were notified in this second go around, we've been able to
16 currently absorb approximately 1.2 million of that. We are
17 currently working to find ways to absorb the balance of that
18 for this year.

19 What's important about it is that we are taking
20 action as a Board. The financial outlook and the picture
21 for Nutley since the closure of Roche has been very complex.
22 We've been managing it at multiple levels. One was to
23 actually for the first time in the State of New Jersey,
24 negotiate an aid formula that gives us 100 percent
25 reimbursement for the monies that were lost at Hoffmann-

1 LaRoche. So instead of just getting a municipal portion, we
2 were able to get 100 percent reimbursement for that loss
3 since 2013.

4 This year, we obviously have experienced a
5 reduction in that experience. The second piece of that is
6 as everyone has noticed, there has been new development in
7 Town. And the benefit of that has been to increase the
8 assessable value of the Town by over \$70 million since 2013,
9 which actually has produced new taxpayer revenue to the tune
10 of \$2.2 million annually.

11 So rather -- again, part of the management of this
12 has been to figure out ways to attract new taxpayers so that
13 the current taxpayer base isn't burdened with that loss and
14 we've been successful in managing our way through that.
15 More needs to be done, but it is an ongoing process.

16 We will now face the next step, which is while we
17 will get through 2017 and manage our way through that, it
18 doesn't eliminate the need to extensively look at the
19 structure of our operations for 2018. And as the
20 Commissioners and I have been discussing is that all options
21 are on the table. Nothing is excluded. And that's
22 including personnel, structure of operations, and so on so
23 that while we have to wait some time for the Hoffmann-LaRoche
24 property to convert and come online, that we are managing
25 our way through that so we're not passing the full burden of

1 that onto existing taxpayers.

2 So tonight, we are introducing a budget amendment.
3 We expect to hold a public hearing on the amendment next
4 Monday evening. And hopefully before then, we'll be in a
5 position to further discuss what our progress has been with
6 the state in recouping some of the aid that we have lost.

7 Before we move, Commissioners -- Commissioner
8 Tucci, Commissioner -- Mayor, any further comments you'd
9 like to add, be my guest.

10 MAYOR SCARPELLI: I'll start off. First, I'd like
11 to thank Commissioner Evans from working from a hospital
12 room in not only preparing this budget but in talks with the
13 state. I could tell you that this Board of Commissioners,
14 along with the School Board, are going to do everything in
15 their power to mitigate any -- adding any cost to the
16 taxpayer. That's going to take some (indiscernible) work
17 for this year and even a lot more work next year.

18 So I'd like to thank the School Board who is here
19 tonight. We have President Dan Carnicella (ph) and we have
20 Dr. Glazer (ph) here, the superintendent of schools, Charlie
21 Kucinski (ph) and Brenda Sherman (ph). I'd like to thank you
22 for your help. I'll pass it onto the other Commissioners,
23 but I will leave it up to you guys if you wanted to say a few
24 words after the Commissioners are done.

25 Commissioner Tucci?

1 COMMISSIONER TUCCI: Yeah, you're fading in and
2 out, but I'd just like to echo what was already said that we
3 still have a lot of hard work ahead of us. I'd like to
4 thank the Board of Education for their cooperation and I
5 know they're going to continue to look for ways to help so
6 that we can reduce this burden on our taxpayers. Because
7 the last thing in the world we ever want to do is tax our
8 good Nutley people out of town. So I commend everyone for
9 all of their hard work in getting us to this point and
10 helping us get through 2017 and 2018, I'm sure will be a
11 challenge that we will all meet together. Thank you.

12 MAYOR SCARPELLI: Thank you, Commissioner.
13 Commissioner Petracco?

14 COMMISSIONER PETRACCO: Thank you. I don't want
15 to be redundant up here, but I would like to thank Dr.
16 Glaser and the Board of Education for coming, and being, and
17 participating in this very not pleasant procedure that we've
18 been doing the last few months. I think -- and I'd like to
19 thank you, Commissioner Evans, too. We've had a lot of
20 conversations from your hospital bed, as well, and you did
21 an excellent job. And I think it could have been a lot
22 worse, also.

23 But I really think the people of Nutley are really
24 at that height of what we could keep sending as far as taxes
25 are concerned. And I note Commissioner Evans touched on the

1 development in Town a little bit, but I think that as a
2 Board, we need to have one voice and really tell the public
3 what the whole story is, you know, at a future date like we
4 discussed in the back, as far as why we're developing, and
5 what we're trying to do to keep the taxes at bay because it
6 is hurting a lot of people in our Town. And like the Mayor
7 said, we are committed to keeping Nutley people here and
8 doing whatever it takes to put the taxpayer first. I know I
9 am.

10 Thank you.

11 MAYOR SCARPELLI: Thank you, Commissioner.

12 Commissioner Rogers?

13 COMMISSIONER ROGERS: None of us sitting up here,
14 and especially myself, anticipated what we're facing in the
15 future. I said a few weeks ago that we're going to be
16 facing some very, very difficult times and it may be very,
17 very painful. But saying that, I take personal comfort in
18 knowing that I'm working with a group of individuals,
19 including the School Board, who are cognizant of the fact
20 that the decisions we make are going to have a profound
21 effect on the future of this Town and on our children and
22 grandchildren.

23 So I just want to make you aware, as my colleagues
24 have, that you're really in the best hands. And you know
25 what, Commissioner Evans, I'm going to be redundant, but I

1 have to say, you've done a great job. Through your
2 challenges that you have now, I appreciate the work you're
3 doing and my colleagues. But I'm going to ask the public,
4 especially those watching, to do us a favor and this is so
5 critically important. You could help us. In a day and age
6 of social media, we have too many people spreading rumors,
7 too many people speculating, too many people posting things
8 on social media platforms that are not true, that are ugly,
9 that are unwarranted, that are absolutely horrific.

10 And these individuals, what they're doing is
11 they're causing a segment of our population, in particular
12 our senior citizens and those individuals out of work,
13 they're causing a lot of anxiety that's developing and,
14 whether you believe it or not, I can tell you it's true.
15 I'm head of the health department, causing unnecessary
16 health problems for people, emotional problems, because they
17 read this stuff. And it begins to create and snowball
18 something that we don't need. And frankly, that I don't
19 want.

20 So here's how you can help us. If you read
21 something on anybody's blog or any social media platform,
22 please, make a telephone call to any one of us. Make a
23 telephone call, if I may, superintendent, to the
24 superintendent of schools or any School Board member. Make
25 that call so you get the facts. It is very, very important

that you do that as we move forward. So that's how you can

1 help us.

2 Thank you, Mr. Mayor.

3 MAYOR SCARPELLI: Thank you, Commissioner. School
4 Board? Say a couple of words?

5 As they make their way up, I'd just say, you know,
6 they've been very -- the School Board has been very helpful
7 in trying to resolve this issue. This is one tax dollar
8 comes out of -- it doesn't matter if it comes out of the
9 left pocket or the right pocket, it's coming out of the
10 pocket. So Mr. Carnicella?

11 MR. CARNICELLA: Yes, thank you for the opportunity
12 to say a few words. I just wanted to say, we work closely
13 together. When we found out from the Commissioners that this
14 was the plight in front of us, we all gathered together and
15 said that we would most certainly stand together and do what
16 we can to make sure that we can put the equity behind our
17 voice and make sure that we can balance the taxpayers and
18 make sure that we don't deliver any more increases than we're
19 all feeling now.

20 We try to balance that equity with the things that
21 we need, and hopefully together we'll continue to move
22 forward and do the things that we need to make sure that
23 Nutley is what we started and it's going to continue to be
24 what we've always anticipated it to be. Anybody else like
25 to say a few words?

1 DR. GLAZER: We have our Board meeting next Monday
2 night, also, so we aren't able to be with you. When you do
3 your budget meeting on September 11th, we'll have our Board
4 of Education meeting. But if there's anything we can do or
5 if you need us to send somebody over to be here, just let us
6 know and we'd be happy to do whatever we can to help.

7 MAYOR SCARPELLI: Thank you for cooperating with
8 us. Appreciate it.

9 COMMISSIONER EVANS: So I'm going to continue to
10 read on. Just a point, my health has been referred to a
11 couple times. I am in good health. I had a medical issue
12 earlier this year that required me to have a stem cell
13 transplant. I'm in a very fortunate category as I happen to
14 be an identical twin and my brother is a 99.9 percent DNA
15 match to me. It's a 1 in 241 million to 1 shot.

16 So I've actually have taken some very aggressive
17 action for prevention purposes. So I'm wearing a hat because
18 my hair is a little short these days, but it will grow back.
19 But overall, the response has been very well. Everybody is
20 pleased and I am -- every day I'm being told that I'm going
21 to be around for a very long time.

22 So thank you for your -- all of your interest.
23 Being in the hospital, I needed something to work on because
24 it's boring to be there. But I know -- I just wanted to say
25

1 thank you to everyone because I've received a lot of
2 inquiries about my health. People are caring. And I just
3 want to thank everyone for their support and for their
4 caring. My family has been wonderful. My brother, as I
5 tell him and we joke about this, I said, "You saved my
6 life." And he said, "Yes. And I'll make you pay for that
7 the rest of your life."

8 So we're in a very good place. So I'm feeling
9 good. I'm going to gain a couple of pounds. I'm going to
10 enjoy a Peroni pretty soon and we'll get this behind us.

11 So now onto the budget amendment.

12 Whereas, the municipal budget for the year 2017
13 was approved on the 21st day of March 2017 and;

14 Whereas, the public hearing on said budget had
15 been held as advertised, and;

16 Whereas, it is desired to amend said approved
17 budget.

18 The budget reflects that our Section B total state
19 aid without offsetting appropriation goes from \$7,322,630 to
20 \$5,322,630. Our special items of revenue go from \$1,002,435
21 to \$2,181,124 [sic]. Our miscellaneous revenue goes from
22 \$9,772,065 to \$8,949,854. Our total revenues from --
23 changes from \$56,426,926 to \$55,128,715.

24 Our other operations changes from \$7,779,501 to
25 \$6,481,290. And our general appropriation changes from

1 \$52,117,474 to \$50,819,263. For a general total
2 appropriation of -- change from \$56,426,926 to \$55,128,715.

3 Be it further resolved, that three copies of this
4 resolution be filed with the Office of the Director of Local
5 Government Services for his certification of the local
6 budget so amended;

7 Be it further resolved, that this complete
8 amendment, in accordance with the provisions of N.J.S.A.
9 40A:4-9 be published in the Nutley Sun in the issue of the
10 September -- was issued in the September 7th issue -- excuse
11 me -- published in the Nutley Sun in the issue of September
12 7th, 2017 and that said publication contained a notice of
13 public hearing on said amendment to be held in the municipal
14 building on September 11th, 2017 at 7:00 p.m.

15 So moved.

16 COMMISSIONER PETRACCO: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye on introduction.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye on introduction.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 Thank you, Commissioner. Commissioner Tucci, are
3 you going to stay on or are you going to drop?

4 COMMISSIONER TUCCI: I'm dropping off. Goodnight,
5 gentlemen.

6 MAYOR SCARPELLI: Thank you, Commissioner, for
7 joining us.

8 COMMISSIONER TUCCI: Thank you.

9 MAYOR SCARPELLI: Okay. We'll go to reports.
10 Commissioner Tucci has a report for Shade Tree for the month
11 of July. We'll go to bills.

12 MADAM CLERK: Yes, Mayor.

13 Bill list for Tuesday, September 5th, 2017.
14 Public affairs, \$95,998.90; Revenue & finance,
15 \$3,033,295.38; Public safety, \$21,583.64; Public works,
16 \$199,502.68; Parks and public property, \$740,831.64. Total
17 payroll \$811,444.70. For a grand total of \$4,902,656.94.

18 COMMISSIONER EVANS: Move the bills.

19 MADAM CLERK: I need a second.

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: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

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

5 MAYOR SCARPELLI: Public comment on agenda items
6 only. Madam Clerk?

7 MADAM CLERK: Yes, Mayor.

8 All persons addressing the Board of Commissioners
9 regarding community concerns should approach the microphone
10 and provide their name and address for the record. Unless
11 further time is granted by the Board, each person shall
12 limit their address to three minutes. All remarks to the
13 Board and its individual members must be addressed to the
14 Mayor. The Mayor may defer citizens' comments to the
15 appropriate member of the Board. Dialogue between citizens
16 and others addressing the Board shall be allowed unless the
17 Mayor or presiding officer, or the majority of the
18 membership of the Board, shall determine that the interest
19 of decorum and/or the expeditious conduct of municipal
20 business are being adversely affected by such dialogue.

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

22 Mr. Scarpelli, I have a few questions on the
23 amendment, if I can ask. I'm not sure if this is the
24 appropriate time. I spoke to Ms. Costa prior to the
25 meeting, she was very helpful. Thank you. But since you

1 made a few statements, I just wanted some clarifications.

2 Is that okay? Is this a good time to ask?

3 COMMISSIONER EVANS: We had an introduction
4 tonight. The public hearing on that is next Monday.

5 MR. MOORE: I'll come back Monday and ask all the
6 questions, if you want. I just wanted to try and get a
7 clarification on it.

8 COMMISSIONER EVANS: I'd be happy to clarify.

9 MR. MOORE: In -- I'll be brief. In here, it's --
10 you have the \$2 million of a loss from the initial to now.
11 And I -- if I understood you correctly, you said that that
12 was going to be divided three ways between the county,
13 School Board, and Commission.

14 COMMISSIONER EVANS: Correct.

15 MR. MOORE: Is that -- like, the actual number
16 that we're getting, is that actually reflected here?
17 Because you're saying 2 million and it's 2 million among two
18 other entities.

19 COMMISSIONER EVANS: Correct. Well, what happens
20 is in the way the model -- the budget works on the revenue
21 side, we have to reflect the total aid that we're getting
22 in. And on the appropriation's side, we have to reflect the
23 appropriation that goes to the county and to the school.

24 MR. MOORE: So is that reflected someplace else in
25 the document?

1 COMMISSIONER EVANS: Yes, absolutely.

2 MR. MOORE: It is? I'll find that later. In
3 here, one thing I did notice is that there was zero
4 (indiscernible) for two items that were just below it. And
5 crossing guards, I believe, is one of them. And now we have
6 to pick up, it's pretty close to half a million dollars.
7 Did we pick that up as an additional expense on this
8 document?

9 COMMISSIONER EVANS: No, actually -- that's
10 actually a cost that we incurred in the municipal
11 appropriation, but in order to address that, the School
12 Board has provided -- is actually providing us reimbursement
13 for that cost and they're absorbing that in their existing
14 budget. So --

15 MR. MOORE: Are they absorbing it or we're
16 absorbing it?

17 COMMISSIONER EVANS: They are.

18 MR. MOORE: They are. Then is there a reason that
19 it's reflected on the municipal side?

20 COMMISSIONER EVANS: Yes, because the only way to
21 reflect that is that they actually have to give us the money
22 for that, which only can come in as a revenue.

23 MR. MOORE: Okay. Thank you.

24 MAYOR SCARPELLI: Thank you, Mr. Moore. Anybody
25 else like to address the Board of Commissioners on agenda

1 items only?

2 MR. BERNARD: Shade trees? Thomas
3 Bernard. 104 Stanley Ave. I have a question about a shade
4 tree that I'm trying to get cut down in my backyard. Is this
5 the appropriate time for that?

6 MAYOR SCARPELLI: Not really. Sorry about that.
7 It would be at the end of the meeting, all right?

8 MR. BERNARD: All right. Thank you.

9 MAYOR SCARPELLI: Anybody else like to address the
10 Board on agenda items only? Seeing none, could I have a
11 motion to close this public portion of the meeting?

12 COMMISSIONER PETRACCO: Move it.

13 COMMISSIONER ROGERS: Second.

14 MADAM CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 Board of Commissioner announcements. Any
23 announcements?

24 COMMISSIONER PETRACCO: The only announcement I
25 have, Mayor, is that I know we probably all attended a

1 couple wakes of Mr. Callichio (ph) and Ernie Capalbo (ph)
2 this week. And I have to tell you, it's really -- those men
3 of that generation that really made this country what it is.
4 And I think it would be remiss not to mention their names at
5 the Board meeting tonight because they were really soft in
6 their kind of guys and what Nutley is all about.

7 So I'd just like to mention them tonight. Thank
8 you.

9 MAYOR SCARPELLI: I couldn't agree with you more,
10 Commissioner.

11 COMMISSIONER EVANS: Yeah, I would just echo that.
12 Unfortunately, I was not able to attend the services, but
13 nonetheless, I think Commissioner, I agree with you. It's
14 important to recognize their contribution.

15 MAYOR SCARPELLI: Ordinance introductions. I'm
16 going to introduce Commissioner Tucci's ordinance.
17 Ordinance #3369. Bond ordinance providing for the
18 improvement of Father Glotzbach soccer field in and by the
19 Township of Nutley, in the County of Essex, New Jersey,
20 appropriating \$350,115 thereof and authorizing the issuance
21 of \$87,529 bonds or notes of the Township for financing part
22 of the cost thereof.

23 I move that this ordinance be passed to a second
24 reading advertised in the Nutley Sun, together with the
25 notice required by law and that further consideration of

1 said ordinance for final passage by the Board of
2 Commissioners be held on the second reading on October 3rd,
3 2017. I move the ordinance.

4 COMMISSIONER ROGERS: Second.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 Commissioner Rogers?

14 COMMISSIONER ROGERS: Ordinance #3368. An
15 ordinance to amend the Code of the Township of Nutley,
16 Chapter 217, entitled "Animals", to add Article VI, entitled
17 "Sale of dogs and cats."

18 I move that this ordinance be passed to a second
19 reading advertised in the Nutley Sun, together with the
20 notice required by law and that further consideration of
21 said ordinance for final passage by the Board of
22 Commissioners be held at its second reading on October 3rd,
23 2017. So moved.

24 COMMISSIONER PETRACCO: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 Resolutions? Commissioner Rogers?

9 COMMISSIONER ROGERS: Yes. Resolution #182-17 is
10 recognizing the month of September as National Prostate
11 Cancer Awareness month. So moved.

12 COMMISSIONER PETRACCO: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 COMMISSIONER ROGERS: The next resolution is 183-
22 17. Before I read it, this is an example of how the School
23 Board and the Township are working together to save tax
24 dollars and to maintain some of the critical services we
25 have. So I want to thank the School Board for the work

1 you're doing with us.

2 Whereas, N.J.S.A. 40A:61-1, et seq. the Uniform
3 Shared Services and Consolidation Act authorizes and
4 empowers local units to enter into agreements with other
5 local entities regarding shared services and;

6 Whereas, the Township and the Board of Education
7 recognize the value of inter-local cooperation as a way of
8 reducing duplication and overlap of services; and

9 Whereas, the Township and the Board of Education
10 have previously entered into such an Agreement in order to
11 define the respective rights and obligations of the Township
12 and the Board of Education regarding the employ of a
13 physician/school physician to provide health services;

14 Now, therefore, be it resolved, that the Township
15 of Nutley and the Nutley Board of Education wish to extend
16 the existing Shared Services Agreement for Physician/School
17 Physician Services for the period September 1, 2017 through
18 August 31, 2018 for which the Township will be compensated
19 \$7,000 to be paid in ten equal installments of \$700.

20 So move.

21 COMMISSIONER PETRACCO: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 COMMISSIONER ROGERS: That's it, Mr. Mayor.

6 Thanks.

7 MAYOR SCARPELLI: Thank you, Commissioner.

8 Commissioner Evans?

9 COMMISSIONER EVANS: Thank you, Mayor.

10 Resolutions 184 through 189, with counsel's permission, I'm
11 going to consolidate.

12 Be it resolved, by the Board of Commissioners of
13 the Township of Nutley, County of Essex, State of New Jersey
14 that the Township Treasurer be and she is hereby authorized
15 to refund the escrow monies for land use applications in the
16 amount of \$4,594 for the following accounts:

17 Block 9700.101 for \$581.25;

18 Block 7500.5, \$675;

19 Block 502.16.001, \$505;

20 Block 7501.5, \$1,332.75;

21 Block 6603 Lot 18, \$750;

22 Block 7202 Lot 18, \$750.

23 Now, therefore, be it resolved, by the Board of
24 Commissioners of the Township of Nutley, County of Essex
25 that the Township Treasurer be and is hereby authorized to

1 refund the escrow monies in the amount of \$4,594.

2 So move.

3 COMMISSIONER PETRACCO: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 COMMISSIONER EVANS: Whereas, there exists various
13 reserves on the balance sheet of the Current Fund; and

14 Whereas, the fund creating these reserves have
15 been investigated and it has been determined that these
16 reserves should be cancelled;

17 Now, therefore, be it resolved, by the Board of
18 Commissioners, of the Township of Nutley, County of Essex,
19 New Jersey, that the following reserve balance in the amount
20 of \$701,789 be and is hereby cancelled: Reserve for Pending
21 Tax Appeals.

22 So move.

23 COMMISSIONER PETRACCO: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 COMMISSIONER EVANS: Thank you, Mayor.

8 MAYOR SCARPELLI: Thank you, Commissioner.

9 Commissioner Petracco?

10 COMMISSIONER PETRACCO: Yes. This is resolution
11 191-17. I won't read the whole thing but this is designed
12 for Knock Out Opioid Day.

13 Whereas, New Jersey is in the midst of a life-
14 threatening opioid abuse epidemic; and

15 Whereas, the Partnership for a Drug-Free New
16 Jersey has designated October 6, 2017 as Knock Out Opioid
17 Abuse Day.

18 I move the resolution.

19 COMMISSIONER ROGERS: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 COMMISSIONER PETRACCO: This is resolution #192-
4 17. Resolution approving participation with the State of
5 New Jersey federal grant program administered by the
6 Department of Law and Public Safety.

7 Whereas, the Township of Nutley Police Department
8 has applied for funds in the amount of \$801 from the
9 Detective Matthew L. Tarentino Community Police Grant
10 Program; and

11 Whereas, the Nutley Police Department has
12 requested these funds to be used for the Police and Lunch in
13 Schools Program, which is our PALS.

14 I move the resolution.

15 COMMISSIONER ROGERS: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 COMMISSIONER PETRACCO: That's all I have.

25 MAYOR SCARPELLI: Thank you, Commissioner.

1 Whereas, a raffle application has been received
2 from the following organization, Rotary Club of Nutley,
3 License No. 42-17 Off-Premise 50/50 Cash Raffle to be held
4 Thursday, November 16, 2017;

5 Whereas, the application has been reviewed and
6 approved by the Municipal Clerk and the Police Department;

7 Now, therefore, be it resolved, by the Board of
8 Commissioners of the Township of Nutley, County of Essex,
9 State of New Jersey that the aforementioned license is
10 approved and the Municipal Clerk is authorized to issue the
11 raffle license.

12 I move the resolution.

13 COMMISSIONER ROGERS: Second.

14 MADAM CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 That concludes the business portion of our
23 meeting. Madam Clerk?

24 MADAM CLERK: Yes, Mayor.

25 All persons addressing the Board of Commissioners

1 regarding community concerns should approach the microphone
2 and provide their name and address for the record. Unless
3 further time is granted by the Board, each person shall
4 limit their address to five minutes. All remarks to the
5 Board and its individual members must be addressed to the
6 Mayor. The Mayor may defer citizens' comments to the
7 appropriate member of the board. Dialogue between citizens
8 and others addressing the Board shall be allowed unless the
9 Mayor or presiding officer, or the majority of the
10 membership of the Board, shall determine that the interest
11 of decorum and/or the expeditious conduct of municipal
12 business are being adversely affected by such dialogue.

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

15 MR. BERNARD: Thomas Bernard. 104 Stanley Ave. I
16 have a large tree in my backyard that I submitted a permit
17 to have removed for safety reasons and it was denied and I
18 don't think that was right to do. So I don't know if this
19 is the right forum to address that, but I would like to get
20 approval to remove that tree.

21 MAYOR SCARPELLI: Commissioner Tucci is not here
22 presently tonight. So we'll pass that on to him and
23 hopefully he'll get back to you. All right?

24 MR. BERNARD: Do I give you my contact information
25 or --

1 MAYOR SCARPELLI: Thank you, Mr. Genitempo. Would
2 anybody else like to address the Board of Commissioners this
3 evening?

4 MR. FOGEL: Good evening. My name is Mark Fogel
5 (ph), residing at 501 Prospect Street.

6 I first one to say I'm -- it's one of my first
7 meetings and watching the proceedings and the way these
8 gentlemen are handling something really so important to the
9 Town, it's very impressive. So thank you.

10 And that said, what I'm going to talk about is --
11 seems awfully minor in that regard. Part of the Township
12 has, regarding noise, 460-9, 460-11 has to do with the leaf
13 blowers or the landscapers and the time that they're allowed
14 to start their work. Right now, the Code is written -- they
15 can't work from 10:00 p.m. to 7:00 a.m.

16 And if any of you have experienced these leaf
17 blowers going off at 7 o'clock in the morning right in front
18 of your home. So I've come before the Board to ask -- to
19 consider moving it -- I've made a number of phone calls.
20 I'm not sure -- I guess it was Public Affairs. It used to
21 be 8:30, if I understand. And a number of years ago, it
22 looks like it was 2003, that it was changed to 7:00 a.m.

23 So I come before the Board to ask if you can
24 consider making that change too.

25 MAYOR SCARPELLI: We'll certainly take that under

1 advisement. All right? Thank you for coming. Thank you
2 for sharing that.

3 Anybody else like to address the Board of
4 Commissioners this evening?

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

6 Mr. Scarpelli, the last time I was up here last
7 meeting, I had asked if the OPRA's were going to be answered
8 for the fire engine and they're being delayed, I understand
9 now. Where is the actual fire engine located right now?

10 MAYOR SCARPELLI: Excuse me?

11 MR. MOORE: Where is the fire engine located right
12 now? I received an e-mail stating that the insurance
13 company moved it and you guys have no idea where it is.

14 MAYOR SCARPELLI: That may be, Mr. Moore. I don't
15 know where it is.

16 MR. MOORE: If we're under the JIF, the joint
17 insurance fund, I believe we're self-insured. Who's the
18 insurance company?

19 MAYOR SCARPELLI: Mr. Genitempo?

20 MR. GENITEMPO: Yes, Mr. Mayor, once the insurance
21 company took over the (indiscernible). Thank you.

22 Once the insurance company took over the vehicle
23 and we signed it over to them, it's totally out of our
24 hands. We have no idea where it is.

25 MR. MOORE: Who's the insurance company? I

1 thought under the JIF we were self-insured?

2 MR. GENITEMPO: The JIF insures part of it. There's
3 separate automobile coverage. There's a lot of different
4 layers of coverage that the Township has. We filed a claim.
5 They paid a claim. They took control of the vehicle, I
6 assume for scrap. I don't know.

7 MR. MOORE: If it's going to be sold for scrap,
8 doesn't it have to be done through an ordinance or --

9 MR. GENITEMPO: Yes, but we don't own it anymore.
10 It's not our vehicle anymore. We don't have any control
11 over it.

12 MR. MOORE: How was it relinquished? I'm not
13 trying to give you a hard time but --

14 MR. GENITEMPO: The same -- I told you in the e-
15 mail, Mr. Moore. We signed over the vehicle to them by
16 giving them the title. We don't own it anymore.

17 MR. MOORE: Who was the insurance company?

18 MR. GENITEMPO: I don't have the name of the
19 insurance company.

20 MR. MOORE: Oh, I see, you don't have the
21 insurance company.

22 MR. GENITEMPO: So what do you want me to tell
23 you? Do you want me to get it for you --

24 MR. MOORE: No, no, actually --

25 MR. GENITEMPO: I'll find the name of the

1 insurance company for you, just ask me and I'll get it for
2 you.

3 MR. MOORE: I already did. I put in an OPRA and
4 everything is being delayed.

5 MR. GENITEMPO: No, it's not.

6 MR. MOORE: Okay. So then they were due last week
7 so the --

8 MR. GENITEMPO: Okay.

9 MR. MOORE: Okay, there is a delay.

10 MR. GENITEMPO: Sure.

11 MR. MOORE: Okay. And you have -- isn't that
12 supposed to be done by a motion, I believe it is, that
13 you're going to sell it off or did you --

14 MR. GENITEMPO: No, we didn't sell it off. We had
15 an insurance claim --

16 MR. MOORE: You just relinquished it. So we lost
17 everything on that fire engine.

18 MR. GENITEMPO: I didn't say that.

19 MR. MOORE: Well, did we receive any funds from
20 the fire --

21 MR. GENITEMPO: Yes, we had a claim. You asked
22 for the documents, we're going to give them to you.

23 (Indiscernible). The things that you asked for, some of
24 them we have, some of them we don't. We're working with the
25 Clerk's Office to try to get you those documents and the

1 Fire Department, who was involved in the insurance claim.

2 So I'm trying to gather those documents for you.

3 I have a meeting tomorrow with a representative of the fire
4 department, who's been away for three weeks, who handled the
5 claim. I'm meeting with him at 10 o'clock tomorrow morning.

6 We'll get you the documents that you have asked for. I
7 promise you.

8 MR. MOORE: Great. Thank you.

9 MR. GENITEMPO: You're welcome.

10 MAYOR SCARPELLI: Thank you, Mr. Moore. Anybody
11 else like to address the Board of Commissioners this
12 evening? Seeing none.

13 COMMISSIONER ROGERS: Make a motion that we close
14 public portion.

15 COMMISSIONER PETRACCO: Move it.

16 MAYOR SCARPELLI: Go ahead.

17 MR. MORTON: Hi, my name is Jeff Morton, 2195 U.S.
18 Highway 22, Union, New Jersey.

19 Good evening, Mayor and Council members. My name
20 is Jeff Morton. I'm president of Shake a Paw pet stores
21 here in New Jersey, and also the owner for Shake a Paw
22 Center for Rescue and Adoption, a 501(c)(3) non-profit
23 animal shelter. Also a member of the Pet Industry Joint
24 Advisory Council, which is the pet industry's advocate for
25 responsible pet ownership. I'm also a certified animal

1 control officer and cruelty investigator.

2 Obviously, I'm here regarding the pet store
3 ordinance that you wish to introduce tonight. And let me
4 preface by telling you that it is already illegal for a New
5 Jersey pet store to purchase from a puppy mill, despite what
6 the animal activists might say. I need to repeat that
7 because many times it is not understood. It is already
8 illegal in the State of New Jersey for a New Jersey pet
9 store to purchase from a puppy mill.

10 All of those terrible pictures showing animals
11 living in deplorable conditions do not apply to pet stores
12 in 2017. Animal extremists will try and convince you that
13 every single dog in a pet store is from a horrible and
14 faraway place with barely minimal living conditions. That
15 federal and state animal welfare laws are weak. That
16 federal and state inspectors don't know what they're doing.

17 I have literally visited hundreds of breeders in
18 my 25-year career. I know where our dogs come from. And
19 I'm very proud of these hard working American families.
20 Please do not believe the lies that the animal rights
21 extremists, whose real goal is to end animal ownership in
22 America.

23 I brought some pictures with me of some USDA
24 licensed and inspected kennels. The preamble of your
25 proposed ordinance states that the Town of Nutley wants to

1 protect the residents of Nutley who may buy a dog from a pet
2 shop. I have brought with me a list of 88 Nutley residents
3 who have bought a dog from Shake a Paw over the past several
4 years. Although I cannot introduce that in a public forum
5 due to privacy issues, I will assume that these many
6 residents have not been beating down your doors complaining
7 about their animals.

8 Only the Humane Society and their lobbyists have
9 approached you. If this ordinance is passed, it will not do
10 anything to protect your residents. When Nutley residents
11 choose to purchase a family companion from us, they're
12 protected by the local health department, the state health
13 department, the Division of Consumer Affairs, and by the
14 strongest consumer protection laws in the United States here
15 in New Jersey.

16 The proposed preamble also reads that it will help
17 prevent inhumane breeding conditions. Now, I'm a dog
18 breeder. I've bred St. Bernard's for 10 years and I breed
19 French bulldogs currently. Please explain to me how this
20 ordinance accomplishes that goal? Inhumane breeding
21 conditions. If I breed a chocolate Lab to a yellow Lab, is
22 that inhumane? If I breed a miniature dapple
23 Dachshund to a standard red smooth coat Dachshund, is that
24 inhumane? How about a miniature poodle to a Golden
25 Retriever, is that inhumane?

1 Are you trying to regulate the ovulation cycle of
2 a female dog in Iowa? If this council collectively cannot
3 answer these easy canine breeding questions, then I would
4 respectfully ask that you continue to educate yourselves
5 about canine breeding and withdraw this ordinance from
6 consideration.

7 I only point out these grossly incorrect verbiage
8 in the preamble because it was not written by a council
9 member to truly address the needs of the Nutley community.
10 It was drafted by animal rights extremists, using feel good
11 words to pull on your heart strings.

12 We're all against bad dog breeders. But pet sale
13 bans have not closed a single one. Over 355 New Jersey
14 Towns have said no to such ordinances being introduced, and
15 I'm here to also ask you to say no.

16 I have another flyer here. I've e-mailed this to
17 the town council as well, indicating regulations that New
18 Jersey pet stores are required to follow. Thank you.

19 New Jersey pet stores are the most highly
20 regulated stores of companion dogs in the United States.
21 We're number one in regulation in New Jersey. I know it's
22 not a big surprise, but we're number one in regulation.

23 Pet stores are required to provide detailed
24 information on the dog's breeder and even the distributor
25 and/or transporter. Pet stores are required to have

1 detailed United States Department of Agriculture inspection
2 reports available for review. We're also regulated by local
3 health departments and by Division of Consumer Affairs.

4 Pet stores are required to have our animals
5 examined every 14 days by a New Jersey licensed
6 veterinarian. By the way, do you know how often an animal
7 shelter dog needs to be seen by a veterinarian? Once a
8 year.

9 MAYOR SCARPELLI: Could you wrap it up? Your five
10 minutes are up.

11 MR. MORTON: Certainly. I learned a lot before
12 testifying before councils such as yours. I've learned that
13 the rules of evidence do not apply. The activists
14 wave a picture of a distressed dog and say ban this, close
15 the store, and all our problems will be solved. And that is
16 simply not the case.

17 Donate more money, all of this will end. The
18 Humane Society's next agenda is meatless Mondays and vegan
19 lunches for school children. Please understand who is
20 behind the proposing of this ordinance.

21 MAYOR SCARPELLI: Thank you for your comments.
22 Would anybody else like to address the Board of
23 Commissioners this evening?

24 MS. FISHER: Janice Fisher. Morris Avenue,
25 Manasquan, New Jersey. I coordinate the puppy mill

1 awareness campaign for Friends of Animals United, New
2 Jersey.

3 Thank you for introducing the pet store ordinance.
4 I hadn't planned to say anything other than that tonight,
5 but after hearing the last person speak, I want to mention
6 that I worked with many pet store customers over the years
7 who have been victims of unscrupulous pet stores.

8 For many years, these New Jersey pet stores kept
9 their customers in the dark as to where their puppies come
10 from. As a matter of fact, in 2015, transparency had to be
11 legislated. And this legislation was strongly opposed by
12 the pet store industry. It makes you wonder why.

13 Even after the law took effect, 26 out of 29 New
14 Jersey pet stores last year were fined by the Division of
15 Consumer Affairs for failing to comply with the law. I
16 don't want to go head to head with any particular pet store,
17 but the person up here speaking was fined \$25,000 last year
18 for failing to notify his customers who his breeders were.

19 The pet store industry is going to continue to
20 tell you that local ordinances aren't necessary because New
21 Jersey has the toughest laws in the nation. But they won't
22 tell you that the state has failed miserably in enforcing
23 the most important aspect of the law, and that is where pet
24 store puppies come from.

25 Last year, our group in the Humane Society of the

1 United States did research on every breeder for each pet
2 store in New Jersey. And we found that the vast majority of
3 pet stores were sourcing from puppies with severe Animal
4 Welfare Act violations. Violations that would make the pet
5 store customers cringe if they knew the truth.

6 And unfortunately now, if the state were to try to
7 regulate pet store -- where pet stores get their puppies,
8 they no longer can because the USDA, as of the beginning of
9 this year, removed all of their breeder inspection reports
10 from their website.

11 So we're back to no transparency. No ability to
12 research. No ability to regulate where pet store puppies
13 come from. And that will create an inherent risk for any
14 town that licenses a pet store that sells puppies and
15 kittens because bad breeders equal sick puppies. And sick
16 puppies have wreaked havoc on many towns in New Jersey
17 recently.

18 You may or may not know that many towns have
19 struggled with problematic pet stores who have violated
20 local health codes, consumer fraud laws, and cruelty laws.
21 They've expended an exorbitant amount of money, taxpayer
22 dollars on multiple investigations, license revocation
23 proceedings, and court hearings. In fact, East Hanover,
24 their legal fees alone were \$90,000. It's such a waste of
25 taxpayer dollars. And it makes me wonder, why does a town

1 need a pet store that sells puppies and kittens? We have
2 so many reputable breeders, small breeders in New Jersey,
3 shelters, and rescue organizations from which to get a pet.

4 One hundred and seven towns so far have adopted pet
5 store ordinances. It's not the other way around that 350 have
6 not because they haven't even been approached. We're moving
7 slowly on this. I want to make certain that you know that
8 these ordinances have not been legally challenged in New
9 Jersey, despite the first ordinance being adopted five years
10 ago.

11 Of all the ordinances that were adopted across the
12 nation, only six have been legally challenged and all have
13 been upheld in the court even on appeal.

14 I want to mention that 24 out of 25 of the largest
15 pet store chains in the country do not sell puppies and
16 kittens because they know it's an inhumane model of doing
17 business. And people, as they become more educated, are
18 opposed to this type of business.

19 I'm urging Nutley to adopt this ordinance next
20 week. I'm urging them to understand that the laws in effect
21 in New Jersey are not being enforced the way that they
22 should. I have in my hands the inspection reports for the
23 individual who just spoke for 2015. If I were able to get
24 the new reports, if the USDA hadn't removed those reports
25 from the website citing privacy concerns for the breeders, I

1 would be presenting them. This is it. These are his
2 inspection reports.

3 I'm not going to read these violations to you. I
4 think you can only imagine and I think we did present
5 Commissioner Rogers with some of them.

6 MAYOR SCARPELLI: Can you wrap it up, please?

7 MS. FISHER: Thank you. Again, I just hope that
8 you will consider adopting the ordinance. Thank you so
9 much.

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

12 MS. WHITE: Renee White. 2195, Route 22
13 in Union.

14 I would just -- my name is Renee and I'm in
15 recovery and I work for Shake a Paw. And I just wanted to
16 tell you a little bit about my life and my journey and how I
17 ended up in Shake a Paw.

18 I had an opiate addiction for over 27 years,
19 right? I'm 51 years old. I had an opiate addiction for 21
20 years -- 27 years, rather. And I've been to prison twice.
21 I've been on probation. Nothing worked. I lost custody of
22 my child. Nothing worked. I couldn't get clean for
23 anything, you know?

24 Finally, three years ago, last week made three
25 years -- three years ago I made the decision to turn my life

1 around, right? So what did I need to do to do this? You
2 know, it's not easy for somebody that's been in addiction
3 for many years to even see a light at the end of the tunnel,
4 you know? And there's not many people that are willing to
5 help us recovering addicts, you know?

6 I went to a halfway house, right, a rehabilitation
7 center where I met Mr. Morton's step daughter. Together we
8 were recovering, you know. So with that -- and, you know,
9 they teach you that you need to live on the outside, right,
10 because you're safe inside of rehab. So in order to do
11 that, I had to get a job. I had to do all of these
12 different things, you know, I had to change my behaviors.
13 I had to learn how to be responsible. And Mr. Morton gave
14 me a job at Shake a Paw, which I have now been employed
15 there for two years.

16 This man has taught me -- I'm ready to cry --
17 taught me how to be independent, responsible, dependable,
18 reliable. Without Shake a Paw giving me a second chance at
19 life, I don't know where I would be today. You know,
20 because if you can't see some kind of light at the end of a
21 tunnel, you're not going to go. And as far as our puppies
22 go, I work the kennel, okay? And I -- it ain't about the
23 paycheck. I work hard and these puppies come in healthy,
24 happy, beautiful. I take care of them. I groom them. I
25 bathe them. I walk them.

1 Believe it or not, and you can laugh if you want
2 to, I sing to them. Okay? I hold them and I walk around
3 and I dance with them. Some people think I'm a little
4 crazy, but however, my love for animals -- sometimes I love
5 animals more than I love people, you know, because they have
6 unconditional love. You know, you treat them well, they
7 treat you well.

8 And, you know, I don't want to hold up the time, I
9 just wanted to let you guys know that, you know, people like
10 Mr. Morton, right, gave me a chance. And with that, now I'm
11 a respectable member of society. I can stand at this
12 courtroom and be a respectable member of society today. And
13 I don't know if I could be that if it wasn't for my second
14 chance at life. And that's all I really wanted to share
15 with you. Thank you.

16 MAYOR SCARPELLI: Thank you for sharing your
17 journey with us. Would anybody else like to address the
18 Board of Commissioners this evening?

19 MR. COHEN: Hi, Larry Cohen. I live in Fenwick,
20 New Jersey. I'm a volunteer with the Humane Society of the
21 United States.

22 I also want to thank you for proposing this
23 ordinance. Here's what we know. In 2015, 19 New Jersey pet
24 stores purchased puppies from USDA breeders with multiple
25 and severe violations, which state law prohibits. In

1 January 2016, 26 pet stores were fined by the state for
2 violation of the Pet Purchase Protection Act. In the past
3 two years, 13 pet stores have been closed by the Department
4 of Health, the municipality they operate in, or voluntarily
5 after being fined by the state. This is a real issue. This
6 is not a fantasy. This is not something that people are
7 going around making up.

8 The state of California, perhaps this week, is
9 going to vote on this to prohibit retail pet store sales in
10 the entire state. Massachusetts has introduced a similar
11 law. New Hampshire is considering one after a puppy mill
12 was discovered in a mansion. You talk about beautiful
13 pictures. Can you see this? Inside? 84 Great Danes living
14 in filth. So it's not about the pictures. It's not about
15 an individual store. Although I'm very surprised that Mr.
16 Morton wants to make it about his store.

17 It baffles me that somebody who claims to be an
18 animal cruelty officer would do business with a woman who
19 admitted on her own vet report that she shot her dogs in the
20 head. It is about real problems that exist. And it's about
21 the way we as people and as a society view these animals.

22 He'll sometimes talk about that we don't have a
23 stake in this. The creatures that have a stake in this
24 can't come up here and speak for themselves. So we're here
25 representing them. And the question becomes, what do you as

1 a town want to do in what little capacity you have to make
2 this world a better place for animals, for the people who
3 love them, for the people who want to own them and have them
4 healthy and happy.

5 I've been through your Code, your Town Code, and
6 from the comprehensive anti-smoking ordinances that you have
7 to the ordinance you have protecting consumers concerning
8 milk, I have -- I see you as a very compassionate council.
9 You seem to care very deeply about your responsibility to
10 protect your citizens. In fact, your ordinance about
11 animals, the shelter and care of animals, has provisions in
12 it that exceed those of the Animal Welfare Act.

13 So were you not to take action, were you to allow
14 a pet store to come in here and sell puppies, you would be
15 allowing business to be done in this city whereby dogs were
16 coming in here that were raised in conditions worse than
17 what you mandate your own townspeople do based upon your
18 very comprehensive and compassionate Chapter 217, the
19 shelter and care of animals.

20 It's a small thing that we can do and it's a
21 question of whether or not we consider these creatures
22 living, feeling things or whether we consider them furniture
23 or some other inanimate object.

24 And again, it's not about an individual store.
25 Sure, there are dogs that arrive happy and healthy. What

1 about the dogs that never make it? What about the
2 collateral damage? What is acceptable on the part of these
3 owners and breeders in terms of deaths, and maimings, and
4 lifelong illnesses, what's acceptable so that you or I could
5 spend \$3,000 for a shihtzu that we could get from any
6 reputable breeder?

7 Again, thank you so much for considering this and
8 I hope you'll move forward with adopting this.

9 MAYOR SCARPELLI: Thank you for your comments.
10 Anybody else like to address the Board of Commissioners this
11 evening?

12 CHRISTIE: All right, guys. My name
13 is Christie. I also work at Shake a Paw on Route 22 in
14 Union.

15 MAYOR SCARPELLI: Let's try not to be redundant,
16 okay?

17 CHRISTIE: I'm going to be quick. You
18 know, I have a similar story. I just -- I've been hired and
19 I've been given a second chance. I'm not going to go into
20 all that. However, you know, I'm a little offended because,
21 you know, I rely on Jeff to do the right thing so that I can
22 keep my job. I take care of my five year old daughter by
23 myself. I rely on this job. This job allows me to take
24 care of myself.

25 I, too, work in the back. And I don't know of any

1 shihtzus that were \$3,000. I'd be more than happy to come
2 check that out. But I watch the puppies come in. We keep
3 all of the reports up. There's never a cage without any
4 information on it. Like, yeah, okay, there's places that
5 have been shut down because they don't follow the rules.
6 He's still open for a reason.

7 I mean, what do we have to do here? Get Golden
8 Retrievers from Craigslist from people that -- with no
9 warranties, no background? Why not come and get it from a
10 reputable breeder?

11 And I don't know about not seeing reports on the
12 USDA website because I work with the hiring manager and I've
13 seen him research breeders on the website. And I've seen
14 violations. And I've seen him turn down \$25 dogs people are
15 trying to sell from puppy mills, okay? So this -- it just
16 enrages me because we do the right thing. And just because
17 some people don't doesn't mean that everybody does it. So,
18 you know, just do a little more research. Not everybody
19 comes from a puppy mill.

20 MAYOR SCARPELLI: Thank you. Would anybody else
21 like to address the Board of Commissioners this evening?

22 MS. CLAYTON: Good evening. My name is Jean
23 Clayton. I live on Holly Road in Marlton, New Jersey.

24 I just wanted to make this short and brief. We
25 just heard from the owner of Shake a Paw, that he runs a

1 very good business, he doesn't violate the law, he has
2 healthy puppies in his store. The fact is, his store is one
3 of the worst in the state. His words ring hollow.

4 The USDA is tasked with inspecting dog breeders at
5 least once a year. When they find a violation, they are
6 cited. This violation and the law they use only enforce the
7 bare minimum standards of care for the maintenance in the
8 kennels. Female dogs are bred twice a year until they are
9 unable to breed. They are then disposed of by whatever
10 means the kennel owner chooses.

11 Pet stores in New Jersey are not allowed to
12 purchase from breeders with three or more indirect
13 violations from the USDA inspection or one direct violation.
14 And that is for the past two years in the kennel from when
15 they buy the dog. But they do.

16 As Janice pointed out, I guess we have the same
17 thing, this is the book of violations for Shake a Paw for
18 2015. That year, he sourced from 42 breeders that had
19 violations. 19 of them had serious violations that is
20 against the law for a pet owner in this state -- a pet store
21 owner in this state to purchase from that breeder.

22 He wasn't alone. I filed 21 complaints to
23 Consumer Affairs for 2015 for just about every store in this
24 state for violations of the Pet Protection Act.

25 I'd also like to mention that Shake a Paw in Union

1 in 2015 were inspected by the Consumer Affairs Office. The
2 inspector who went out there noted in her report that while
3 she was there, an employee was going around changing cards,
4 adding things to cards, removing cards. She was told to
5 stop. About 10 minutes later, the inspector saw another
6 employee in that store doing the same thing. And they were
7 told to stop until the inspection was over.

8 And as far as the USDA reports we used, again
9 Janice touched on that. But the old reports used to give us
10 total information on every breeder that we looked up. This
11 is a sample of a new report. You get the violation. Here's
12 one even better. It lists every violation the breeder had.
13 The problem is, there's no breeder name up here. Everything
14 is redacted. It says Scott City, Missouri, and the date of
15 the inspection and that is it.

16 So how are we supposed to -- or how are they
17 supposed to find out if a breeder is following the laws or
18 not? So I just don't want you to be fooled that the USDA
19 has their site back up online and we can check things out.
20 We cannot.

21 I just wanted to say that if you look at all of
22 these records for 2015, and we keep saying 2015 because that
23 is the only year we have to judge them on. That's the only
24 year they were caught off guard because for the first time,
25 they had to send a list of their breeders to the town that

1 they are currently selling dogs in.

2 That year, they were caught off guard because they
3 posted a lot of breeders with problems. In 2016, their
4 lists are totally different. But it doesn't matter because
5 they know we can't look them up. So they can write anything
6 they want on those lists. 2015 was the only year we could
7 check. The only year that I believe they listed their
8 actual breeders.

9 MAYOR SCARPELLI: Could you wrap it up please?

10 MS. CLAYTON: Okay. I respectfully ask that you
11 pass this ordinance to ban the sale of puppy mill puppies
12 and kittens in Nutley and if I can answer any questions, I'd
13 be happy to do so.

14 MAYOR SCARPELLI: Would anybody else like to
15 address the Board of Commissioners this evening?

16 MS. COYOTE: Ellen Coyote from Hamilton. My
17 grandparents have lived for decades in Nutley until they
18 passed away. So I thank you very much for this opportunity
19 to speak.

20 I just wanted to add my voice to -- I hope you
21 sincerely pass this ordinance. I've been a member of rescue
22 groups for 41 years. I'm not an animal rights extremist. I
23 believe -- I love dogs. I wish everybody could have a dog.
24 I am very unhappy with where dogs are sourced from. Even
25 though puppy mills are legal, they shouldn't be. That's the

1 problem.

2 I've taken care of nearly 400 puppy mill dogs and
3 not one of them didn't have a series of parasites, open
4 wounds, and other medical problems. It's not just breeding
5 two dogs and breeding them every six months, which is pretty
6 cruel because they get prolapsed uteruses and everything.
7 They usually only have a life span of five years. They
8 don't last very long and they're fed very poor diets.

9 They're only required to be in cages six inches
10 bigger than -- and I can go through a litany of the cruelty
11 that the Animal Welfare Act of 1966 is supposed to address
12 but does not because the USDA under the plant -- health
13 inspection service admits since 1992 the office of
14 inspection general, they have done extensive reports. The
15 latest one in 2010, which you can look up.

16 They admit they don't enforce their policies
17 because they're at -- they're farmer friendly and it would
18 take too many inspectors. They don't have the time or money
19 and it's just too much follow through. And so the animals
20 suffer. There's no such thing as a humane, commercially
21 bred dog. If you can find me one, I'd love to see it
22 because it's a nice fantasy story that the pet store owners
23 put forth. But to me, it has no basis in reality.

24 I've heard so many people with -- when they buy
25 the dogs, all the ailments they've had and the expenses that

1 they incurred. And many of them don't even follow through
2 it because they get such a hassle from the pet store. One
3 elderly woman even had the cops called on her and thrown out.
4 It's very hard to pursue your legal rights because most of
5 them deny the Pet Protection Act if they -- and all of the
6 other consumer protections.

7 So I'm please asking you to be part of stopping
8 animal cruelty, saving taxpayers and consumers their hard
9 earned money, and stop putting to death less shelter and
10 rescue animals simply for the crime of being homeless.
11 Thank you very much.

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

14 MR. ALESSIO: Yeah, Carmine Alessio. 81 East
15 Centre Street.

16 I'm just sitting here and I'm a little confused
17 about why all of a sudden the Town of Nutley wants to sell
18 dogs and cats at a pet store. But then I'm thinking back
19 that I just saw on T.V. that maybe there's something a
20 little bigger than we see. I'm going to tell you why.

21 I heard -- well, know pretty much from watching on
22 the news that Puerto Rico is exporting like thousands and
23 thousands of cats and dogs. And maybe there's some hidden
24 facts here. Maybe the Board's not familiar or, you know,
25 maybe we can get some kind of an answer out of this. If

1 it's going to be a way to filter these pets throughout the
2 United States, which I kind of have a kind of a heart
3 towards it because when my daughter was like 12 years old, I
4 went to a local pet store and I bought a beautiful
5 Shetland.

6 And when I got it home, it had epilepsy. And so,
7 you know, I kind of pleaded with the owner. I said, you
8 know, is this dog healthy? It seems to be sleeping. It's
9 fine. It's fine. When I got the little dog home, it was in
10 -- I took it to a vet. It was going to cost thousands and
11 thousands of dollars to treat this dog with epilepsy.

12 So that's why my heart is kind of like -- I have
13 to come up here and respond to what's going on because I'm
14 trying to figure this out. And I do know that maybe it's
15 some kind of political agenda of why we're getting all of
16 these dogs and cats from Puerto Rico. And they have to go
17 somewhere, so they have to be filtered through the system
18 some way and somehow. And I am a dog and cat lover.
19 Probably -- you probably, just by looking at me, would say
20 hey, this guy. It's a fact. I love animals. And I'm kind
21 of like upset about this because I think there's more to it
22 than we know.

23 So if this is the reason behind it, please -- you
24 know, don't go through with this ordinance. There's plenty
25 of dogs and plenty of cats that need to be adopted. And I

1 don't think that we should filter these animals through the
2 system by some sneaky way, which I think this may be the
3 reason why all of a sudden we want to open up some kind of a
4 pet store in Nutley to sell all of these animals now. This
5 is like -- do we need this aggravation? I mean, I don't
6 think so.

7 So if somebody can answer my question, some of the
8 experts out here maybe, but I'd like to know why. Could the
9 Board answer anything here of why we all of a sudden want to
10 adopt an ordinance to take -- sell cats and dogs --

11 MAYOR SCARPELLI: It's actually an ordinance to
12 actually prevent that, Mr. Alessio.

13 MR. ALESSIO: To prevent it?

14 MAYOR SCARPELLI: Yes.

15 MR. ALESSIO: That would be a wonderful thing. I
16 mean, you know. So it's to prevent it.

17 MAYOR SCARPELLI: Correct.

18 MR. ALESSIO: Thank you so much.

19 MAYOR SCARPELLI: Thank you. Anybody else like to
20 address the Board of Commissioners? And listen, I -- if you
21 don't have anything new to add, please. It's getting late.

22 MS. REICHMAN: I know it is. My name is Barbara
23 Reichman. I'm with the National Animal Interest
24 Alliance. I volunteer for that organization in a lot of
25 different ways. I wanted to discuss with you tonight one of

1 our biggest projects, which is the shelter project.

2 We collect and present to the public free of
3 charge shelter intake and disposition statistics from cats
4 and dogs from shelters and rescues across the country,
5 including some of the largest states in our country. And
6 what I can tell you from working on that for the past 10
7 years is that the notion that there is a national
8 overpopulation of dogs specifically in this country is no
9 longer the case. It was the case at some point, but it no
10 longer is the case.

11 I sent the Board some -- along with the letter, I
12 sent you a variety of graphs for both the State of New
13 Jersey and for Essex County to show you what the trend lines
14 are like. And what you're looking at is not a burgeoning
15 overpopulation problem, what you're looking at is a success
16 story because our numbers, our impound numbers have been so
17 diminished over the past 20 years. Our euthanasias have
18 dropped like a rock. And we see that in state after state
19 after state across the country.

20 When those numbers start to flatten out and you're
21 wondering what's going on all of a sudden, what's happening
22 in those states is that animals are being imported from
23 other states. So, yes, there are states, areas in our
24 country where we have a surplus. But we have other portions
25 of the country where we don't have enough dogs to satisfy

1 the demand. And that includes in the northeast, in the
2 Middle Atlantic States, and in the Pacific Northwest.

3 Colorado in 2015 imported from out of state over
4 28,000 dogs and half of those were puppies under the age of
5 120 days. The demand for dogs has never been higher.

6 The U.S. enjoys, back in 2012, the ABMA estimated
7 that 36.7 percent of U.S. households owned dogs. And we
8 have the highest dog owning rate of any western nation. And
9 for those people who say that they love dogs, this challenge
10 here is to make sure that the source of the dogs that we
11 want is reliable and constant.

12 We -- the APPA estimates that 89 million dogs are
13 owned in this country. And if you just think about how many
14 dogs need to be born to replace those who are lost through
15 attrition, we're talking 7 million dogs in a year. Shelter
16 and rescues don't have enough dogs in their system to be
17 able to satisfy that.

18 In 2015, licensed breeders from the USDA only made
19 292,000 puppies available for resale through pet stores
20 nationwide. The AKC's registrations are going down. A
21 third of people buy their dogs from friends and family,
22 somebody you know down the street that has a litter. But
23 that still is not enough. We are already working at a
24 deficit. So in the crux of all of this emotion and
25 discourse over all of this stuff is a question of where are

1 we -- where is the next generation of kids going to get
2 their next dog? Where do we want them to get their next dog
3 from?

4 Our point of view is that everybody has a proper
5 fit with a different animal. Some people love purebreds.
6 Some people love Heinz 57s. Some people love dogs that are
7 damaged and need to be reworked, just like there's some
8 people who like to tinker on cars. Some people like
9 Ferraris, some people like Fords. It's not the position --
10 our position is that it's not the job of any level of
11 government to dictate to the people where they get their
12 dogs from. That has to be their choice.

13 We're all for education. We're all for promoting
14 everybody to do a better job and not to fall back on the old
15 things that happened 40 years ago. What hasn't been
16 discussed here tonight is that Purdue University had a
17 research study that they started several years ago, using
18 scientific methods to determine what changes could be made
19 to professional breeders and their kennels to enhance the
20 lives of the dogs that were in those kennels. That study is
21 complete. They're releasing those --

22 MAYOR SCARPELLI: Please wrap it up.

23 MS. REICHMAN: Yeah. Professional breeders are
24 eager to learn that information and to make things better.
25 We need, as a community, again not to enable those who are

1 not doing a good job, but to raise everybody up. To make
2 sure that that source is constant, that every family has the
3 choice of where they can get their own pet. And to make
4 sure that everybody's doing a better job. Because
5 veterinary health moves forward like human health does.

6 MAYOR SCARPELLI: Thank you very much.

7 MS. REICHMAN: Thank you.

8 MAYOR SCARPELLI: Would anybody else like to
9 address the Board of Commissioners this evening? Seeing
10 none.

11 COMMISSIONER ROGERS: I make a motion that we close
12 public hearing.

13 COMMISSIONER EVANS: Second.

14 COMMISSIONER PETRACCO: Just before we close, I --
15 why are you looking at me like that, Commissioner? I waited
16 until the end so nobody could comment anymore of what I say.
17 First of all, I didn't catch your name, the young lady that
18 came up. Yeah, you.

19 UNIDENTIFIED SPEAKER: (Indiscernible).

20 COMMISSIONER PETRACCO: No, no.

21 MS. WHITE: Renee.

22 COMMISSIONER PETRACCO: Renee. Congratulations to
23 you what you did with this opium stuff because I know
24 firsthand, being the Public Safety Director in Nutley, not
25 too many people come back from that and overcome it. So God

1 bless you and keep up the good work.

2 I have to tell you, I've heard like a lot of
3 different sides of this and I'm getting an education myself
4 up here tonight about this and I -- Commissioner Rogers has
5 really talked to me a lot about it too, and I want to
6 commend you, Steve, because I know it's a very heated topic
7 it seems like.

8 I just want to say that I think both sides have a
9 lot of good points tonight. But I just would like to tell a
10 story, being everybody was telling stories. You don't mind,
11 do you, Commissioner Evans?

12 COMMISSIONER ROGERS: Is it going to be long?

13 COMMISSIONER PETRACCO: No. You can set the five
14 minute timer.

15 But I think that everyone in the room is really
16 passionate for puppies. I think everybody shows a lot of
17 love for them and I have to just tell a story about my 21
18 year old son that took a ride to Pennsylvania one day and
19 came back with a puppy and it was from a breeder.

20 So when he came home, I wasn't too happy because
21 we already had a dog at the time, but the dog was supposedly
22 -- he did the research and all that stuff and it was a
23 breeder. And the dog came home loaded with fleas, some
24 problems that I had to take the dog to the vet, all that
25 stuff. And he felt so bad about the conditions, and again,

1 this was from a breeder in Pennsylvania, that he did the
2 research on the computer and all that stuff about. He felt
3 so bad, he wound up going to get the dog's sister the next
4 day.

5 So I think there's a lot of truth to -- that even
6 with the breeder side of it, you know, if a breeder has a
7 beautiful house and they have a couple of kennels in the front
8 and in the back woods they're doing these dogs dirty, so to
9 speak, how do we know that it's -- because the pet store
10 owners are allowing -- are feeding them to buy these dogs.

11 So I've got to tell you, at the end of the night,
12 there's a lot to this stuff. And something like this that
13 sheds light on it, because I am a dog lover myself, is that
14 I think controversy is good and this event, Commissioner
15 Rogers, in that hopefully the government will step in and
16 really put -- implement laws in effect for breeders and pet
17 store owners in all aspects so these dogs aren't abused.

18 So --

19 COMMISSIONER ROGERS: And at the end of the day,
20 we represent the people of the Township of Nutley. Now,
21 before I introduced this ordinance, I did some research
22 myself, and by the way, thank you all for coming. As the
23 Commissioner said, it's healthy. This is what democracy is
24 all about.

25 And I did speak to a lot of residents regarding

1 this ordinance. Not hundreds, but enough to convince me
2 that they're in support of this. I don't think it's
3 necessary to pack this hall, which I could very well pack it
4 with 100 or so residents in support of it. That's not my
5 style. My style is to hear everyone's argument.

6 So the people are in support of this, I believe,
7 in this town. And one other thing I think it's important to
8 say. Personally, I don't like people labeled, all right? I
9 don't like people being called animal activists, extremists,
10 etcetera, because they have a passion for something. I
11 guess I would be one of those.

12 I heard some criticisms, maybe not here, maybe
13 tonight here from someone, but other places about the Humane
14 Society. I happen to have led a rescue team in Hurricane
15 Katrina when it hit Louisiana. And the rescue team was paid
16 for by the Humane Society.

17 I brought some naval personnel and law enforcement
18 officers with me in the Ninth Ward to do what? To save
19 dogs, cats, animals that were drowning that had to be left
20 behind. And I say that only for this reason. None of us up
21 here take these things lightly. We know that laws and
22 ordinances that we pass have to be reasonable and have to be
23 in the best interest of the public.

24 So I would say this, that as we move forward, I
25 would just -- look, I like debate and all of that, but I

1 just hope there comes a time when we can stick to facts and
2 not label people extremists and activists, because as the
3 Commissioner said, everyone has something to say. Everyone
4 has passion for something. But I'm not going to drop this
5 ordinance. I'm going to move it forward because I believe
6 it's in the best interest of our Township and the best
7 interest of the overall picture regarding puppy mills.

8 But it will be up to my colleagues to decide in
9 their hearts and in their minds what they believe is proper.
10 But I want to thank you all. Thank you all for coming.
11 Appreciate it. Thank you, Mayor.

12 MAYOR SCARPELLI: Thank you, Commissioners. Can I
13 have a motion to adjourn?

14 COMMISSIONER PETRACCO: Move it.

15 COMMISSIONER ROGERS: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 MADAM CLERK: And the time is 9:16.

25 MAYOR SCARPELLI: Good night, everybody.

(Meeting was adjourned at 9:16 P.M.)

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


Jamie Gallagher

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