

In The Matter Of:

In RE: Nutley Board of Commissioners

Conference Session

January 14, 2020



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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

*** CONFERENCE SESSION ***

DATE: January 14, 2020

BOARD OF COMMISSIONERS:

JOSEPH P. SCARPELLI, MAYOR

STEVEN L. ROGERS, COMMISSIONER

MAURO G. TUCCI, COMMISSIONER

THOMAS J. EVANS, COMMISSIONER

ALPHONSE PETRACCO, COMMISSIONER

Also Present:

ANGELO CIFELLI, JR.

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1 (Recording begins)

2 MAYOR SCARPELLI: Madam Clerk --

3 THE CLERK: Thank you --

4 MAYOR SCARPELLI: -- we're all ready.

5 THE CLERK: Thank you, Mayor. Board of
6 Commissioners public meeting, Tuesday, January 14th,
7 2020. The time is 7:07. Pursuant to the requirements
8 of the Open Public Meeting Act, Chapter 231,
9 Public Law 1975, notice of this meeting was published
10 in the November 28th, 2019, issues of The Nutley Sun,
11 The Herald News, and The Star Ledger. A copy of this
12 notice has been posted on the Nutley Town Hall bulletin
13 board and a copy is on file in the Municipal Clerk's
14 office. Commissioner Rogers?

15 COMMISSIONER ROGERS: Here.

16 THE CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Here.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Here.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Here.

22 THE CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Here.

24 THE CLERK: All present, Mayor.

25 MAYOR SCARPELLI: Commissioner Petracco?

1 COMMISSIONER PETRACCO: I don't think I have
2 anything tonight, I'm hoping nobody snuck anything on
3 there. I've got a report -- well, besides a report.

4 THE CLERK: Just a report.

5 COMMISSIONER PETRACCO: Yeah, just a report.
6 Thank you. And I still came, Stevie.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: I have -- there's a
9 report from Millennium Strategies for the year that I
10 put from the Board of Commissioners, because it covers
11 all the departments. I also have -- I don't have
12 anything else, other than I have -- 1, 2, 3, 4, six
13 resolutions. Overpayment of taxes, and so therefore
14 refunds, temporary -- and then the emergency budget
15 appropriation for water and utilities for both
16 operating and in debt service. Cancellation of the tax
17 delinquency balances that I do every year, and the
18 fixed interest rate that we do every year.

19 Just so you guys get -- so you know that the
20 8 percent on the first 15 and 18 percent on the excess
21 over that, there's a state memo. So it is statutory,
22 and we can't -- I can't go less than that, although I'd
23 love to. Okay? That's all I have, and if you want to
24 go to executive for contract, we can.

25 MAYOR SCARPELLI: Yeah. Perfect.

1 Commissioner Rogers?

2 COMMISSIONER EVANS: Yeah, Mayor, I have one
3 resolution authorizing payment of \$25,000 to the
4 Nutley Family Service Bureau.

5 COMMISSIONER TUCCI: I just have a Shade Tree
6 Report for the month of December.

7 MAYOR SCARPELLI: Thank you.

8 COMMISSIONER ROGERS: Thank you all for
9 coming.

10 COMMISSIONER TUCCI: I just came to be
11 social.

12 MAYOR SCARPELLI: There's a report from -- to
13 all of us --

14 COMMISSIONER EVANS: We came to support Steve
15 because --

16 MAYOR SCARPELLI: -- from the --

17 COMMISSIONER EVANS: -- he has a resolution.

18 MAYOR SCARPELLI: -- from Millennium
19 Strategies. It's an introduction of an ordinance for
20 the amendment to the redevelopment plan, which we'll be
21 briefed on in a little while, and I have three
22 resolutions. One's to appoint -- to reappoint,
23 Jonathan Bruno the Public Defender for a year. A
24 budget transfer for 16,000, and an award fair and open
25 contract for DMR. That's to do the redevelopment and

1 investigation of the Ciccolini site, and the
2 surrounding area. And that's through the Planning
3 Board, but I guess we have to approve it. Correct,
4 Counselor?

5 MR. GENITEMPO: Correct.

6 MAYOR SCARPELLI: Madam Clerk?

7 THE CLERK: Thank you, Mayor. We just have
8 minutes for December 3rd, if they're -- 2019.

9 MAYOR SCARPELLI: Counselor?

10 MR. GENITEMPO: I don't have anything. I'm
11 waiting for John and Topology to show up.

12 COMMISSIONER ROGERS: Are we going to talk
13 about this before we --

14 MR. GENITEMPO: Yeah. That's what they're
15 coming to talk to us about, yeah.

16 COMMISSIONER PETRACCO: That's after the
17 meeting, or --

18 MR. GENITEMPO: No, that's before.

19 MAYOR SCARPELLI: That's before. Before we
20 go.

21 COMMISSIONER TUCCI: So we get a before and
22 an after.

23 MR. GENITEMPO: Yeah, a short after.

24 MAYOR SCARPELLI: A short after. The after
25 will be to --

1 COMMISSIONER EVANS: PR.

2 MR. GENITEMPO: Interview one of the PR
3 firms.

4 MAYOR SCARPELLI: So we go into -- yeah --

5 COMMISSIONER PETRACCO: I feel like we've had
6 a lot of meetings --

7 MAYOR SCARPELLI: Well, it's got a lot of --
8 a lot of things. So let's go into executive to discuss
9 contract negotiations.

10 COMMISSIONER PETRACCO: Move it.

11 COMMISSIONER EVANS: Second.

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

16 Whereas, the public body is of the opinion
17 that such circumstances exist; and

18 Whereas, the Board of Commissioners of the
19 Township of Nutley in the County of Essex in the State
20 of New Jersey desires to proceed to closed executive
21 session; and

22 Now therefore be it resolved by the Board of
23 Commissioners of the Township of Nutley to move into
24 closed executive session to discuss contract
25 negotiations. Be it further resolved that at the time

1 when such discussion may be disclosed to the public
2 shall be when and as such disclosure may be made
3 without adversely affecting the Township of Nutley,
4 pending and/or anticipated legal, personnel,
5 contractual matters and other matters within the
6 exception provided for by statute.

7 Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 THE CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 THE CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 THE CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 THE CLERK: The time is 7:12.

18 (End of recording)

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

I, Lisa Luciano, court-approved transcriber,
hereby certify that the foregoing is a correct
transcript from the official electronic sound recording
of the proceedings in the above-entitled matter, and to
the best of my ability.

LISA LUCIANO, AAERT NO. 327 DATE: January 29, 2020

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In The Matter Of:
In RE: Nutley Board of Commissioners

Public Session
January 14, 2020



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6 *** PUBLIC SESSION ***

7
8 DATE: January 14, 2020

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10 BOARD OF COMMISSIONERS:

11 JOSEPH P. SCARPELLI, MAYOR

12 STEVEN L. ROGERS, COMMISSIONER

13 MAURO G. TUCCI, COMMISSIONER

14 THOMAS J. EVANS, COMMISSIONER

15 ALPHONSE PETRACCO, COMMISSIONER

16
17 Also Present:

18 ANGELO CIFELLI, JR.

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1 (Recording begins)

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

4 (Pledge of Allegiance)

5 MAYOR SCARPELLI: Madam Clerk?

6 THE CLERK: Thank you, Mayor. Board
7 of Commissioners Public Meeting, Tuesday,
8 January 14th, 2020. The time is now 8:14. Pursuant to
9 the requirement of the Open Public Meeting Act,
10 Chapter 231, Public Law 1975, notice of this meeting
11 was published in the November 28th, 2019 issues of The
12 Nutley Sun, The Herald News, and The Star Ledger. A
13 copy of this notice has been posted on the
14 Nutley Town Hall bulletin board, and a copy is on file
15 in the Municipal Clerk's office. Commissioner Rogers?

16 COMMISSIONER ROGERS: Here.

17 THE CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Here.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Here.

21 THE CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Here.

23 THE CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: All present, Mayor.

25 MAYOR SCARPELLI: We apologize for being late

1 tonight. We had to get some legal advice on one of the
2 agenda items, and that's what took up most of our time
3 tonight. So let's move to minutes, Madam Clerk.

4 THE CLERK: Thank you, Mayor. We have Board
5 of Commissioner meeting minutes for approval for
6 December 3rd, 2019.

7 COMMISSIONER TUCCI: Move it.

8 COMMISSIONER EVANS: Second.

9 THE CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 THE CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 THE CLERK: And that's it for minutes.

20 MAYOR SCARPELLI: Reports. We have a report
21 from Millennium Strategy, a year-end report that was
22 submitted to the Board of Commissioners.

23 Commissioner Tucci?

24 COMMISSIONER TUCCI: Yes. I have a
25 Shade Tree Report for the month of December, 2019.

1 MAYOR SCARPELLI: Commissioner Petracco?

2 COMMISSIONER PETRACCO: I have my
3 Public Safety report, thank you.

4 MAYOR SCARPELLI: Bills, Madam Clerk?

5 COMMISSIONER EVANS: Excuse me, Mayor. I
6 have the Millennium Strategies report.

7 MAYOR SCARPELLI: I already said that,
8 Commissioner.

9 COMMISSIONER EVANS: You did that?

10 MAYOR SCARPELLI: Yes.

11 COMMISSIONER EVANS: Okay. Thank you.

12 THE CLERK: Thank you. Bill list for
13 January 14th, 2020. Public Affairs, \$150,194.62;
14 Revenue and Finance, \$3,440,887.90; Public Safety,
15 Zero. Public Works, \$411,121.83; Parks and Public
16 Property, \$722,176.56; Water Utility, \$37,458.11; Total
17 Payroll, \$884,025.48, for a grand total of
18 \$5,645,864.50.

19 COMMISSIONER EVANS: Move the bills.

20 COMMISSIONER TUCCI: Second.

21 THE CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 THE CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 THE CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 THE CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 THE CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 THE CLERK: And that's it for bills, Mayor.

7 MAYOR SCARPELLI: Public comment on agenda
8 items only. Madam Clerk?

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

24 MAYOR SCARPELLI: Anybody wish to address the
25 Board of Commissioners on the agenda items only?

1 Seeing none, let's move on to Board of Commissioner
2 announcements. Commissioners, any announcements?

3 COMMISSIONER EVANS: I have just one.

4 MAYOR SCARPELLI: Commissioner Evans?

5 COMMISSIONER EVANS: Yes. I just would like
6 to take a moment to acknowledge the passing of my
7 mother-in-law, Yolanda Perrotta, Liloia. She was a
8 Liloia in town. We -- I always called her Mimi, and
9 she was known by Mimi. She was 102 years old. Or she
10 would have been 103 on February 21st. I just ask for a
11 moment of silence for her passing.

12 MAYOR SCARPELLI: A moment of silence,
13 please.

14 (Pause)

15 COMMISSIONER EVANS: Thank you, Mayor.

16 MAYOR SCARPELLI: Any other commissioner
17 announcements? Let's move to ordinance introductions.
18 I'm going to read this by title only. This is
19 Ordinance Number 3436, An ordinance of the Board of
20 Commissioners of the Township of Nutley in the County
21 of Essex, amending the Nutley Phase IIA redevelopment
22 plan. I move this ordinance be passed to a second
23 reading and advertised in the Nutley Sun, together with
24 the notice required by law, and that further
25 consideration of said ordinance for final passage by

1 the Board of Commissioners be held at a second reading
2 on February 4th, 2020. Move the ordinance.

3 COMMISSIONER TUCCI: Second.

4 THE CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 THE CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye. Let's move on to
14 resolutions. Commissioner Rogers?

15 COMMISSIONER ROGERS: Resolution

16 Number 09-20. Be it resolved that pursuant to an
17 agreement between the Township of Nutley and the Nutley
18 Family Service Bureau Food Pantry for the provision of
19 services to the residents of Nutley, the township
20 authorizes a payment of \$25,000, effective
21 January 1st, 2020 to December 31st, 2020; and

22 Be it resolved that two payments will be
23 disbursed, one in January, 2020, the second in June of
24 2020; and

25 Be it further resolved, funds will be

1 available from Account Number 0-01-120-209 for \$25,000,
2 and will be certified by the CFO subject to the
3 adoption of the 2020 Municipal Budget. So move.

4 COMMISSIONER PETRACCO: Second.

5 THE CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 THE CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER ROGERS: That's it, Mayor, thank
16 you.

17 MAYOR SCARPELLI: Thank you, Commissioner.

18 Commissioner Evans?

19 COMMISSIONER EVANS: Thank you, Mayor. Be it
20 resolved by the Board of Commissioners of the Township
21 of Nutley in the County of Essex, State of New Jersey,
22 that the Treasurer be, and she is hereby authorized to
23 refund overpayments of tax charges in the total amount
24 of \$10,840.06 for the lots and blocks listed as in the
25 resolution. So move.

1 COMMISSIONER TUCCI: Second.

2 THE CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 THE CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 COMMISSIONER EVANS: Be it resolved by the
13 Board of Commissioners of the Township of Nutley in the
14 County of Essex, State of New Jersey, that the
15 Treasurer be and she is hereby authorized to refund
16 overpayment of property taxes in the amount of 6,000 --
17 in total, a total amount of \$6,406.96 arising from
18 Tax Court judgment settlements. So move.

19 COMMISSIONER TUCCI: Second.

20 THE CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 THE CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 THE CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 COMMISSIONER EVANS: Then my -- this next
6 resolution is for the debt service for 2020. Before --
7 and we don't have an adopted budget in place, but we
8 have to make a debt service payment. There's a
9 provision by statute that allows us to do that as part
10 of a temporary appropriation.

11 Whereas, the New Jersey Statutes 48:419
12 provides that where debt service is to be paid in 2020
13 prior to the time of the final adoption of the
14 2020 budget, temporary appropriations should be made
15 for the amount of said debt service in the manner and
16 time provided therein;

17 Whereas, the date of this resolution is
18 subsequent to December 20th, 2019; and

19 Whereas, debt service will become due during
20 the first six months of 2020;

21 Now therefore be it resolved the
22 commissioners of the Township of Nutley that the
23 following temporary appropriations are made: interest
24 on bonds, \$98,000; principal on bonds, \$1 million; bond
25 anticipation note, \$2,036,808; bond anticipation note

1 interest, \$50,921; New Jersey DEP Green Acres Loan
2 principal, \$9,400; interest of \$3,700; for a total
3 current fund of debt service of \$3,198,829. Also for
4 the water operating budget, the NJEIT loan of \$26,000,
5 plus the trust interest of \$6,900, for a total debt
6 service of \$32,900. So move.

7 COMMISSIONER TUCCI: Second.

8 THE CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 THE CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 THE CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 THE CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 THE CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER EVANS: There similarly is a
19 provision by law for -- actually it allows for a
20 temporary budget authorization for the continuity of
21 government to continue in our operating accounts and
22 the Water Utility when -- you know, prior to the
23 adoption of our 2020 budget, so this next resolution
24 provides for that.

25 Whereas 40A:4-19 Local Budget Law provides

1 that where any contracts, commitments, or payments are
2 to be made prior to the final adoption of the 2020
3 budget, temporary appropriations may be made for the
4 purposes and amounts required in the manner and time
5 therein provided;

6 Whereas, the date of this resolution is
7 within the first 30 days of 2020;

8 Whereas, the total appropriations in 2019
9 budget, less appropriations made for capital
10 improvement, debt service, and public assistance are as
11 follows: the current fund, \$49,679,235. Water
12 Utility, \$4,276,750.

13 Whereas, 26 and one quarter percent of the
14 total appropriations in the 2019 budget, less the
15 appropriations for capital improvements and debt
16 service assistance in the said budgets is as follows:
17 the current fund, \$13,040,799.19; the Water Utility,
18 \$1,122,646.88;

19 Now therefore be it resolved by the Board of
20 Commissioners of the Township of Nutley, County of
21 Essex, the following appropriations are to be made and
22 certified with a copy of this resolution with the
23 Chief Financial Officer for her record for the
24 accounts, all of the accounts and line items listed in
25 this resolution. So move.

1 COMMISSIONER TUCCI: Second.

2 THE CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 THE CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 THE CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 THE CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 THE CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 COMMISSIONER EVANS: Whereas, R.S. 40A:1517

13 allows for the cancellation of property tax credits, or
14 delinquent amounts less than \$10;

15 Whereas, the governing body may authorize the
16 tax collector to process without further action on
17 their part any cancellation of a property tax credit or
18 delinquency of less than \$10;

19 Now therefore be it resolved by the Board of
20 Commissioners of the Township of Nutley, County of
21 Essex, State of New Jersey, hereby authorizes the tax
22 collector to cancel said amounts as deemed necessary.
23 So move.

24 COMMISSIONER TUCCI: Second.

25 THE CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 COMMISSIONER EVANS: My next and final
11 resolution sets the interest amounts for the late
12 payment of property taxes for the year. The amounts
13 and the rates listed are the minimum amounts allowed by
14 statute by the State of New Jersey.

15 Whereas, R.S. 40 -- R.S. 54:4-67 permits the
16 governing body of each municipality to fix the rate of
17 interest to be charged for nonpayment of taxes or
18 assessments subject to any abatement or discount for
19 the late payment of taxes provided by law; and

20 Whereas, R.S. 54:4-67 has been amended to
21 permit the fixing of said rate of 8 percent per annum
22 on the first \$1,500 of delinquency, and 18 percent per
23 annum on any amounts in excess of \$1,500 -- these
24 amounts are -- remain unchanged from prior years;

25 Now therefore be it resolved by the Board of

1 Commissioners of the Township of Nutley, County of
2 Essex, State of New Jersey, as follows:

3 The Tax Collector, one, is hereby authorized
4 and directed to charge 8 percent per annum on all taxes
5 becoming delinquent after the due date, subject to any
6 abatement or discount for the late payment provided by
7 law.

8 Effective January 1, 2020, quarterly tax
9 payments made by cash, check, or money order, shall
10 have a 10 day grace period.

11 Any payment not made in accordance with
12 Section 2 of this resolution shall be charged interest
13 from the due date as set forth in Section 1 of this
14 resolution. So move.

15 COMMISSIONER TUCCI: Second.

16 THE CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 THE CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

1 COMMISSIONER EVANS: Thank you, Mayor.

2 MAYOR SCARPELLI: Thank you, Commissioner.

3 Be it resolved by the Board of Commissioners, Township
4 of Nutley, County of Essex, State of New Jersey, that
5 Jonathan Bruno will be appointed the Public Defender
6 for the Township of Nutley, effective January 1st,
7 2020, expiring December 31st, 2020. I move the
8 resolution.

9 COMMISSIONER TUCCI: Second.

10 THE CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 THE CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 THE CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Before I vote I would
18 just -- being he's in my department, I would just like
19 to say that he's been stellar, and a very good find for
20 Public Safety. I proudly vote aye.

21 THE CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye. I concur.

23 Be it resolved by the Board of Commissioners
24 of the Township of Nutley, County of Essex, State of
25 New Jersey, that in accordance with provision

1 R.S. 40A:40-59, the following transfers of the 2019
2 appropriation reserves be and the same are hereby
3 authorized and approved from Water O/E, \$8,000, to
4 Water Salary and Wage, \$8,000; from Recycling O/E,
5 \$8,000, to Recycling Salary and Wage, \$8,000; for a
6 total of \$16,000. I move the resolution.

7 COMMISSIONER TUCCI: Second.

8 THE CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 THE CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 THE CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 THE CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 THE CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye. Resolution 16-20 is
18 on behalf of the Board of Commissioners to award a fair
19 and open contract to DMR Architects, 777 Terrace
20 Avenue, Suite 607, Hasbrouck Heights, New Jersey, for
21 the preliminary redevelopment investigation study and
22 report pursuant to N.J.S.A. 40A:12A-5 of the Ciccolini
23 site. I move the resolution.

24 COMMISSIONER TUCCI: Second.

25 THE CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye. That concludes the
10 business portion of our meeting. Madam Clerk?

11 THE CLERK: Thank you, Mayor. All persons
12 addressing the Board of Commissioners regarding
13 community concerns should approach the microphone and
14 provide their name and address for the record. Unless
15 further time is granted by the board, each person shall
16 limit their address to five minutes. All remarks to
17 the board and its individual members must be addressed
18 to the mayor. The mayor may defer citizens' comments
19 to the appropriate member of the board. Dialogue
20 between citizens and others addressing the board shall
21 be allowed, unless the mayor or the presiding officer,
22 or the majority of the membership of the board, shall
23 determine that the interests of the quorum, and/or the
24 expeditious conduct of municipal business are being
25 adversely affected by such dialogue.

1 MAYOR SCARPELLI: Anybody wish to address the
2 Board of Commissioners?

3 MR. ALESSIO: Carmine Alessio, 81 East
4 Centre Street. I'm coming to this public meeting to
5 state an opinion that I have in reference to as a
6 citizen the mandate that the commissionership in the
7 town of Nutley be abolished, because I feel that the
8 system is very, very far long outdated, and I've been
9 in the community for -- well, my family, fourth
10 generation, since the early 1900s, so, during my youth
11 days, I had the opportunity to live in this town and
12 see, you know, how it has progressed. And I feel in my
13 heart and I know that this system is definitely not
14 working.

15 Now, there's other systems that are out
16 there. The Faulkner Act is so outdated that we're
17 lucky to have maybe seven of this form of government in
18 the whole country, and it is just like, not
19 appropriate, in my opinion, for this era and time in
20 our lives. It's just not together here. So I just
21 wanted to like, state my case and make it publicly
22 known that this is how me, along with other citizens in
23 the town, feel.

24 And as far as the Faulkner Act goes, it was a
25 great thing in a community I believe in Ohio, way back

1 in the day, when a little town was bankrupt. The
2 citizens all got together like we used to do, years
3 ago, and helped neighbors, and do different things with
4 each other, and had respect. This community that
5 adopted the Faulkner Act, said hey, we're going to get
6 our town back into order, and we're going to make it
7 flourish and progress, and make things happen. So they
8 appointed the financial guy. He was a banker. The
9 police commissioner, he was a police officer. The
10 other one was maybe a nurse, or someone in the
11 Health Department, of that nature, and maybe the parks
12 guy had experience in, you know, landscaping.

13 At that time, they came together, and they
14 got the town back on its feet, and it was a wonderful
15 thing. But from what I see in my journey through this
16 town, this is not what that was. And I'm going to keep
17 my comments as far as commenting on why, because that's
18 another issue, and my five minutes is probably up.

19 But I just wanted to state for the record
20 that that's my position on this form of government. So
21 I rest my case. Thank you. God bless --

22 MAYOR SCARPELLI: Thank you, Mr. Alessio.

23 Anybody else wish to address the Board of
24 Commissioners? Seeing none, we need a motion to go
25 into executive session for potential litigation?

1 MR. GENITEMPO: Contract negotiations.

2 MAYOR SCARPELLI: Contract negotiations.

3 COMMISSIONER TUCCI: So moved.

4 COMMISSIONER PETRACCO: Second.

5 THE CLERK: Whereas, Section 8 of the Open
6 Public Meeting Act, Chapter 231, Public Law 1975,
7 permits the exclusion of the public for meeting in
8 certain circumstances; and

9 Whereas, the public body is of the opinion
10 that such circumstances exist; and

11 Whereas, the Board of Commissioners of the
12 Township of Nutley, in the County of Essex, the State
13 of New Jersey, desires to proceed to closed executive
14 session;

15 And now therefore be it resolved by the Board
16 of Commissioners of the Township of Nutley move into
17 closed executive session to discuss contract
18 negotiations.

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

25 Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 THE CLERK: The time is 8:34.

11 MAYOR SCARPELLI: We will be returning to go
12 back in public session, but no action will be taken.
13 Good night, everybody.

14 (Pause)

15 MAYOR SCARPELLI: You guys ready?

16 COMMISSIONER TUCCI: We're ready.

17 MAYOR SCARPELLI: All right, Madam Clerk?

18 THE CLERK: We need a motion to adjourn.

19 COMMISSIONER TUCCI: So move.

20 COMMISSIONER EVANS: Second.

21 THE CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: I make a motion -- oh,
23 here.

24 COMMISSIONER EVANS: It's too late. Just say
25 aye.

1 COMMISSIONER ROGERS: Aye. Aye, I'm sorry.

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 THE CLERK: And the time is 9:41.

11 MAYOR SCARPELLI: Good night, everybody.

12 THE CLERK: Thank you.

13 (End of recording)

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

I, Lisa Luciano, court-approved transcriber,
hereby certify that the foregoing is a correct
transcript from the official electronic sound recording
of the proceedings in the above-entitled matter, and to
the best of my ability.

LISA LUCIANO, AAERT NO. 327 DATE: January 29, 2020

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