

**In The Matter Of:**

*In RE: Nutley Board of Commissioners*

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*Transcript Of Proceedings*

*May 19, 2020*

*Public Meeting*

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*Min-U-Script®*

Public Hearing

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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS  
ONE KENNEDY DRIVE  
3RD FLOOR COMMISSION CHAMBERS  
NUTLEY, NEW JERSEY 07110

\*\*\* PUBLIC SESSION \*\*\*

DATE: May 19, 2020  
TIME: 7:00 P.M.

BOARD OF COMMISSIONERS:

- MAURO G. TUCCI, MAYOR
- JOSEPH P. SCARPELLI, COMMISSIONER
- ALPHONSE PETRACCO, COMMISSIONER
- THOMAS J. EVANS, COMMISSIONER
- JOHN V. KELLY III, COMMISSIONER

Also Present:

- ELENI PETTAS, TOWNSHIP CLERK
- ALAN GENITEMPO, TOWNSHIP ATTORNEY
  
- ALL PRESENT VIA ZOOM WEBINAR

Public Hearing

2

1 (Recording begins)

2 MAYOR TUCCI: Okay, good evening everyone.

3 I'd like to call this meeting to order. Everyone

4 please stand for the Pledge of Allegiance. Oh, we --

5 do this first. I'm sorry, do we need to --

6 THE CLERK: Sure.

7 MAYOR TUCCI: What do we do first, the notice

8 or the flag salute?

9 THE CLERK: The notice.

10 MAYOR TUCCI: All right, I'm sorry, do the

11 notice. I'm out of line.

12 THE CLERK: No problem. Board of

13 Commissioners public meeting, Tuesday, May 19, 2020.

14 The time is now 7 p.m. Pursuant to the requirement of

15 the Open Public Meeting Act, Chapter 231, Public Law

16 1975, notice of this meeting was published in the

17 November 28, 2019 issues of the Nutley Sun, the Herald

18 News, and the Star Ledger. In an effort to prevent a

19 further spread of COVID-19 pandemic, the public meeting

20 for the remainder of the 2020 have been changed to

21 Zoom webinar, teleconference meeting until further

22 notice. The public will be able to listen to the Board

23 of Commissioners meeting and participate during the

24 designated public comment portion of the meeting by

25 utilizing access through a URL link, or dial-in numbers

Public Hearing

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1 provided on the web -- on the township website.

2 Commissioner Kelly?

3 COMMISSIONER KELLY: Present.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Here.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Here.

8 THE CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Here.

10 THE CLERK: Mayor Tucci?

11 MAYOR TUCCI: Here.

12 THE CLERK: And the time is now --

13 MAYOR TUCCI: Will we all please stand for  
14 the Pledge of Allegiance?

15 THE CLERK: Thank you. 7:03.

16 (Pledge of Allegiance)

17 MAYOR TUCCI: Thank you. Madam Clerk,  
18 minutes?

19 THE CLERK: Thank you, Mayor. We have Board  
20 of Commissioner meeting minutes for May 5th, 2020. I  
21 need a motion.

22 COMMISSIONER SCARPELLI: Move the minutes.

23 THE CLERK: I need a second.

24 COMMISSIONER EVANS: Move it.

25 MAYOR TUCCI: Second.

Public Hearing

4

1 THE CLERK: Commissioner -- thank you.  
2 Commissioner Kelly?

3 MAYOR TUCCI: Second please?

4 COMMISSIONER EVANS: Second.

5 THE CLERK: Thank you. Commissioner --

6 COMMISSIONER KELLY: Abstain.

7 THE CLERK: Thank you. Commissioner Evans?  
8 Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Yes.

12 THE CLERK: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 THE CLERK: Mayor Tucci.

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Mayor Tucci?

17 MAYOR TUCCI: Aye.

18 THE CLERK: Thank you.

19 MAYOR TUCCI: Thank you. Do we have any  
20 communications or (indiscernible)?

21 THE CLERK: Not this evening, Mayor.

22 MAYOR TUCCI: Okay, thank you. I believe we  
23 do not have any proclamations. Reports, please?

24 Commissioner Evans?

25 COMMISSIONER EVANS: Thank you, Mayor. I

Public Hearing

5

1 have a report for the Revenue and Finance Department,  
2 and Code, for the month of April, 2020.

3 MAYOR TUCCI: Thank you. Commissioner  
4 Scarpelli?

5 COMMISSIONER SCARPELLI: I have various  
6 reports, Mayor. Thank you.

7 MAYOR TUCCI: Thank you, Commissioner.  
8 Bills, please.

9 THE CLERK: Bill list for May 19th, 2020.  
10 Department totals. Public Affairs, \$105,346.21;  
11 Revenue and Finance, \$2,707,447.34; Public Safety,  
12 \$33,908.74; Public Works, \$64,939.54; Parks and Public  
13 Property, \$63,199.58; Water Utility, \$9,111.38; Payroll  
14 for -- Regular Payroll Total is \$779,494.32; Overtime  
15 Payroll, \$18,434.53; COVID-19 Overtime Payroll Total,  
16 \$33,372.90; Total Payroll, \$831,301.75, for a grand  
17 total of \$3,815,254.54. Need a motion.

18 COMMISSIONER EVANS: Moving the bills in  
19 total.

20 MAYOR TUCCI: Need a motion, please.

21 COMMISSIONER PETRACCO: Move them.

22 COMMISSIONER SCARPELLI: Second the bills.

23 THE CLERK: Commissioner Kelly.

24 MAYOR TUCCI: Okay, we have a motion, we need  
25 a second.

Public Hearing

6

1 COMMISSIONER PETRACCO: I second it.

2 COMMISSIONER SCARPELLI: Second.

3 THE CLERK: And I'm sorry, Commissioner

4 Kelly? I didn't hear Commissioner Kelly.

5 COMMISSIONER KELLY: Abstain.

6 THE CLERK: Abstain, okay. Commissioner

7 Evans?

8 COMMISSIONER KELLY: Abstain.

9 THE CLERK: We have a little -- we have a  
10 little delay.

11 COMMISSIONER EVANS: I said aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER EVANS: I said aye, already.

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Aye.

17 THE CLERK: Mayor Tucci?

18 MAYOR TUCCI: Aye.

19 THE CLERK: Okay. That's it for bills --

20 MAYOR TUCCI: Thank you.

21 THE CLERK: -- Mayor.

22 MAYOR TUCCI: We have public comment on

23 agenda items only, please. Thank you. Public comment

24 on agenda items only.

25 THE CLERK: Do we have anything, Alan? Do we

Public Hearing

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1 have anybody waiting? Would you --

2 MAYOR TUCCI: Alan?

3 THE CLERK: -- like me to read the statement?

4 MR. GENITEMPO: Would you read the statement,  
5 please? Just to give them a chance to log on.

6 MAYOR TUCCI: Please.

7 THE CLERK: Sure. All persons addressing the  
8 Board of Commissioners, please state your name and  
9 address for the record. Unless further time is granted  
10 by the Board of Commissioners, each person shall limit  
11 their address to three minutes. All remarks to the  
12 Board and its individual members must be addressed to  
13 the mayor. The mayor may defer citizens' comments to  
14 the appropriate member of the Board.

15 MR. GENITEMPO: There are no persons with  
16 their hands up, Commissioner. Or Mayor, excuse me.

17 THE CLERK: There's a little delay.

18 MAYOR TUCCI: Okay. And moving right along,  
19 Board of Commissioner announcements?

20 MR. GENITEMPO: -- and no one -- no one's  
21 requesting --

22 MAYOR TUCCI: Yes. I think we're having a  
23 problem with the delay here.

24 THE CLERK: Yes.

25 MAYOR TUCCI: Can everyone hear me?



1 THE CLERK: Yes.

2 MR. GENITEMPO: We just --

3 COMMISSIONER SCARPELLI: Yes.

4 MR. GENITEMPO: We just disconnected our  
5 computer to make it easier, yes. We can hear.

6 MAYOR TUCCI: Okay. Board of Commissioner  
7 announcements. Commissioners? No announcements? I  
8 have a few. The first announcement is, due to the  
9 restrictions imposed by the governor through executive  
10 order, we are unable to hold our Memorial Day Parade  
11 celebration this year, so the parade is canceled.  
12 However, the Veteran's Council and the Nutley clergy  
13 will be visiting all of our memorials, and holding a  
14 ceremony with ten people or less, instituting social  
15 distancing. So all of the commissioners have in fact  
16 been invited to that, and we will get final details and  
17 distribute those.

18 As part of ongoing conversations with  
19 commissioners and other folks in our community, there's  
20 a couple of committees I'm thinking about establishing.  
21 One is a small business community, and I had a  
22 conversation with Commissioner Evans about this, to see  
23 how we can assist our small businesses, because many of  
24 them, because of the restrictions that are imposed, all  
25 right, are feeling severe financial hardship. So it

1 may be a good idea for us to get together. We'll form  
2 a committee and see how we can help them. We'll get  
3 input from them and move forward in that regard.

4 Earlier today, at the reorganization meeting,  
5 Commissioner Petracco mentioned the school expansion  
6 issue that we have. That's another committee that I'm  
7 thinking about establishing, all right, with the  
8 respective commissioners that want to serve on that.  
9 Obviously, I know the two of you have interests in  
10 these two areas, so we can begin dialogue with the  
11 Board of Education, all right, and see how we can get  
12 to a place that's affordable, that gives our students  
13 the facilities that are required. And that's all I  
14 have for announcements. Anyone else? Seeing none, I  
15 see we have no ordinance introductions this evening.  
16 We have no ordinances on second reading, so we'll move  
17 in to resolutions. Commissioner Kelly has none this  
18 evening. Commissioner Evans, would you like to read  
19 your resolution?

20 COMMISSIONER EVANS: Thank you, Mayor, yes.  
21 I have one resolution, and it's linked to our budget.  
22 It's the certification of our compliance with the U.S.  
23 Equal Employment Opportunity Commission Enforcement  
24 Guidance in consideration of arrest and conviction  
25 record on employment decisions. We do have a new hire

1 freeze in place right now. However, as part of the  
2 budget, we are required to move on this resolution, and  
3 I would love to read it, and I'm working on trying to  
4 find it in my packet, but you have a just a -- I know  
5 -- and Eleni, I know it's here.

6 THE CLERK: It's probably the --

7 COMMISSIONER EVANS: I just haven't found it  
8 yet.

9 THE CLERK: -- maybe the first one?

10 COMMISSIONER KELLY: Mine was stuck to my  
11 bills list.

12 COMMISSIONER EVANS: Here it is. Found it.  
13 Yeah, mine was stuck to my bill list.

14 Whereas, N.J.S.A. 40A:4-5, as amended by  
15 P.L. 2017, c. 183, requires the governing body of each  
16 municipality and county to certify that their local  
17 unit's hiring practices comply with the United States  
18 Equal Employment Opportunity Commission Enforcement  
19 Guidance on the Consideration of Arrest and Conviction  
20 Records in Employment Decisions under Title VII of the  
21 Civil Rights Act of 1964, as amended, 42 U.S.C. 2000 et  
22 seq., April 25th, 2012, before submitting its approved  
23 annual budget to the Division of Local Government  
24 Services in the New Jersey Department of Community  
25 Affairs; and

1           Whereas, the members of the governing body  
2 have finalized themselves -- has familiarized  
3 themselves with the contents of the above referenced  
4 enforcement guides and with their local hiring  
5 practices as they pertain to the consideration of an  
6 individual's criminal history, as evidenced by the  
7 group's affidavit form of the governing body attached  
8 hereto.

9           Now, therefore, be it resolved that the Board  
10 of Commissioners of the Township of Nutley, hereby  
11 states that it has complied with N.J.S.A. 40A:4-5 as  
12 amended by P.L. 2017 c. 183 by certifying that the local  
13 unit's hiring practices comply with the above  
14 referenced enforcement guidance, and hereby directs the  
15 Clerk to cause to be maintained and available for  
16 inspection a certified copy of this resolution and the  
17 required affidavit to show evidence of said compliance.  
18 So move.

19           THE CLERK: I need a second.

20           COMMISSIONER KELLY: Second.

21           THE CLERK: Thank you. Commissioner Kelly?

22           COMMISSIONER KELLY: Aye.

23           THE CLERK: Commissioner Evans?

24           COMMISSIONER EVANS: Aye.

25           THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Commissioner Scarpelli?

3 Commissioner, you're on mute.

4 MAYOR TUCCI: Commissioner Scarpelli I think  
5 you're on mute.

6 COMMISSIONER SCARPELLI: Aye.

7 THE CLERK: Thank you. Mayor Tucci?

8 MAYOR TUCCI: Aye. Thank you, Commissioner.  
9 Commissioner Petracco?

10 COMMISSIONER PETRACCO: Yes, Mr. Mayor. I  
11 have a resolution authorizing the Township of Nutley  
12 Office of Emergency Management to accept funds from a  
13 subgrant awarded the federal fiscal year 2019 of  
14 Emergency Management Agency Assistance Funding, and for  
15 the Chief Financial Officer of the Township of Nutley  
16 to amend the budget, and certified availability of the  
17 funds, is to the matching grant for I believe 10,000.  
18 I'll move the resolution as written.

19 THE CLERK: I need a second.

20 COMMISSIONER SCARPELLI: Second.

21 THE CLERK: Commissioner Kelly?

22 COMMISSIONER KELLY: Aye.

23 THE CLERK: Commissioner Evans? It's  
24 lagging.

25 COMMISSIONER EVANS: Aye.

Public Hearing

1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Commissioner Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 THE CLERK: Mayor Tucci.

6 MAYOR TUCCI: Aye. Thank you. Commissioner  
7 Scarpelli?

8 COMMISSIONER PETRACCO: That's all I have.

9 COMMISSIONER SCARPELLI: Thank you, Mayor.

10 Be it resolved by the Board of Commissioners of the  
11 Township of Nutley, County of Essex, State of New  
12 Jersey that the Township Clerk is hereby authorized to  
13 advertise for sealed bids for Witherspoon Street  
14 Roadway Improvement Project (Hancox Avenue to Conover  
15 Avenue) in the Township of Nutley, to be received on  
16 behalf of the Board of Commissioner Commission  
17 Chambers, Township Hall, 1 Kennedy Drive, Nutley, New  
18 Jersey, 07110, on Wednesday, June 10th, 2020, at 11  
19 a.m. prevailing time, at which time they will be opened  
20 and read. I move the resolution.

21 THE CLERK: I need a second.

22 MAYOR TUCCI: Second.

23 COMMISSIONER PETRACCO: Second.

24 THE CLERK: Commissioner Kelly?

25 COMMISSIONER KELLY: Abstain.

Public Hearing

14

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 THE CLERK: Mayor Tucci?

8 MAYOR TUCCI: Aye.

9 COMMISSIONER SCARPELLI: This resolution is  
10 to support a safety study for the compressor station  
11 that's being -- wants to be built in Roseland, and pump  
12 high pressure gas, which will pump through our gas  
13 lines. I'll read it by title. A Resolution Supporting  
14 Safety Study to Evaluate the Dangers of an Expanded  
15 Roseland Compressor Station and a 60-Year-Old Pipeline  
16 Coming From Roseland and then running through the  
17 Township of Nutley. I move the resolution.

18 THE CLERK: We need a second.

19 COMMISSIONER KELLY: Second.

20 COMMISSIONER EVANS: Second.

21 THE CLERK: Commissioner Kelly?

22 COMMISSIONER KELLY: Second. Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 THE CLERK: Mayor Tucci.

5 MAYOR TUCCI: Aye.

6 THE CLERK: What is happening?

7 UNIDENTIFIED: There's just a delay.

8 THE CLERK: It's a -- it's a huge delay.

9 UNIDENTIFIED: Because it's --

10 COMMISSIONER SCARPELLI: Where --

11 UNIDENTIFIED: -- everyone's on wi-fi.

12 COMMISSIONER SCARPELLI: -- Whereas on  
13 May 10th, 2010, pursuant to N.J.S.A. 48:5A-25.1,  
14 Cablevision of Oakland, LLC, with offices at 40 Potash  
15 Road, Oakland, New Jersey, provided notice to the New  
16 Jersey Board of Public Utilities of its intent to  
17 convert its municipal consent franchise in the Township  
18 of Nutley to a system wide franchise, which conversion  
19 was memorialized by the BPU in accordance with order of  
20 amendment dated June 21st, 2010; and

21 Whereas, pursuant to N.J.S.A. 48:5A-1, the  
22 BPU issued a renewal of Cablevision's system-wide  
23 franchise effective March 28th, 2016, granting  
24 Cablevision the authority to operate Cablevision  
25 stations within the jurisdictions set forth in its



1 application, including the Township; and

2           Whereas, Cablevision is undertaking the  
3 upgrade of its cable television system to a fully Fiber  
4 to the Home system, which required the installation of  
5 three Remote Optic Light Terminals and associated  
6 equipment within the Municipal Right-Of-Way located  
7 within the township; and

8           Whereas, the Mayor and the Board of  
9 Commissioners of the Township of Nutley are in  
10 possession of a request from Cablevision to install the  
11 ROLT and associated equipment at the following  
12 locations within the Municipal Right-Of-Way: Grant  
13 Avenue, adjacent to Block 6702, Lot 19; Church Street,  
14 adjacent to Block 5900, Lot 1; Hancox Avenue, adjacent  
15 to Block 9305, Lot 7.

16           Whereas, Cablevision is authorized to install  
17 said ROLT in the Municipal Right-Of-Way, subject to  
18 applicable municipal permitting, pursuant to its right  
19 granted under the State Cable Law, N.J.S.A. 48:5A-1,  
20 and under federal cable law 47 U.S.C. Section 521; and

21           Whereas, Cablevision has submitted  
22 Construction Permits, Building Subcode and Electrical  
23 Subcode Applications with the Township Code Enforcement  
24 Officer has said -- recommends that such authorization  
25 by the Mayor and --

1 THE CLERK: Sal, I lost my whole screen.

2 COMMISSIONER SCARPELLI: -- the Board of  
3 Commissioners for the installation of ROLT and  
4 associated equipment be granted to Cablevision --

5 THE CLERK: Sal, I lost my whole screen.

6 COMMISSIONER SCARPELLI: -- for the locations  
7 listed above.

8 Now therefore be it resolved by the Mayor and  
9 the Board of Commissioners of the Township of Nutley,  
10 in the County of Essex, State of New Jersey, to the  
11 extent permitted by applicable law, hereby memorializes  
12 their approval of the Cablevision of Oakland, 40 Potash  
13 Road, Oakland, New Jersey, to install a ROLT and  
14 associated equipment in the above resolutions located  
15 within the Municipal Right-Of-Way.

16 We don't really have the jurisdiction to not  
17 approve it, but they need our permission to do it, and  
18 they're in the right-of-way, so we really do have to  
19 approve this. So I move the resolution.

20 COMMISSIONER PETRACCO: Second.

21 THE CLERK: Commissioner Kelly?

22 COMMISSIONER KELLY: Abstain.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.  
25

1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Commissioner Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 THE CLERK: Mayor Tucci?

6 MAYOR TUCCI: Aye.

7 COMMISSIONER SCARPELLI: That's all I have,  
8 Mayor.

9 MAYOR TUCCI: Thank you, Commissioner.

10 Whereas, the United States of America, the  
11 State of New Jersey, the county, and the municipality,  
12 have become victims of COVID-19 virus and pandemic; and

13 Whereas, the Coronavirus has caused economic  
14 damage and hardship to states, counties, and  
15 municipalities throughout the United States of America;  
16 and

17 Whereas, on March 27th, 2020, the Coronavirus  
18 Aid Relief and Economic Security Act, the CARES Act,  
19 was signed by President Donald J. Trump; and

20 Whereas, the CARES Act was enacted among  
21 other purposes in order to combat the economic damage  
22 caused to states, counties, and municipalities because  
23 of the Coronavirus; and

24 Whereas, the County has received CARES Act  
25 funds from the United States Treasury, to be used to

1 reimburse the county, municipalities, and agencies  
2 within the county, including the Township of Nutley,  
3 due to economic damage caused to them by the  
4 Coronavirus; and

5           Whereas, as the recipient of the stimulus  
6 funds, it will be the responsibility of the county to  
7 disburse the stimulus funds to eligible recipients in  
8 accordance with the terms and provisions of the CARES  
9 Act, and any guidelines and regulations issued by the  
10 United States Government, or any of its agencies and/or  
11 departments.

12           Now therefore be it resolved by the Board of  
13 Commissioners of the Township of Nutley, County of  
14 Essex, State of New Jersey, that the Mayor is hereby  
15 authorized to execute the attached reimbursement  
16 agreement between the County of Essex and the Township  
17 of Nutley. I move the resolution.

18           COMMISSIONER KELLY: Second.

19           THE CLERK: Commissioner Kelly.

20           COMMISSIONER KELLY: Aye.

21           THE CLERK: Commissioner Evans?

22           COMMISSIONER EVANS: Aye.

23           THE CLERK: Commissioner Petracco?

24           COMMISSIONER PETRACCO: Aye.

25           THE CLERK: Commissioner Scarpelli?

1 COMMISSIONER SCARPELLI: Aye.

2 THE CLERK: Mayor Tucci?

3 MAYOR TUCCI: Aye.

4 Whereas, sealed bids were received for  
5 roofing service and purchase on May 13th, 2020 in the  
6 Township of Nutley; and

7 Whereas, Gabriele Roofing and Siding Inc.,  
8 125 Kenzel Avenue, Nutley, New Jersey, was the low  
9 bidder, with a service per hour rate of \$68.80, zero  
10 minimum service charge, and prices for material paid by  
11 the contractor plus 20 percent; and

12 Whereas, the contract term will be for one  
13 year from the date of award, with an option to extend  
14 for one additional year;

15 Whereas, the contract is not to exceed  
16 \$90,000, and funds are available as follows: 80,000  
17 from Ordinance 3425A and 10,000 from Account 0-01-508-  
18 200, contingent upon adoption of the 2020 budget, and  
19 have been certified by the Chief Financial Officer, said  
20 certification being attached to this resolution.

21 Now therefore be it resolved by the Board of  
22 Commissioners of the Township of Nutley in the County  
23 of Essex, State of New Jersey, that a contract for  
24 roofing service and purchase be awarded to Gabriele  
25 Roofing and Siding, Inc. I move the resolution.

1 COMMISSIONER SCARPELLI: Second.

2 THE CLERK: Commissioner Kelly?

3 COMMISSIONER KELLY: Abstain.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Commissioner Scarpelli?

9 COMMISSIONER SCARPELLI: Aye.

10 THE CLERK: Mayor Tucci.

11 MAYOR TUCCI: Aye. Thank you. We will now  
12 open the meeting to the public.

13 THE CLERK: Would you like me to read the  
14 public comment, Mayor?

15 MAYOR TUCCI: Please. Please, Madam Clerk.

16 THE CLERK: All persons addressing the Board  
17 of Commissioners regarding community concerns, please  
18 provide your name and address for the record. Unless  
19 further time is granted by the Board, each person shall  
20 limit their address to five minutes. All remarks to  
21 the Board and its individual members must be addressed  
22 to the mayor. The mayor may defer citizens' comments  
23 to the appropriate member of the Board.

24 MR. GENITEMPO: If anyone wishes to -- we  
25 have a couple hands up, so let me -- hold on one

1 second.

2 THE CLERK: Sal, I don't see any of the hands  
3 up on my side. Oh, yeah, there it is.

4 MR. GENITEMPO: Okay, Ms. Rossi?

5 MS. ROSSI: Yes. Hello everyone, and  
6 congratulations, Mayor Tucci --

7 MAYOR TUCCI: Thank you.

8 MS. ROSSI: -- on your appointment. I look  
9 forward to some wonderful changes taking place in town.  
10 I have -- my first question this evening is, I  
11 understand that the Township now has a hiring freeze.  
12 Is the Board currently considering a salary freeze for  
13 Township employees?

14 MAYOR TUCCI: Ms. Rossi, the hiring freeze is  
15 in effect. A salary freeze could very likely be in  
16 effect as we get more information, all right, and we  
17 find out to what extent that there's financial distress  
18 in the Township, we will take the appropriate action.

19 MS. ROSSI: Great, thank you. My next  
20 question is, what is the exact amount of transition  
21 aid, transitional aid that has been received from the  
22 state at this point?

23 MAYOR TUCCI: Commissioner Evans, would you  
24 like to address that?

25 COMMISSIONER EVANS: Yeah. Ms. Rossi, are

1 you -- for this year, or on a cumulative basis?

2 MS. ROSSI: For this year.

3 COMMISSIONER EVANS: Eighty-five percent of  
4 the \$3,250,000 we got last year, so -- I don't have the  
5 number exactly in front of me, but it's about 2.7,  
6 \$2.8 million.

7 MS. ROSSI: Okay. And then are additional  
8 funds anticipated? And if so, how much, and when will  
9 we know?

10 COMMISSIONER EVANS: We won't know -- yes.  
11 We anticipate that the remaining 15 percent that was  
12 held back is -- that that would come later in the year,  
13 based upon my conversations. We -- but keep in mind,  
14 and we're very sensitive to this as well, given your  
15 first question, that we have a commitment from the  
16 state. The money is usually transferred to us later in  
17 the year, in the November/December time frame. So my  
18 expectation is that we will receive that aid, because  
19 it's directly related to the medical school decision  
20 that was made -- that -- which we made a number of  
21 years ago, to allow the school to be there, versus  
22 another economic driver. So I expect that money to  
23 come through, but, having said that, the -- and it -- I  
24 have no information from the state otherwise, you know,  
25 it's not -- the money is not in our pocket yet, and



1 that could result in a change later in the year.

2 MS. ROSSI: Okay, thank you.

3 MAYOR TUCCI: Alan?

4 MR. GENITEMPO: Okay, next? Mr. Cullari?

5 THE CLERK: We just need a name and address,

6 Alan.

7 MR. GENITEMPO: Mr. Cullari?

8 THE CLERK: Alan, we just need a name and

9 address when they come on, please.

10 MR. GENITEMPO: I know. These --

11 Mr. Cullari, can you hear me?

12 MR. CULLARI: Can you hear me? Hello? Hold

13 on.

14 MR. GENITEMPO: You've got to speak up, we

15 can't hear you.

16 MR. CULLARI: -- hear me?

17 MR. GENITEMPO: Yeah, that's better.

18 MR. CULLARI: Can you hear me now?

19 MR. GENITEMPO: Yes, thanks.

20 MR. CULLARI: First of all, I want to  
21 congratulate Mayor Tucci and the commissioners on their  
22 election. It was a very difficult circumstances that  
23 the campaign was run, and I just wanted to congratulate  
24 you. I did have a question. Commissioner Evans,  
25 you've stated in the past that you would be

1 implementing zero-based budgeting going forward, and  
2 was looking to see, was the 2020 budget implemented  
3 using zero-based budgeting?

4 COMMISSIONER EVANS: The full principles of  
5 it? No. When you look at zero-based budgeting, one of  
6 the guiding principles that we look at is really  
7 actually geared to the tax rate. In order to change  
8 the tax rate by one penny, either increase the rate by  
9 one penny, or decrease it by one penny, which is on an  
10 annual basis, it's \$50 a year to the average taxpayer,  
11 we need to identify \$325,000 worth of new revenue, or  
12 identify \$325,000 of deductions in costs to achieve  
13 that.

14 So for this particular budget, we wanted to  
15 achieve a zero impact on the levy, which required us to  
16 identify over \$2 million worth of cuts or revenue  
17 infusions to make that happen. So to this point, we  
18 follow more of a model which was around how to keep the  
19 zero to the levy, the municipal levy flat. As we look  
20 at collections, more aggressive aspects of how we look  
21 at the budget will be in order as we move forward, but  
22 not yet.

23 I do want to clarify, you know, everyone  
24 seems to be saying something about we didn't follow  
25 zero-based budgeting principles before. That's

1 erroneous. So let's clear it up.

2           When we did this review, not the past year,  
3 but the year before, as many of you actually recall, we  
4 did not go down to paper clips and pencils. We got  
5 close to that, but again, it's guided by what is a  
6 requirement, so we have something to -- for example,  
7 our collective bargaining agreements, and what are our  
8 commitments around that, and what are the statutory  
9 requirements of costs that must be in place for every  
10 municipality? And then once we got through that, then  
11 it was looking at the degree of discretionary spending  
12 that was left on the table. And in that particular  
13 year, we cut \$2.9 million out of the budget in order to  
14 achieve that.

15           So to understand the philosophy and the  
16 principles fully around zero-based budgeting, the  
17 answer to your question would be not -- we didn't look  
18 at the paper clips. We looked at the things that  
19 actually had the ability to move the budget, and  
20 actually benefit the taxpayer.

21           One last point on that. In order to reduce a  
22 taxpayer's simple tax bill \$100, we need to identify  
23 \$1 million worth of cuts for the size of the cuts in  
24 order to create a beneficial (indiscernible) statutory  
25 requirements that are in place on every municipality in

1 the state, is really a very significant undertaking.  
2 I'm quite proud of the work that we did. I appreciate  
3 the perspective and the criticism that's been had, but  
4 I'm proud of the work of this Board as we go into this  
5 next phase, especially given -- in light of the COVID  
6 environment. You can rest assured that we will begin,  
7 again, to take a hard look at our budget.

8 MAYOR TUCCI: Mr. Cullari, anything else?

9 MR. CULLARI: No, that's it.

10 MR. GENITEMPO: Okay, thank you.

11 Ms. Doherty?

12 MS. DOHERTY: Patricia Doherty, 387 Hillside  
13 Avenue. First of all, I'd like to congratulate all the  
14 commissioners on their election, and Mayor Tucci,  
15 because there's a pending deadline, I'd like to ask you  
16 and the other commissioners if there's any information  
17 or guidance that you can provide about the  
18 Patterson-Newark Transit Market Study that is sponsored  
19 by the North Jersey Transportation Authority. The  
20 current public comment period ends on May 25th, and  
21 there doesn't seem to be any information on the Essex  
22 County website as it pertains to Nutley that would help  
23 any resident be able to make a public comment.

24 I did see that Passaic County has the study  
25 presentation posted, and it indicates that the

1 potential transit load of a light rail system using the  
2 ON-3 and Nutley ride -- rail right-of-way includes a  
3 linked bus route through portions of Nutley residential  
4 streets. So I'd like to find out if the Township has a  
5 position on the Transit Market Study that can guide us  
6 for public comments, and also, the independent  
7 ON-3/Kingsland Street traffic study. Does that take  
8 into account any of the proposed loads? And if there  
9 is information that indicates the specific residential  
10 streets, can you point us in that direction, so we can  
11 look at them before the deadline?

12 MAYOR TUCCI: Yes. Ms. Doherty, I am not  
13 totally up to speed on this transit study.  
14 Mayor Scarpelli, are you aware of this --

15 COMMISSIONER SCARPELLI: Mayor, if you  
16 remember we had the county come in and give a little  
17 presentation to us on the transit study maybe two or  
18 three months ago, where there was actually only two  
19 stops in Nutley. One was ON-3. It's -- there was a --  
20 remember, there was three options, one was a rapid bus,  
21 one was a light rail, and one was a combination of the  
22 two. I don't -- I don't know if you all remember that,  
23 but the comment period, there is -- there is a comment  
24 period, but it's only for the market study to see if  
25 it's possible. I don't think the actual route through

1 the township has actually been delineated, although, it  
2 would seem that it would have to run down Kingsland to  
3 Washington in order to connect somewhere with the rail  
4 system again.

5 MS. DOHERTY: So do you have any suggestions  
6 on any thoughts residents might have for the public  
7 comment period?

8 COMMISSIONER SCARPELLI: Ms. Doherty, you  
9 know, I mean, I would be concerned about the -- our  
10 residential neighborhoods, but there is some advantages  
11 to light rail, and there's some disadvantages to light  
12 rail. I think maybe we should bring the -- the mayor  
13 -- I want to make a suggestion, we bring the county  
14 back in, maybe they -- to see if there's any update  
15 that they have.

16 MAYOR TUCCI: I think that's an excellent  
17 suggestion.

18 MS. DOHERTY: So at this point, you don't  
19 know any specific details of what they're possibly  
20 proposing.

21 COMMISSIONER SCARPELLI: I think,  
22 Ms. Doherty, they -- the whole idea is to connect  
23 Patterson to Newark, and how --

24 MS. DOHERTY: Uh-huh.

25 COMMISSIONER SCARPELLI: -- they do that,

1 through that right of way, rail right-of-way that's  
2 there, it's just a matter -- you know, you've got to  
3 remember that no -- that that's owned by Norfolk  
4 Southern.

5 MS. DOHERTY: Exactly.

6 COMMISSIONER SCARPELLI: They have to  
7 approve anything that's happened, so this is just to  
8 see if it's a possibility of happening.

9 MS. DOHERTY: Uh-huh.

10 COMMISSIONER PETRACCO: I do remember that  
11 meeting as well, and I remember that I asked a question  
12 of how long and what the time frame was, and then  
13 correct me if I'm wrong, but they said about ten years.  
14 Do you guys recall that?

15 COMMISSIONER SCARPELLI: Yes.

16 COMMISSIONER PETRACCO: You know, so I think  
17 it would be a good idea to call them in, and, you know,  
18 if they are going to move forward on it, you know, it  
19 would be nice if we could get it done before ten years,  
20 too.

21 MS. DOHERTY: All right. Thank you so much.  
22 Appreciate it.

23 MAYOR TUCCI: Thank you.

24 MR. GENITEMPO: There's one more person.

25 This is on the NCC. Please go ahead. Hello? Can you

1 hear us? NCC, can you hear us? No response, Mr.  
2 Mayor. There's another person that has raised their  
3 hand. I'll go to them now.

4 MAYOR TUCCI: Okay.

5 MR. GENITEMPO: Ms. Bechelli?

6 MS. BECHELLI: Yes.

7 MR. GENITEMPO: Can you hear --

8 MS. BECHELLI: Can you hear me?

9 MR. GENITEMPO: Yes. Please state your name  
10 and address for the record.

11 MS. BECHELLI: I am Amy Bechelli, 44 Shepard  
12 Place. Congratulations to all the commissioners,  
13 gentlemen. I volunteer for a local non-profit called  
14 CPAWNJ. We donate pet food through Nutley Family  
15 Service Bureau to prevent surrenders and to help people  
16 keep their pets. CPAWNJ volunteers also work with the  
17 Bloomfield Animal Shelter, which provides animal  
18 control services to Nutley.

19 The outdoor cat population has exploded with  
20 the mild winter and spring, particularly with COVID-19  
21 conditions limiting outreach and low-cost vet services.  
22 You may know that the most effective way to reduce  
23 outdoor cat population is to trap, neuter, vaccinate,  
24 and return them to their homes, it's called TNVR.  
25 Animal control refers folks with outdoor cats to CPAWNJ



1 and we try to help them. If Nutley would promote this  
2 service to its residents, more and more cats and people  
3 could be helped, and the outdoor population would be  
4 reduced.

5 Even better, if the township, like  
6 Bloomfield, would allocate funds to help defray for the  
7 fixing and vaccinating of cats, currently at just \$55  
8 apiece, so many more cats could be helped. It's  
9 preventative and assistive to the cats, to the  
10 environment, and to our township. What do you think?

11 MAYOR TUCCI: I think this is a topic that  
12 falls under the Department of Public Affairs. I  
13 believe Animal Control is part of that department. If  
14 you want to forward us any information through the  
15 Township Clerk, we'll be happy to look at it. I'm sure  
16 Commissioner Kelly would be happy to look at it, so we  
17 could -- and at that point, make an intelligent  
18 decision as to just what we could do, either to promote  
19 or possibly support it financially.

20 MS. BECHELLI: Okay, I'll do that. Thank  
21 you.

22 MR. GENITEMPO: Anything else, Ms. Bechelli?

23 MS. BECHELLI: No, that's okay.

24 COMMISSIONER KELLY: I was going to suggest  
25 exactly that, just reach out to either my office or the

1 Township Clerk. You can email me directly at Jkelly at  
2 nutley dot org or CommissionerKelly at Nutley dot org,  
3 and if you want to provide me with any information,  
4 I'll be happy to take a look at that.

5 MS. BECHELLI: That's great. We're so happy  
6 to have you on the Commissioner's Board.

7 COMMISSIONER KELLY: Thank you, I'm  
8 happy to  
be here.

9  
10 MR. GENITEMPO: NCC, are you on now?

11 MS. LANDRY: Yes.

12 MR. GENITEMPO: NCC --

13 MS. LANDRY: Hello, Pennie Landry. Yes.  
Hello?

14 MR. GENITEMPO: Please say your name and  
15 address for the record?

16 MS. LANDRY: Pennie Landry, former resident,  
17 325 Lakeside Drive. First of all, I'd like to say  
18 congratulations to all of the commissioners who were  
19 re-elected. I know you all personally through many  
20 conversations, and I am looking forward to many great  
21 changes for the citizens of Nutley, many of whom are my  
22 friends.

23 And particularly you, Mayor Tucci, I wish you  
24 great luck in the next two years, and look forward to  
25 your commitment to transparency. And Commissioner

1 Evans, to you I'd like to say, after hearing your \$100  
2 annual budget speech, I now know it by heart. Y'all  
3 take care.

4 MAYOR TUCCI: Thank you, Ms. Landry.

5 MR. GENITEMPO: Does anyone else wish to  
6 raise their hand? Seeing no one, Mr. Mayor. I don't  
7 see any more hands up.

8 MAYOR TUCCI: All right. That concludes our  
9 business this evening. If no one has anything else, I  
10 will entertain a motion to adjourn.

11 COMMISSIONER SCARPELLI: Move to adjourn.

12 COMMISSIONER KELLY: Second.

13 THE CLERK: Commissioner Kelly?

14 COMMISSIONER KELLY: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye. I'm sorry, I  
19 was on mute. Aye.

20 THE CLERK: That's okay. Commissioner  
21 Scarpelli?

22 COMMISSIONER SCARPELLI: Aye.

23 THE CLERK: Mayor Tucci?

24 MAYOR TUCCI: Aye.

25 THE CLERK: And the time is now 7:45.

1                   COMMISSIONER PETRACCO: Good night, gentlemen  
2 and ladies.

3                   COMMISSIONER SCARPELLI: Good night  
4 everybody.

5                   THE CLERK: Good night everybody.

6                   MAYOR TUCCI: Thank you everyone.  
7 Congratulations and good night.

8                   THE CLERK: Good night, thank you.

9                   (End of recording)

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

I, Alicia Jarrett, do hereby certify that the foregoing is a correct transcript from the electronic sound recording provided for transcription and prepared to the best of my professional skills and ability.

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June 6, 2020

Alicia Jarrett

AAERT Cert. No. 428

Certified Court Transcriptionist