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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

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CONFERENCE SESSION) TRANSCRIPT OF
) PROCEEDINGS:
)

June 19, 2018

7:04 P.M.

BEFORE:

- Mayor Joseph E. Scarpelli
- Commissioner Rogers
- Commissioner Evans
- Commissioner Petracco

ALSO PRESENT:

- Alan Genitempo, ESQ, Board Attorney

Job No. NJ2951018

Transcribed by: Nicole Yawn

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P R O C E E D I N G S

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Yes. You ready?

Board of Commissioners public meeting Tuesday,
June 19th, 2018. The time is 7:04 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 14th, 2017 issues of the Nutley Sun, the Herald News, and 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 will be here in a few minutes.

Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor, except for Commissioner Tucci and Commissioner Petracco is going to join us in a few minutes.

1 MAYOR SCARPELLI: Thank you, Madam Clerk.

2 MADAM CLERK: You're welcome.

3 MAYOR SCARPELLI: Commissioner Evans?

4 COMMISSIONER EVANS: Thank you, Mayor. I have
5 the bill list. I don't have anything special, other than I
6 have three resolutions, one of which is to appoint Ceci
7 Tramontana as the municipal housing liaison for the
8 community. So with that -- and remember Jack Barry (ph) had
9 that role, and he's since retired. So we appointed her in
10 to that role, and it's consolidating the few positions
11 anyway. But she's agreed to take it on with her as
12 additional responsibility.

13 MAYOR SCARPELLI: Thank you, Commissioner.

14 Commissioner Rogers?

15 COMMISSIONER ROGERS: I have nothing, Mayor.

16 Thank you.

17 MAYOR SCARPELLI: Commissioner Tucci has honor and
18 congratulations to the members of the Girls seventh and
19 eighth grade softball team.

20 And Commissioner Petracco has a report, a Public
21 Safety report.

22 I have an ordinance introduction, which is for
23 grant money for the reconstruction of Harrison Street.

24 I have two public hearings on the salary
25 ordinances.

1 And I have a bunch of resolutions. One's to
2 authorize and approve a raffle license for St. Mary's
3 Church, advertise for bids for the Harrison Street roadway
4 project that was previously mentioned in the ordinance.

5 Award a contract extension to Integrity Recycling
6 for the -- as our vendor for our recycling material, and
7 award a contract to Cifelli for the Morris County Co-Op for
8 select curb for the various locations. That was in
9 conjunction with the paving that Public Service did. We got
10 the curbs done so that our roads would stay intact, some
11 curbs that were missing.

12 We've got a resolution to authorize the discharge
13 and use of fireworks. That's kind of a new requirement from
14 the state.

15 Renewal of liquor licenses, award of contract to
16 D&L Paving for various roadways for the 2018 roadway
17 projects, and authorize Dominic Ferry to sign a
18 certification and consent for sections of treatment work
19 applications for 340 Kingsland, P.B. Nutclif, which is the
20 medical school.

21 That's all I have.

22 COMMISSIONER EVANS: Can you remove three? You're
23 only allowed five as the mayor.

24 MAYOR SCARPELLI: That's it?

25 You want to take this?

1 (Laughter)

2 MAYOR SCARPELLI: Madam Clerk?

3 MADAM CLERK: I have nothing, Mayor. We have
4 executive session minutes, and that's it.

5 MAYOR SCARPELLI: Mr. Genitempo?

6 MR. GENITEMPO: Nothing. I've just got John
7 Inglesino's coming at 8 o'clock.

8 MAYOR SCARPELLI: 8 o'clock? Do we need a short
9 executive?

10 MR. GENITEMPO: We will when he gets here.

11 MAYOR SCARPELLI: For the salary ordinance?

12 MR. GENITEMPO: Oh, the ordinance, yeah. You want
13 to do that now?

14 MAYOR SCARPELLI: Might as well.

15 MR. GENITEMPO: Yeah.

16 MADAM CLERK: Would that be personnel?

17 MR. GENITEMPO: Do whatever you want.

18 MADAM CLERK: Okay.

19 MR. GENITEMPO: Oh, yeah, okay.

20 MAYOR SCARPELLI: All right.

21 MADAM CLERK: Are you ready?

22 MAYOR SCARPELLI: So can I have a motion to go
23 into executive for personnel?

24 COMMISSIONER PETRACCO: I need a motion -- not a
25 motion. I need an executive, too. Pending litigation

1 maybe.

2 COMMISSIONER ROGERS: I'll make that motion.

3 COMMISSIONER PETRACCO: Second.

4 MADAM CLERK: WHEREAS, Section 8 of the Open
5 Public --

6 COMMISSIONER PETRACCO: We need a motion to have
7 pending litigation?

8 MADAM CLERK: WHEREAS, Section VIII of the Open
9 Public Meeting Act, Chapter 231, Public Law 1975, permits
10 the exclusion of the public from meeting in certain
11 circumstances; and

12 WHEREAS, the public body is of the opinion that
13 such circumstances exist; and

14 WHEREAS, the Board of Commissioners of the
15 Township of Nutley in the county of Essex, in the state of
16 New Jersey, desires to proceed to closed executive session;
17 and

18 NOW, THEREFORE, be it resolved by the Board of
19 Commissioners of the Township of Nutley move into closed
20 executive session to discuss personnel and pending
21 litigation;

22 BE IT FURTHER RESOLVED that the time when such
23 discussion may be disclosed to the public shall be when and
24 as such disclosure may be made without adversely affecting
25 the Township of Nutley pending and/or anticipated legal,

1 personnel, contractual matters, and other matters
2 (indiscernible) exception provided for by statute.

3 Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 (Adjourned to closed executive session)

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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

June 19, 2018

7:40 P.M.

BEFORE:

- Mayor Joseph E. Scarpelli
- Commissioner Steven L. Rogers
- Commissioner Thomas J. Evans
- Commissioner Alphonse Petracco

ALSO PRESENT:

- Alan Genitempo, ESQ.

Transcribed by: Nicole Yawn

P R O C E E D I N G S

1
2 MAYOR SCARPELLI: Everybody, please stand for the
3 flag salute.

4 (Pledge of Allegiance)

5 MAYOR SCARPELLI: Madam Clerk?

6 MADAM CLERK: Thank you, Mayor.

7 Board of Commissioners public meeting, Tuesday,
8 June 19th, 2018. The time is 7:40.

9 Pursuant to the requirement of the Open Public
10 Meeting Act, Chapter 231, Public Law 1975, notice of this
11 meeting was published on the December 14, 2017 issues of the
12 Nutley Sun, the Herald News, and the Star Ledger. A copy of
13 this notice has been posted on the Nutley Town Hall bulletin
14 board, and a copy is on file in the municipal clerk's
15 office.

16 Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci is
19 absent/excused.

20 Commissioner Evans?

21 COMMISSIONER EVANS: Here.

22 MADAM CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Here.

24 MADAM CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Here.

1 MADAM CLERK: All present, Mayor, except for
2 Commissioner Tucci. He is absent/excused this evening.

3 MAYOR SCARPELLI: We're going to skip on the
4 agenda. We're going to go right to resolutions.

5 Commissioner Tucci could not be here tonight, but
6 Commissioner Petracco is going to read the resolution
7 honoring the girls' seventh and eighth grade softball team.

8 COMMISSIONER PETRACCO: Thank you, Mayor, yes.

9 Excuse me on some of these names on here. I'll do
10 my best. But Commissioner Tucci started calling me from 9
11 o'clock this morning, because he really wanted to be here,
12 but he was not feeling well today. And he called me right
13 before the meeting and said, "Make sure you send all these
14 young ladies and the coaches and the families the love and
15 support that they deserve," because you guys had done an
16 outstanding job. So Commissioner Tucci says thank you to
17 you for making this town shine.

18 WHEREAS, the girls seventh and eighth grade
19 softball team has enjoyed an outstanding season, posting an
20 overall record of 13 wins and -- I think I'm reading this
21 right -- 0 losses. What a tribute -- while outscoring their
22 opponents by an incredible 189 runs to just 44 runs; and

23 WHEREAS, the members of the girls eighth grade
24 softball team are: Rebecca Echevarria -- close, Frank? Not
25 bad, huh?

1 UNIDENTIFIED SPEAKER: (Indiscernible).

2 COMMISSIONER PETRACCO: Thank you.

3 Rachel Echevarria, Mackenzie Albert, Nicole Lopez,
4 Giuliana Fazio, Lia DeMaio, Nikki Cicchetti, Fallyn
5 Stoeckel, Sydney Hess, Kayla Giachetti -- how is it?

6 UNIDENTIFIED SPEAKER: Giachetti.

7 COMMISSIONER PETRACCO: What?

8 UNIDENTIFIED SPEAKER: Giachetti.

9 COMMISSIONER PETRACCO: Giachetti. Okay.
10 Jen Garner, Mia DiPiano, Isabel Saccente -- not
11 bad?

12 UNIDENTIFIED SPEAKER: (Indiscernible).

13 COMMISSIONER PETRACCO: Not good?

14 Victoria Rutnik; and

15 WHEREAS, the head coach Juan Echevarria, along
16 with Assistant Coaches Mike Garner and John Cicchetti worked
17 tirelessly to train and guide these athletes; and

18 WHEREAS, the members of the girls seventh and
19 eighth grade softball team are the Suburban Softball
20 Division and League Champions, for the first time since
21 1991, with a record of 13-0; and

22 NOW, THEREFORE, BE IT RESOLVED, that the board of
23 Commissioners of the Township of Nutley, county of Essex,
24 join with the citizens of Nutley to honor and congratulate
25 the members and coaches of the girls seventh and eighth

1 grade softball team, for their exceptional efforts and
2 accomplishments.

3 I move the resolution.

4 COMMISSIONER EVANS: Second.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Before I vote, I want to
7 congratulate you and thank you for making us a shining star.

8 And, parents, thank you so much. You know, not
9 enough is said about the parents and their guardians of
10 children who take so much time and so much effort in helping
11 build the character of your children through these sports
12 programs. So thank you very much.

13 I vote yes.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: I just want to say
16 congratulations and wow, thank you for bringing home this
17 title. It's been away from us since 1999. Let's keep the
18 trend going. And I just want to congratulate everyone for
19 doing an exceptional job.

20 Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Thank you. I'd just like
23 to say the same thing I say all the time is that it's the
24 relationships that you foster on these fields that probably
25 you girls will be spending a long time in the future

1 together and the parents as well as all the friends and
2 friendships that you make going to the games and traveling.
3 I have to tell you, you know, when my kids were that age, it
4 really was the best time of my life. You know, it's a lot
5 of kids coming into the deli I don't recognize them anymore
6 who they are because now they're in their twenties. But
7 just to get -- you know, to say hello and keep in touch is
8 great.

9 You guys did a great job. You should be proud of
10 yourself. Thirteen and zero is an incredible record.
11 Congratulations.

12 And I vote aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Yeah, I usually say, you know,
15 the girls that you win with and you lose with and you laugh
16 with and you cry with. It doesn't look like you guys did
17 any losing or any crying. So those are the friendships that
18 you -- that you forge over your time spent together on the
19 -- on the field. And congratulations on your undefeated
20 record.

21 Aye.

22 (Applause)

23 (Pause)

24 (Applause)

25 (Pause)

1 MAYOR SCARPELLI: Madam Clerk, whenever you're
2 ready on minutes.

3 MADAM CLERK: Yes, Mayor, thank you. We have
4 executive session minutes for March 20th, 2018; May
5 1st, 2018; and May 15th, 2018.

6 COMMISSIONER EVANS: Move the minutes.

7 MADAM CLERK: I need a second.

8 COMMISSIONER PETRACCO: Second.

9 MADAM CLERK: Com missioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMMISSIONER EVANS: Aye.

13 MADAM CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye, except for May 15th.
15 I abstain.

16 MADAM CLERK: Thank you.

17 Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 MADAM CLERK: And that's it for minutes, Mayor.

20 MAYOR SCARPELLI: Reports?

21 Commissioner Petracco?

22 COMMISSIONER PETRACCO: Yes, we have our what's
23 going to become a monthly report from Public Safety. Thank
24 you.

25 MAYOR SCARPELLI: Bills, Madam Clerk?

1 MADAM CLERK: Yes, Mayor, thank you. Bill list
2 for June 19th, 2018 -- Public Affairs, \$119,043.23; Revenue
3 and Finance, \$2,534,822.88; Public Safety, \$72,662.88;
4 Public Works, \$42,681.82; Parks and Public Property,
5 \$67,576.72; Water Utility, \$327,057.02. Total payroll is
6 \$846,949.17, for a grand total of \$4,010,793.72.

7 COMMISSIONER EVANS: Move the bills.

8 MADAM CLERK: I need a second.

9 COMMISSIONER ROGERS: Second.

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

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

19 MAYOR SCARPELLI: Public comment on agenda items
20 only?

21 Madam Clerk?

22 MADAM CLERK: Yes, Mayor. All persons addressing
23 the Board of Commissioners regarding community concerns
24 should approach the microphone and provide their name and
25 address for the record. Unless further time is granted by

1 the board, each person shall limit their address to three
2 minutes. All remarks to the board and its individual
3 members must be addressed to the mayor.

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

11 MAYOR SCARPELLI: Would anybody wish to address
12 the Board of Commissioners on agenda items only?

13 MR. MOORE: Okay, I'll be up for the salaries.
14 That's -- I thought this was the salaries. I apologize.

15 MAYOR SCARPELLI: We'll do a public hearing after
16 that.

17 Anybody that would like to address the Board of
18 Commissioners on agenda items only?

19 Seeing none, let's move on to ordinance
20 introductions.

21 Ordinance No. 3391, an ordinance providing for the
22 reconstruction of the roadway on Harrison Street, Section 4
23 in the Township of Nutley in the county of Essex, New
24 Jersey, appropriating \$346,605, therefore, from a grant
25 monies received from the New Jersey Department of

1 Transportation for the costs thereof.

2 I move that this ordinance be passed to a second
3 reading, advertised in the Nutley Sun, together with the
4 notice required by law, and that further consideration of
5 said ordinance for final passage by the Board of
6 Commissioners be held at a second reading on July 17th,
7 2018. I move the ordinance.

8 COMMISSIONER PETRACCO: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 MADAM CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 Public hearing Ordinance No. 3385, an ordinance to
18 fix the salaries of certain officers and employees in the
19 Township of Nutley, county of Essex, state of New Jersey,
20 effective January 1st, 2017.

21 Would anybody like to be heard on Ordinance No.
22 3385?

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

24 Mr. Scarpelli, on page 8 of the ordinance, there's
25 a Section 2, Section 3. There's a number of items with no

1 dates.

2 MAYOR SCARPELLI: Thank you, Mr. Moore. Those
3 dates -- in the first blank, are May 1st, 2012. And the
4 second blank space, it's May 1st, 2012. The end of that
5 paragraph, Section 3, December 31st, 2012. And in Section
6 4, the date is May 1st, 2012.

7 MR. MOORE: And under Section 4, am I to
8 understand that we don't pay longevity any more; is that
9 correct?

10 COMMISSIONER EVANS: That's correct.

11 MR. MOORE: I noticed that -- we'll stay with the
12 title of Clerk I, page 2. All departments have Clerk I
13 status, but all of the payroll ranges are different. Is
14 there a reason for that?

15 MAYOR SCARPELLI: I'll speak for the board. It
16 depends on -- someone could be here, you know, 40 years.

17 MR. MOORE: I understand the -- I understand the
18 range. But they're all -- usually, it would be 30,000 to
19 60,000. Yes, the range could be anywhere in there. That's
20 a given.

21 MAYOR SCARPELLI: Each department schedules their
22 own ranges.

23 MR. MOORE: And how do you determine that range?

24 MAYOR SCARPELLI: Again, Mr. Moore, that's
25 determined -- some of it's determined by the number of years

1 that they're here. Right? If somebody started out at the
2 low end, at \$30,000, they're starting, whenever they
3 started, and now, we've gotten 2 percent raises over the
4 last 20 years, they're going to -- they're going to move up
5 the ladder.

6 MR. MOORE: I think we're missing a question.
7 Either I'm not explaining it correctly, or maybe you're not
8 understanding it correctly. Usually -- because I called the
9 State of New Jersey -- a Clerk I will go from, let's say,
10 30,000 to 60,000. So no matter what Clerk I you are, a
11 Clerk I always has the same salary range.

12 Here they're different, and I'm questioning how do
13 you get that difference. Because the State of New Jersey
14 uses Clerk I with -- and it's explained.

15 COMMISSIONER EVANS: Can I?

16 Mr. Moore, I can explain, from the standpoint of
17 my department. Let me smile for the camera and wave.

18 MR. MOORE: No, no, I can hear you.

19 COMMISSIONER EVANS: Yeah, I Understand. The
20 whole idea if, one, the Clerk I title -- it's not a State of
21 New Jersey title. It's a Civil Service title. It's a broad
22 category.

23 The State of New Jersey, under the -- under the
24 State of New Jersey employees can interpret that title the
25 way they want to interpret that title. The title, at a

1 municipal level, in each municipality, is basically driven
2 by the nature of the underlying work that a clerk would do.
3 So as a broad category, we use the Civil Service title of
4 Clerk I, and then the work underneath that -- the work
5 assigned to that individual, based upon the quality of the
6 work, the nature of the work, the extent of the work, will
7 determine the nature of the range of that salary.

8 MR. MOORE: I called Civil Service. They use a
9 different reference than you do, but there is one. And
10 according to their explanation, there should be, especially
11 in a municipality, under the fact that we're a commission
12 form of government. We're not partner (ph) -- that they
13 should be stable, 30 to 60, whatever that range is going to
14 be. Because technically, the Clerk Typist in the Public
15 Safety is the same as a Clerk Typist in the Health
16 Department.

17 COMMISSIONER EVANS: Mr. Moore, I had
18 conversations with Civil Service about that. And at no time
19 was I given any guidance from them or did they have an
20 opinion as to what the salary range should be for a given
21 job. It's driven by the nature of the work.

22 As it relates to your second part of your question
23 in my department, I surveyed every municipality in Essex
24 County as to what work a county-related jobs and county and
25 finance-related jobs, those compliance-related jobs. I also

1 looked at the 2018 Robert Half Compensation Study and
2 Analysis.

3 MR. MOORE: What's --

4 COMMISSIONER EVANS: Robert Half, which is an
5 employment and compensation firm -- they do hiring, but they
6 do compensation studies. And they do benchmarking of
7 salaries. So I don't arbitrarily say oh, give this person
8 this amount of money. I do it based upon what I do to
9 investigate what those salary ranges are. And what I found,
10 by and large, across the board, we're not the highest
11 payers.

12 In fact, we're on the -- we're on the -- in my
13 department, I'm on the lower side of what those salaries
14 are. And if I go to the Robert Half ranges and I look at
15 similar ranges, they actually have a criteria in the back
16 that says increase for the New York metropolitan area,
17 because of the cost of living here. Increase those salaries
18 by 25 percent, because they do it on a national scale.

19 So it's not arbitrary. It's not capricious. I
20 want to assure you that for, at least in my department, I
21 did a full review. I also had my salaries looked at by our
22 independent auditor, Ray Sarinelli, to give me his
23 perspective, because his firm also looks at multiple
24 municipalities that are outside of Essex County. So in
25 order to come up with a salary range, it's very important to

1 understand what the criteria is for the nature of the work.

2 When you look across Essex County and you look at
3 a Clerk I title or what someone is doing, the nature of that
4 work, what comprises that work, how they do it is very, very
5 different. I've been trying to fill a payroll pension
6 clerk's job that was vacated a couple of months ago by an
7 individual. I lost that individual to go to work for Bergen
8 County doing a similar job for \$75,000 a year.

9 My salary for that individual was \$45,000 a year.
10 I couldn't compete with a \$30,000 raise. I have been trying
11 to fill that job ever since. And so far, I haven't been
12 able to fill it, because the people that are qualified to do
13 that job want more money than what we're able to offer, as
14 an example.

15 MR. MOORE: As an example. But also -- and I'm
16 not trying to digress. On your next ordinance, I believe
17 it's salary with the union. If you look at the salary of a
18 laborer, just straight title Laborer, in your union, you
19 have a much higher salary. Then on the non-union side, you
20 have a much lower salary. But under the State of New Jersey
21 guidelines, a Laborer is a Laborer, and it's very limited,
22 you know, to what they can and can't do.

23 COMMISSIONER EVANS: State of New Jersey
24 guidelines or the collective bargaining agreement? You're
25 talking about a union and union negotiations.

1 MR. MOORE: You have it in here. It's in -- the
2 Laborer -- it's attached to your next sheet.

3 COMMISSIONER EVANS: In the next ordinance, which
4 we're not talking about at this time?

5 MR. MOORE: No, no, no, I just wanted to give you
6 an example, because you all --

7 COMMISSIONER EVANS: I appreciate the point. But
8 when you go into a comparison of what I just described
9 against what you then negotiate with the union and what a
10 union is willing to accept, it's a very different
11 conversation.

12 MR. MOORE: I understand that.

13 COMMISSIONER EVANS: I am not part of it, but it's
14 a very different conversation.

15 MR. MOORE: I understand that. I'm not trying to
16 conflate the two. If you look at a Laborer, just by title,
17 as a Laborer, it's substantially higher than a union -- as a
18 non-union. Why would you hire a non-union Laborer?

19 Because most union contracts will not want you to
20 have a non-union Laborer when you have a union Laborer.
21 That would cause an issue. But yet, you have it here as a
22 non-union. And they're all over the place as well.

23 COMMISSIONER EVANS: There are -- in each
24 department, there are people who are part of a union and
25 there are people who are not part of a union. And that's

1 been that way for probably before I was born. But the
2 simple fact is you will have titles of people who have
3 different functions that are not part of the coverage under
4 whatever that particular union is.

5 MAYOR SCARPELLI: Mr. Moore, just going through
6 the non-union, most of those Laborers are part-time and
7 seasonal or hourly. I didn't see one with a salary and
8 that's non-union.

9 MR. MOORE: There is a Laborer. I have here.

10 MAYOR SCARPELLI: Quickly. I just went quickly
11 through it.

12 MR. MOORE: I'm not going to belabor the point,
13 but it was a Laborer, one part-time Laborer seasonal under
14 (indiscernible), page 6.

15 MAYOR SCARPELLI: So part-time and seasonal, which
16 is certainly much different than --

17 MR. MOORE: Could you see? Is it possible -- can
18 you see the inconsistencies this department's on -- for the
19 same title. And usually, a Clerk is a Clerk, and the tasks
20 that you ask of a clerk are reasonably fixed. So if I'm in
21 public safety or I'm in health, they're pretty much going to
22 be doing the same thing.

23 COMMISSIONER EVANS: Yeah. But the only thing --
24 I understand your point, and I'm not missing your --

25 MR. MOORE: It's hard to hear you. I apologize.

1 It's hard for me to hear.

2 COMMISSIONER EVANS: It's okay. I know the air
3 conditioning makes it hard. Is this better?

4 MR. MOORE: Yes.

5 COMMISSIONER EVANS: Okay. I understand your
6 point about a title by giving its title should have a
7 similar range, as long as the underlying work associated
8 with that title is the same for each employee. If I was to
9 unbundle the roles that I have in my department and
10 basically say this is what this clerk does and only say
11 that's only what you're going to do and this is going to be
12 the range, I would be adding more people.

13 I'll give you an example. Tonight I'm appointing
14 an individual to be the municipal housing liaison, right,
15 who will get a stipend for doing that work. The person who
16 is doing that has a full-time job, right? Was receiving --
17 part-time -- at full-time, it was \$63,000.

18 At part-time, it was \$46,000. And this person's
19 going to -- is accepting to do this work with a nominal
20 stipend, which is within the salary range that is in this
21 ordinance. It's not a stated individual salary. So within
22 that range, it covers that additional work, as an example.
23 Right?

24 I do -- I try to do -- and all the commissioners
25 try to look at how do you bundle up a job to make sure it's

1 full-time, make sure it's meaningful, avoid the added costs
2 associated with the individual body's to unbundle them so
3 that we can maximize the value to our departments and to our
4 town. By doing that -- my department, when I took over, I
5 had 18 people in the Revenue and Finance Department
6 downstairs. Today I have fewer people downstairs. All
7 right? So you just got to go through it.

8 MR. MOORE: But I can appreciate what you're
9 saying.

10 COMMISSIONER EVANS: No, I'm not trying to be
11 argumentative. I'm just trying to basically say -- is on
12 the surface, you could say, yeah, broadly do this, right,
13 and then every range. And so, -- and one of the things we
14 could look at is figure out what is the maximum range for
15 these individuals that would encompass all the jobs being
16 bundled and the salaries, individual salaries underneath
17 would be different for each one of those employees, because
18 they all wouldn't be -- they all wouldn't be at \$40,000 and
19 they all get 2 percent, because their underlying jobs would
20 actually be different. So within a range, they would all be
21 different.

22 MR. MOORE: But the only part that confuses me is,
23 under page 3, down at the bottom, code enforcement, towards
24 the bottom of the page. You see a Keyboarding Clerk.

25 COMMISSIONER EVANS: Yes.

1 MR. MOORE: And you see the salary there, and then
2 you see a Clerk II, which is very, very similar.

3 COMMISSIONER EVANS: Yes.

4 MR. MOORE: I understand what you're saying.

5 COMMISSIONER EVANS: That's --

6 MR. MOORE: To me, --

7 COMMISSIONER EVANS: They have different -- they
8 have different jobs. Keyboarding Clerk is a title.

9 MR. MOORE: It's a Typist.

10 COMMISSIONER EVANS: It's --

11 MR. MOORE: And the clerk doesn't type?

12 COMMISSIONER EVANS: No, it's not the nature of
13 the work. It's a Civil Service title that that person
14 acquired. I'm recognizing the Civil Service title. So if
15 you want to get into a discussion about titles and Civil
16 Service and what an individual title means and protecting
17 that individual from, say, for example, a layoff, it's
18 called bumping rights. We can do that. That's -- I
19 understand you --

20 MR. MOORE: I'm not trying to belabor the point.

21 COMMISSIONER EVANS: No, no, but you're asking
22 some very thoughtful questions, and I'm trying to be
23 thoughtful in my response. When you look at some of these
24 titles, they link to a Civil Service title. If a person is,
25 in effect, a Keyboarding Clerk, as an individual title,

1 right, and they have a previous title of Clerk II or Clerk
2 I, right, in a layoff, they might -- we might eliminate that
3 role and they would -- they would bump to the next position.
4 And the person who's in that other role would be bumped and
5 maybe terminated because of that action or laid off because
6 of that action. And it just becomes very complex in
7 understanding the titles.

8 But in my case, where you point that out, I agree
9 with you. Because I, originally, was trying to make it all
10 the same title, but I actually recognized the fact that
11 there is an actual Civil Service title that I have to be
12 compliant with.

13 MR. MOORE: To quickly conclude, you're saying
14 you're going to title by Civil Service, but yet, Civil
15 Service has a salary range. But you say, "I want to use the
16 titles."

17 COMMISSIONER EVANS: Civil Service does not have a
18 salary range.

19 MR. MOORE: Civil Service -- when I called, Civil
20 Service had a title range or I'm sorry, a salary range.

21 COMMISSIONER EVANS: They --

22 MR. MOORE: And they also specified --

23 MR. GENITEMPO: Mr. Moore, I deal with
24 Civil Service regularly, and they do not have salary ranges
25 for the positions for the titles that are part of their

1 responsibility. They do not impose their salary -- any
2 salary ranges on municipalities.

3 MR. MOORE: No, they don't -- they don't impose,
4 no. But for when I called DCA, they --

5 MR. GENITEMPO: There's no --

6 MR. MOORE: -- said there was.

7 MR. GENITEMPO: There are no numbers
8 associated with positions at Civil Service. If someone is
9 telling you that, I would like to know who it is, because I
10 will call them and speak to them, because I would like to
11 know that.

12 MR. MOORE: I will do that.

13 MR. GENITEMPO: I dealt with someone --
14 feel free. You have my -- you have my number and my email.
15 Feel free to email me with the name of the person, because
16 I'd like to call them. Because we have never, in all my
17 years of dealing with Civil Service, ever been advised
18 there's any salary ranges for any of their Civil Service
19 titles.

20 MR. MOORE: Thank you.

21 MR. GENITEMPO: Thank you.

22 MAYOR SCARPELLI: Thank you, Mr. Moore.

23 Anybody else like to -- wish to address the Board
24 of Commissioners on Ordinance No. 3385?

25 MS. SALENTO: Yes, hi. This is Amy Salento (ph),

1 70 Newman Avenue. And just as a quick follow-up to what
2 Mr. Moore was asking. If I just heard correctly, there's,
3 say, annual 2 percent salary increases. I think that was
4 just referenced. So over the years, 2 percent salary
5 increases.

6 But also, depending on someone's performance,
7 their salary could increase. So last I checked, there
8 wasn't a really clear updated employee handbook or employee
9 manual. So are there annual salary -- or annual performance
10 reviews that in somehow tie to salaries?

11 COMMISSIONER EVANS: There's -- do you want --

12 MS. SALENTO: Sorry.

13 COMMISSIONER EVANS: Do you want me to --

14 MAYOR SCARPELLI: Go ahead. Sure, Commissioner.

15 COMMISSIONER EVANS: I think there might be
16 something in the police department. I'm not sure. But --

17 COMMISSIONER PETRACCO: We're always on constant
18 review in Public Safety of all of our employees.

19 MS. SALENTO: Right, okay. So in the police
20 department and Public Safety, you have a review process?

21 COMMISSIONER PETRACCO: We do.

22 MS. SALENTO: Yeah. I'm just curious.

23 Again, I thought I heard you say, Commissioner
24 Evans, that, you know, there was a 2 percent salary
25 increases and then, depending on someone's performance, they

1 might have had a salary increase?

2 COMMISSIONER EVANS: No, it wasn't -- no, I -- no,
3 they get a 2 percent increase. If I have to adjust a salary
4 range, it's because I have to adjust it because of a market
5 condition is requiring me to do that. Right?

6 But it's not to say, hey, you know, the overnight
7 adjustment pool is 2 percent, but there's also another pool
8 that says I'm going to give out performance recognition that
9 can accelerate someone's salary or a bonus associated with
10 that. We don't have that. That's not allowed.

11 MS. SALENTO: So that's a separate pool?

12 COMMISSIONER EVANS: There's no pool.

13 MS. SALENTO: Oh, I thought that was what you were
14 saying. There's a pool.

15 COMMISSIONER EVANS: No, I said I don't have that.

16 MS. SALENTO: Okay, so thank you for that.

17 So is there an annual performance review process
18 for anyone outside of Public Safety?

19 COMMISSIONER EVANS: To my knowledge, no, there's
20 not. There has never been a performance appraisal procedure
21 put in place.

22 MS. SALENTO: Okay. But I have two more questions
23 then. Thank you for indulging me with that question. Two
24 more questions.

25 In terms of the base salary minimums and the base

1 salary maximums, do we have any idea how many employees are
2 at their maximum and that we're actually -- we, being the
3 town of Nutley -- and that's proposing an increase to the
4 maximum because someone is at the maximum of the range
5 today?

6 COMMISSIONER EVANS: Yeah, if I -- I think each
7 commissioner could address.

8 MS. SALENTO: Okay.

9 COMMISSIONER EVANS: And in my department, I
10 didn't have anybody who was at -- at the maximum of the
11 range. What I did is I adjusted the ranges according to
12 what the data that I -- that I accumulated.

13 MS. SALENTO: Right.

14 COMMISSIONER EVANS: As I previously said, was
15 looking at the Robert Half 2018 Compensation Benchmarking
16 Study as well as surveying the other municipalities to see
17 what their salaries were. As I have -- in order -- in part,
18 --

19 MS. SALENTO: Right.

20 COMMISSIONER EVANS: -- the reason we're doing
21 that is that I have -- for example, I have an open position,
22 and I needed the salary ordinance in place in order to be
23 able to hire that person, because that's this salary -- this
24 salary ordinance creates the authorization to pay someone.

25 MS. SALENTO: Right, and I understand, in

1 reference to the Pension Clerk in terms of the --

2 COMMISSIONER EVANS: That was just an example.

3 MS. SALENTO: -- the differences or the variance
4 between maybe what they could make elsewhere versus what the
5 previous person might have been paid.

6 COMMISSIONER EVANS: Yes.

7 MS. SALENTO: So in terms of -- related to my
8 question, are there ranges in this proposal that are being
9 increased because someone's at the maximum and, in order to
10 give them a 2 percent raise, we have to increase the range
11 of their salary? So this would be independent of --

12 MAYOR SCARPELLI: I have --

13 MS. SALENTO: So this would be independent of the
14 Robert Half Survey.

15 MAYOR SCARPELLI: I have, too.

16 MS. SALENTO: Pardon me?

17 MAYOR SCARPELLI: And it -- and I have two that
18 have gone up. And that's not only due to any kind of
19 percentage raise. It's also due to a longevity raise.

20 MS. SALENTO: Okay. So thank you for that.

21 So I want to say that longevity definitely can be
22 a benefit and a bonus in terms of a person knowing their
23 job, knowing the town, et cetera. However, if you have a
24 very low turnover rate, which I think we do, because we have
25 very few advertised open positions, people stay in their job

1 because of the benefits, the convenience, the hours, the
2 enjoyment. So most companies aren't obligated to increase
3 someone's range based on longevity just because they want to
4 stay in the job for 25 or 30 years. I mean, often, somebody
5 moves and takes a different job that pays more, if they want
6 to make more, or they leave and they go somewhere else.

7 COMMISSIONER EVANS: Is that --

8 MS. SALENTO: So I'm not sure why the town is so
9 obligated to make adjustments for people just because
10 they've been here a long time.

11 COMMISSIONER EVANS: Well, we -- just help me
12 understand your point. Is that your opinion, or is that a
13 fact, from your background, your qualifications?

14 MS. SALENTO: It's definitely from my background.
15 I've worked for several public companies. I've also been on
16 the board of a charity. And, you know, it is not a standard
17 practice to just say great, we're thrilled that you've been
18 here for 25 years, but you haven't made a move to another
19 job.

20 So we're going to increase your salary. I mean,
21 there's no obligation to do that, especially when we're in a
22 crunch in terms of having a reduced tax revenue. So I'm not
23 sure why we feel so obligated here in town to keep bumping
24 people's salaries up.

25 MAYOR SCARPELLI: Well, Ms. Salento, --

1 MS. SALENTO: Yes.

2 MAYOR SCARPELLI: -- this Board of Commissioners
3 eliminated longevity for all new hires --

4 MS. SALENTO: Yes.

5 MAYOR SCARPELLI: -- in 2012.

6 MS. SALENTO: Yes.

7 MAYOR SCARPELLI: All right? So people who were
8 hired under that longevity-- and some were under contract at
9 the time -- they've kept that benefit. And that's one of
10 the reasons we eliminated it back in 2012 for anybody new.

11 MS. SALENTO: So in some cases, it's contractual,
12 is what you're saying?

13 MAYOR SCARPELLI: In some cases, yes.

14 MS. SALENTO: In some of the cases, but not all?

15 MAYOR SCARPELLI: When they were hired.

16 MS. SALENTO: Okay, thank you for that.

17 I do have a question about the Department of
18 Public Works and Water Teamsters Local No. 97. So on page 2
19 of that, --

20 MAYOR SCARPELLI: Well, we didn't get to that
21 public hearing yet.

22 MS. SALENTO: Oh, that's not part of the salary
23 thing here?

24 MAYOR SCARPELLI: No.

25 MS. SALENTO: Okay.

1 MAYOR SCARPELLI: Next. That'll be next.

2 MS. SALENTO: Thank you. I'll come back up.

3 Thank you.

4 MAYOR SCARPELLI: You're welcome.

5 COMMISSIONER PETRACCO: Mayor, I'd just like to
6 make a comment, if I may also. I just keep hearing this 2
7 percent all night long. And I don't -- I don't -- I'm a
8 little fuzzy on that, because I don't think everybody just
9 gets an automatic 2 percent in town.

10 I mean, I've negotiated police contracts over the
11 year -- over my ten-year term, where they got a zero percent
12 increase as well. So I don't know -- I don't understand.
13 Where's the 2 percent coming from?

14 MAYOR SCARPELLI: That was an example.

15 COMMISSIONER PETRACCO: Oh, just an example? But
16 I will say this. It makes it difficult when you have
17 binding arbitration in police and fire and, you know, where
18 they can strike. And if those -- if they're able to get a
19 raise, then it puts us in a position to be fair to the non-
20 union workers that don't have that benefit of being part of
21 a union. So I know the last ten years of being on this
22 board is that we do try to be fair to everyone, no matter if
23 they're part of a bargaining unit or not.

24 MAYOR SCARPELLI: Anybody else like to be heard on
25 Ordinance No. 3385?

1 Seeing none, I move that we close the public
2 hearing.

3 COMMISSIONER EVANS: 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 I move the ordinance.

13 COMMISSIONER PETRACCO: 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 Ordinance No. 3386, an ordinance to fix the
23 salaries of certain officers and employees of the Township
24 of Nutley, county of Essex, state of New Jersey, effective
25 January 1st, 2017.

1 Would anybody like to be heard on Ordinance No.
2 3386?

3 (Pause)

4 MS. SALENTO: Okay, thank you. Amy Salento, 70
5 Newman Avenue. On page 2, Section 3, "Payment of vacation
6 time in advance may be made upon request in writing to the
7 treasurer at least one month in advance of the pay period
8 requested. Written requests must be approved by the
9 department head before submission to the treasurer."

10 I'm curious. Is that something we're obligated
11 through a union contract?

12 MAYOR SCARPELLI: I think that is obligated by a
13 union contract. If someone has built up vacation time, it's
14 up to the department head if they grant that or not.

15 MS. SALENTO: Okay, so it would be accumulated
16 vacation time which they would be entitled to take in
17 advance?

18 MAYOR SCARPELLI: Correct.

19 MS. SALENTO: Okay, so just to confirm then, are
20 they receiving that as separate vacation pay on top of their
21 regular salary, such as like they've accumulated days and
22 they're cashing it out versus carrying it forward?

23 MAYOR SCARPELLI: That's correct, they would cash
24 out those days.

25 MS. SALENTO: Okay, so that might detriment the

1 allocation for carry-forward days that might be paid at
2 someone's retirement?

3 COMMISSIONER EVANS: Correct.

4 MS. SALENTO: Okay. But just to confirm then, my
5 question is can they also withdraw money from their
6 accumulated vacation bank.

7 COMMISSIONER EVANS: Yeah, there's no ability to
8 say I'm going to take money out of my bank.

9 MS. SALENTO: Okay.

10 COMMISSIONER EVANS: These are days that -- this
11 has to be approved by the appointing authority, which would
12 be the commissioner. And if someone does it, it's because
13 they believe that it lowers our future liability --

14 MS. SALENTO: Right.

15 COMMISSIONER EVANS: -- if it gets paid out at the
16 retirement base.

17 MS. SALENTO: Right.

18 COMMISSIONER EVANS: But it reduces the number of
19 days and reduces the bank.

20 MS. SALENTO: Okay. So that might be
21 contractually obligated, but it doesn't look like we
22 necessarily offer this to all employees?

23 MAYOR SCARPELLI: Correct.

24 MS. SALENTO: Right? Okay. Thank you.

25 MAYOR SCARPELLI: Anybody else would like to be

1 heard on Ordinance No. 3386?

2 Seeing none, I move we close the public hearing.

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 I move the ordinance.

13 COMMISSIONER PETRACCO: 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 Let's move to -- you know, I skipped over Board of
23 Commissioner announcements.

24 Anybody have any announcements?

25 COMMISSIONER PETRACCO: You know what? I do,

1 Mayor. My first announcement is I -- and I apologize to the
2 Board of Commissioners. We actually lost a firefighter this
3 past week, Brian Lucas (ph). And I have to tell you it was
4 -- he's a -- he's a fine young man, and he's been on the job
5 a couple of years. And it was just, you know, awful, an
6 awful week last week.

7 And he's a great firefighter, good young man, part
8 of the Nutley community. And I'd like to have a moment of
9 silence, if we can.

10 (Moment of Silence Observed)

11 COMMISSIONER PETRACCO: Thank you.

12 MAYOR SCARPELLI: Mrs. Rabino (ph), that was a
13 moment of silence. I'm sorry you couldn't heard that.

14 COMMISSIONER PETRACCO: There's a couple more
15 announcements I have.

16 MAYOR SCARPELLI: All right, Commissioner.

17 COMMISSIONER PETRACCO: We've been working on this
18 resident parking, you know, if we're going to go to these
19 permits or what we're going to do. But my assistant, which
20 I'll share with everyone -- we have like compiled a lot of
21 information that I'll make copies of tomorrow and pass along
22 to the Board of Commissioners. It's regarding the two-hour
23 parking. It's really starting to heat up.

24 We're really getting a lot of calls at Public
25 Safety about it. I think we have to move something forward.

1 So tomorrow, I'll send you the facts of that.

2 I also -- and I know the mayor has been working on
3 this as well. I also had my assistant, Sam Carella ,
4 call our county executive.

5 Can you hear me now?

6 (A Chorus of Yes)

7 COMMISSIONER PETRACCO: I'm sorry. Let me use
8 this microphone. How about now? Good?

9 (A Chorus of Yes)

10 COMMISSIONER PETRACCO: Thank you.

11 The second thing is I asked my assistant to call
12 Joe D. (ph), our county executive, today, because I know
13 that traffic light on the corner of Centre and Franklin has
14 all lights stopping, and the parking lot is really backed
15 up. I have to tell you any time we call the county
16 executive's office, he picks up. And he said that he will
17 get right on that, because that's a county light.

18 So we've fielded many, many, many complaints, and
19 I really want to thank Sam Carella for taking the lead on
20 that, because it's been overwhelming in Public Safety. The
21 traffic has really been backing up. So to everybody
22 watching in TV land as well, you know, that's being
23 addressed, and we are working on it.

24 The other thing that I have Mrs. Carella working
25 on is the mailboxes outside here. I know in front of my

1 store, they changed all the mailboxes to slots now. So you
2 can't put anything in. I've also fielded a good many
3 complaints about the mailboxes being turned the wrong way
4 here. Sam has reached out to postmaster, and she contacted
5 the Maintenance Department today. And hopefully, they can
6 get those mailboxes turned around. Because I think it's
7 even a safety issue as well, because, you know, the parking
8 is tight down here as it is. And now, people have to
9 actually stop, get out of their car, park, in order to walk
10 around the mailbox.

11 So when we had the street fair the other night,
12 the summer celebration, I can't believe how many people came
13 up to me about these mailboxes. So we are trying to move
14 that forward as well.

15 COMMISSIONER EVANS: That's great. The clerk's
16 office in my department has been flooded with complaints
17 with regarding the fact that you can't drive up and drop
18 your mail anymore. And that slot is so narrow. You know,
19 if you put -- if you have -- if you have eight pieces of
20 mail, you've got to put it in one at a time to get it there.
21 And we have some people that come with bushels of mail to
22 that particular station.

23 COMMISSIONER PETRACCO: Right.

24 MAYOR SCARPELLI: So my understanding on that
25 slot is that the snorkel that they had there -- those are

1 the mailboxes that people have been fishing in and pulling
2 stuff out and --

3 COPMMISSIONER EVANS: Oh.

4 MAYOR SCARPELLI: -- they were -- I don't know if
5 you heard that about the security. So it's a security issue
6 on what they're fishing out and what they can put it.

7 COMMISSIONER EVANS: So what kind of bait are they
8 using?

9 MAYOR SCARPELLI: So that's the reason that
10 they've gone to the single slot.

11 COMMISSIONER EVANS: What kind of bait are they
12 using?

13 MAYOR SCARPELLI: I don't know.

14 (Laughter)

15 MAYOR SCARPELLI: But that's my understanding of
16 why the --

17 COMMISSIONER EVANS: It's incredible.

18 MAYOR SCARPELLI: It's not just here. Those
19 snorkel mailboxes are being eliminated everywhere.

20 COMMISSIONER PETRACCO: And as we all know,
21 there's no mailboxes left anywhere in town.

22 MAYOR SCARPELLI: Yeah.

23 COMMISSIONER PETRACCO: And I'm fortunate enough
24 to have one at the deli, so I stand out there all day long
25 and explain to people how to put their mail in now, because

1 that slot is very thin as well. Nobody knows how to use it.

2 MAYOR SCARPELLI: I know I had trouble figuring
3 out if it moved. And it didn't move, but it's just a single
4 slot. So --

5 (Laughter)

6 COMMISSIONER PETRACCO: But we are working on it.
7 So thank you.

8 That's all I have.

9 MAYOR SCARPELLI: Any other Board of Commissioner
10 announcements?

11 I just want to congratulate Commissioner Tucci and
12 Commissioner Petracco on the Spring Fest. Great night.
13 Great weather.

14 COMMISSIONER PETRACCO: It was awesome.

15 MAYOR SCARPELLI: And also wish to invite
16 everybody to our 4th of July festivities that'll be on the
17 4th of July from 6:30 until we light off the fireworks at
18 dusk. But we will have the meeting right before then, but
19 it's the day before. So I want to make sure everybody knows
20 about the 4th of July.

21 COMMISSIONER ROGERS: Mayor, I have -- I have one
22 announcement. This past week, after almost two years of
23 hard work between the commissioners here and the Department
24 of Veterans Affairs and Father Tom Nicastro of St. Mary's
25 Church, we were able -- and may I also add Congressman

1 Frelinghuysen's office. We had one of the -- a Korean War
2 veteran be awarded a Silver Star. It's the third highest
3 military award that this country could give.

4 This Korean War vet. was a medic on Pork Chop
5 Hill. I think many of us remember the movie, "Pork Chop
6 Hill." It was a ferocious, vicious battle. A lot of
7 Americans were killed. And Father Tom's father -- this is
8 the priest's father -- was one of the heroes of Pork Chop
9 Hill and ended up saving the lives of many, many of his
10 soldiers.

11 But he was never given the Silver Star. He was
12 never given an award. He was given the Bronze Star by
13 General Trudeau on the field.

14 Well, Father Tom did a lot of research about his
15 dad. He took that research to our office at the Military
16 and Veterans Affairs Bureau. We forwarded it to Congressman
17 Frelinghuysen's office. And it ended up that, after about a
18 year-and-a-half, maybe close to two years, the Department of
19 the Army awarded his father the Silver Star.

20 We had a ceremony at St. Mary's Church. I believe
21 200 to 300 people showed up. It was very moving. And one
22 of the things that I know Father Tom wanted -- and you talk
23 about a priest that prays to God and gets his prayers
24 answered.

25 He wanted to make sure that his father was given

1 the Silver Star, was awarded the Silver Star as long as his
2 mother was still here, and she's still here. So she was
3 able to see her husband get awarded that. Obviously, he had
4 passed away since then.

5 But, Commissioners, thanks for participating in
6 that. And I've said this over and over again. The worth of
7 that bureau that we have collectively worked on in putting
8 together certainly has paid big dividends to our veterans.
9 And this was huge, folks. This was -- this was huge.

10 Thank you very much, Mayor.

11 MAYOR SCARPELLI: Congratulations to Father Tom's
12 dad.

13 COMMISSIONER ROGERS: Thank you.

14 MAYOR SCARPELLI: Let's move to resolutions.
15 Commissioner Evans?

16 COMMISSIONER EVANS: Thank you.

17 BE IT RESOLVED, by the Board of Commissioners of
18 the Township of Nutley, in the County of Essex, State of New
19 Jersey, that the Treasurer be and she is hereby authorized
20 to refund overpayments of tax charges in the amount of
21 \$6,245.91 for the following accounts that are listed in this
22 resolution.

23 So move.

24 MAYOR SCARPELLI: 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 COMMISSIONER EVANS: BE IT RESOLVED, by the Board
9 of Commissioners of the Township of Nutley, in the County of
10 Essex, State of New Jersey, that the Treasurer be and she is
11 hereby authorized to refund
12 overpayment of property taxes in the amount of \$8,115.80,
13 due to successful
14 tax court judgments for the lots and blocks listed here.

15 And so move.

16 MAYOR SCARPELLI: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 COMMISSIONER EVANS: My last resolution is a

1 resolution appointing the municipal housing liaison,
2 pursuant to the Fair Housing Act.

3 WHEREAS, pursuant to N.J.A.C. 5:94-7 and N.J.A.C.
4 5:80-26.1, the Township of Nutley is required to appoint a
5 Municipal Housing Liaison for the administration of the
6 Township of Nutley's affordable housing program to enforce
7 the requirements of NJ.A.C. 5:94-7 and NJ.A.C. 5:80-26; and

8 WHEREAS, the Township of Nutley has adopted Nutley
9 Ordinance 2932 entitled FAIR SHARE PLAN to provide for the
10 appointment of a Municipal Housing Liaison to administer the
11 Township's affordable housing program;

12 NOW, THEREFORE, BE IT RESOLVED by the Board of
13 Commissioners of the Township of Nutley, in the County of
14 Essex, that Ceci Tramontana is hereby appointed by the
15 Governing Body of the Township of Nutley as the Municipal
16 Housing Liaison for the administration of the affordable
17 housing
18 program, pursuant to and in accordance with the Code of the
19 Township of Nutley.

20 So move.

21 MAYOR SCARPELLI: 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 EVANS: Ceci, congratulations.

6 MS. TRAMONTANA: Thank you all.

7 MAYOR SCARPELLI: Congratulations, Ceci.

8 MS. TRAMONTANA: Thank you.

9 MAYOR SCARPELLI: WHEREAS, raffle applications
10 have been received from the following organizations: St.
11 Mary's Catholic Church, License No. 20-18, on-premise 50/50
12 cash raffle and is License No. 21-18, on-premise merchandise
13 raffle, to be held Friday, October 19th, 2018 and the Rotary
14 Club,
15 License No. 22-18, off-premise 50/50 cash raffle, to be held
16 Wednesday, September 12th, 2018.

17 WHEREAS, the applications have been reviewed and
18 approved by the Municipal Clerk and the Police Department;

19 NOW, THEREFORE BE IT RESOLVED by the Board of
20 Commissioners of the Township of Nutley, County of Essex,
21 State of New Jersey that the aforementioned licenses are
22 approved and the Municipal Clerk is authorized to issue the
23 raffle licenses.

24 I move the resolution.

25 COMMISSIONER EVANS: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 BE IT RESOLVED, by the Board of Commissioners of
10 the Township of Nutley, County of Essex, State of New
11 Jersey, that the Township Clerk is hereby authorized to
12 advertise for sealed bids for Harrison Street Roadway
13 Improvement Project, Bloomfield Avenue-East Passaic Avenue,
14 in the Township of Nutley, to
15 be received on behalf of the Board of Commissioners, in the
16 Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley,
17 New Jersey, 07110, on Wednesday, July 11, 2018, at 3 :00
18 p.m. prevailing time, at which time they will be opened and
19 read.

20 I move the resolution.

21 COMMISSIONER EVANS: 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 WHEREAS, the Township of Nutley advertised for
6 proposals for the marketing of recyclable materials on March
7 17, 2015; and

8 WHEREAS, the Request for Proposals for the
9 marketing of recycling materials were accepted by the
10 Township Clerk on May 8, 2015; and

11 WHEREAS, the Township of Nutley reviewed and
12 analyzed all submitted proposals; and

13 WHEREAS, the proposal received from Integrity
14 Recycling and Waste Solutions Inc., 111 Route 31, Suite 223,
15 Flemington, New Jersey was the most favorable proposal for
16 the Township of Nutley; and

17 WHEREAS, Integrity Recycling and Waste Solutions
18 was recommended for a three (3) year contract award with two
19 (2), one (1) year options for contract extensions effective
20 on July 1st, 2015;

21 WHEREAS, the Township has selected to exercise its
22 option for a one (1) year contract extension; and

23 WHEREAS, the term of the contract shall be
24 extended for one (1) year effective on July 1st, 2018
25 through June 30th, 2019; and

1 WHEREAS, funds are available from Account #T-21-
2 909-901 in the amount not to exceed \$30,000.00 and have been
3 certified by the Chief Financial Officer, said certification
4 being attached to this resolution;

5 NOW, THEREFORE, BE IT RESOLVED by the Board of
6 Commissioners of the Township of Nutley, County of Essex
7 State of New Jersey that a contract be awarded to Integrity
8 Recycling and Waste Solutions not to exceed \$30 000.00 and
9 that the Mayor and Township Clerk are hereby authorized to
10 enter into and sign said contract for the Township of Nutley
11 Board of Commissioners.

12 I move the resolution.

13 COMMISSIONER EVANS: 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 WHEREAS, Nutley is a member of the Morris County
23 Cooperative Pricing Council; and

24 WHEREAS, the Morris County Co-Op awarded a bid for
25 road resurfacing (Contract #6-Cat F - Granite & Concrete

1 Vertical Curb) to Cifelli & Son General Contracting, Inc.,
2 81 Franklin Avenue, Nutley, New Jersey, for the period of
3 January 1st, 2018 to December 31st, 2018; and

4 WHEREAS, Nutley wishes to utilize the Morris
5 County Co-Op to install select curbs in various locations in
6 Nutley, New Jersey; and

7 WHEREAS, funds are available from Account #G-04-1
8 04-40 1 in Ordinance #3445A and have been certified by the
9 Chief Financial Officer, said certification being attached
10 to this resolution;

11 NOW, THEREFORE BE IT RESOLVED, by the Board of
12 Commissioners of the Township of Nutley, County of Essex,
13 State of New Jersey, that a contract be awarded to Cifelli &
14 Son General Contracting, not to exceed \$10,000.00 and that
15 the Mayor and Township Clerk are hereby authorized to enter
16 into and sign said contract for the Township of Nutley.

17 I move the resolution.

18 COMMISSIONER EVANS: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 WHEREAS, the 4th of July, also known as
3 Independence Day, is a National Holiday celebrated annually
4 commemorating the adoption of the Declaration of
5 Independence; and

6 WHEREAS, the Township of Nutley in observance of
7 Independence Day will be hosting 4th of July festivities and
8 a fireworks display on or about Wednesday July 4,2018; and

9 WHEREAS, Garden State Fireworks, P.O. Box 403,
10 Millington, New Jersey is the vendor performing the
11 fireworks activities for the Township;

12 NOW, THEREFORE BE IT RESOLVED, by the Board of
13 Commissioners of the Township of Nutley, County of Essex,
14 State of New Jersey, that the Township authorizes the
15 discharge and use of fireworks by its vendor on or about
16 July 4th, 2018 with a rain date for the next clear night.

17 I move the resolution.

18 COMMISSIONER EVANS: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 WHEREAS, the New Jersey Department of the
3 Treasury, Division of Taxation, has provided Tax Clearance
4 Certificates for each establishment listed below for the
5 renewal period; and

6 WHEREAS, these establishments have been inspected
7 by the Board of Health, Fire Department, Code Enforcement
8 Department and the Police Department of the Township of
9 Nutley and are in satisfactory condition;

10 NOW, THEREFORE, BE IT RESOLVED by the Board of
11 Commissioners of the Township of Nutley, County of Essex,
12 State of New Jersey that the renewal of Plenary Retail
13 Consumption Licenses, Plenary Retail Distribution Licenses
14 and Club Licenses be granted to the following licensees
15 effective July 1st, 2018 through June 30th, 2019.

16 BE IT FURTHER RESOLVED that the Municipal Clerk be
17 and she is hereby directed and authorized to issue said
18 licenses for the licensing period of July 1st, 2018 through
19 June 30th, 2019 for those establishments listed below.

20 I move the resolution.

21 COMMISSIONER EVANS: 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 WHEREAS, bids for the 2018 Various Roadway
6 Improvements were received and opened on Wednesday, May
7 30,2018; and

8 WHEREAS, D&L Paving Contractors, 675 Franklin
9 Avenue, Nutley, New Jersey was the low bidder; and

10 WHEREAS, the Base Bid for the 2018 Various Roadway
11 Improvements was in the amount of \$216,514 and Alternate Bid
12 No.1 in the amount of \$31,062.27, for a total bid of
13 \$247,576.27; and

14 WHEREAS, funds are available from Account No. G-
15 04-113-401, Ordinance No. 3295A in the amount of \$37,486.09
16 and Account No. G-04-104-401, Ordinance No. 3345A in the
17 amount of \$210,090.18 and have been certified by the Chief
18 Financial Officer, said certification being attached to this
19 resolution;

20 NOW, THEREFORE, BE IT RESOLVED by the Board of
21 Commissioners of the Township of Nutley, county of Essex,
22 state of New Jersey that a contract be awarded to D&L Paving
23 Contractors, 675 Franklin Avenue, Nutley, New Jersey, not to
24 exceed \$247,576.27 and that the Mayor and Township Clerk are
25 hereby authorized to enter into and sign said contract for

1 the Township of Nutley.

2 I move the resolution.

3 COMMISSIONER EVANS: 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 This resolution authorizes the Township of Nutley
13 to sign an NJDEP Treatment Works Approval Permit Application
14 for the change in use of the sanitary sewer system to
15 Building 123A 340 Kingsland Street, Nutley, New Jersey
16 07110;

17 NOW, THEREFORE, BE IT RESOLVED by the Board of
18 Commissioners of the Township of Nutley, county of Essex,
19 State of New Jersey, that Dominic Ferry, Licensed Sewer
20 Operator is hereby authorized to sign the applicable
21 Certification and Consent Sections of the NJDEP Treatment
22 Works Application on behalf of the Township of Nutley.

23 I move the resolution.

24 COMMISSIONER EVANS: 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 That concludes the business portion of our
9 meeting.

10 Madam Clerk?

11 MADAM CLERK: Yes, Mayor.

12 All persons addressing the Board of Commissioners
13 regarding community concerns should approach the microphone
14 and 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 the
17 board and its individual members must be addressed to the
18 mayor.

19 The mayor may defer citizens' comments to the
20 appropriate member of the board. Dialogue between citizens
21 and others addressing the board shall be allowed, unless the
22 mayor or presiding officer or the majority of the membership
23 of the board shall determine that the interests of decorum
24 and/or the expeditious conduct of municipal business are
25 being adversely affected by such dialogue.

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

3 MS. ROSSI: Yes. Tammy Rossi, 28 Colonial
4 Terrace.

5 Two meetings ago, Commissioner Evans, you cited
6 developer fees collected for the years 2014, 2015, 2016, and
7 2017. Would you be able to repeat those fees collected?

8 COMMISSIONER EVANS: I'm sorry. Speak louder.

9 MS. ROSSI: The developer fees -- two meetings
10 ago, you cited developer fees collected by the Township of
11 Nutley for years 2014, '15, '16, and '17. Would you be able
12 to cite those fees again?

13 COMMISSIONER EVANS: I don't have the form in
14 front of me this evening.

15 MS. ROSSI: Okay, okay, that's fine.

16 For what reason did you not correct me previously
17 when I voiced my concerns regarding the town not collecting
18 developer fees? I had been mentioning this at Board of
19 Commission meetings going back since last -- this past
20 December, and nobody said anything. And, in fact, I won't
21 name names, but one of the parties up there had actually
22 admitted to me that the town was not collecting developer
23 fees. So I'm just wondering how come all of a sudden, there
24 are numbers present.

25 COMMISSIONER EVANS: So what are you suggesting?

1 MS. ROSSI: I am -- I am trying to understand why
2 before --

3 COMMISSIONER EVANS: You're implying something, so
4 I just want to be clear.

5 MS. ROSSI: There was an OPRA request submitted
6 for developer fees. And the response, I think it was, for
7 2016, no records existed. And now, the --

8 COMMISSIONER EVANS: That's not true.

9 MS. ROSSI: Okay, well, I can show you a copy of
10 that OPRA request. I'm just trying to understand.

11 COMMISSIONER EVANS: No, sure. First off, for
12 each property that's subject to a fee, residential, non-
13 residential development fee, the form, the bill, the actual
14 bill is created by the tax assessor. Okay? That is then
15 given to the Construction Office, who, in order to actually
16 issue a C.O. on the billing, has to collect that fee.

17 That fee is then deposited into the COAH Trust
18 Account. So there is a process. Those fees are there.
19 There's deposits into those accounts. The bank statements
20 show that.

21 So and for those years, I'm not quite sure that I
22 would understand why anyone upstairs with knowledge of it
23 would make that statement. If they're not close to it and
24 don't understand that a developer fee is, in reality, a COAH
25 fee. So if they understood it that it was a COAH fee and not

1 a developer fee, they may have made that statement in error.
2 But there definitely is -- bills have been made up.

3 Collections have been made. Deposits have been
4 provided.

5 MS. ROSSI: Oh, so you do have records of those,
6 all of those?

7 COMMISSIONER EVANS: Yes, absolutely.

8 MS. ROSSI: Okay.

9 COMMISSIONER EVANS: There is an OPRA request
10 that's actually pending that we haven't responded to yet to
11 provide the bills for '15, '16, '17, and I believe part of
12 '18, as well as the payments.

13 MS. ROSSI: Okay.

14 COMMISSIONER EVANS: So it's actually working
15 across multiple departments and getting into a record. It
16 would be easy to provide a deposit ledger that shows the
17 actual deposit. But when you're actually going back to the
18 individual source documents, they're not filed in a sort of
19 COAH file.

20 They're filed actually by the lot and block of the
21 individual that was assessed. So it's actually going back
22 to the history of records on each property to accumulate
23 that. So it's taking more time, and I apologize for that.
24 But those records are definitely available.

25 MS. ROSSI: Okay, great, thank you.

1 The BOC has been -- this is my next question. The
2 Board of Commissioners have been tasked with reviewing
3 recommendations by the Planning Board regarding mixed use
4 and density. This has been going on for ten years. Tonight
5 I ask you are you prepared to make a decision to accept or
6 deny the recommendations by our Planning Board regarding
7 definition of mixed use and density? Yes or no?

8 MAYOR SCARPELLI: Ms. Rossi, the Planning Board
9 subcommittee came at the last meeting and presented to us.
10 We are now considering what portion of that or all of that
11 that we're going to consider and have to change the
12 ordinance.

13 MS. ROSSI: Okay.

14 MAYOR SCARPELLI: So it'll be a public -- there'll
15 be an introduction and a public hearing on that.

16 MS. ROSSI: Okay. My hope is, in the future,
17 Nutley will have an efficient form of government to address
18 and resolve these types of issues in a more timely manner.
19 Ten years is a very, very long time for something like this
20 to be resolved. And in the interim, we've had developers
21 getting every variance approved. And the overbuilding in
22 town is well-known amongst the citizens in town. Thank you.

23 MAYOR SCARPELLI: Anybody else wish to address the
24 Board of Commissioners this evening?

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

1 Ms. Tangorra, at the last meeting -- the last
2 thing that she said that she implied that you should adopt
3 the recommendations as written. And I hope they don't.
4 Will the citizens be able to have any input? Because in the
5 back room, --

6 MAYOR SCARPELLI: Mr. Moore, I just said we're
7 going to have a -- it'll be an ordinance introduction.

8 MR. MOORE: No, no, --

9 MAYOR SCARPELLI: Right? And so, people will be
10 able to comment on that or the public comment on agenda
11 items only. And then we'll have a public hearing on the
12 ordinance.

13 MR. MOORE: You're going to -- you're going to --
14 it's already written at that point. So the -- whatever the
15 public says, it's already written. My concern --

16 MAYOR SCARPELLI: Doesn't mean we -- doesn't mean
17 we have to pass it.

18 MR. MOORE: My concern is, in the back room, when
19 everybody is explaining it, you were talking about 3-bedroom
20 apartments at \$3,500 a month as part of this introduction.
21 Now, everybody I've spoken to -- nobody's going to sell
22 their house to rent an apartment for \$3,500. And I have a
23 funny feeling that people might want to express an opinion
24 about that.

25 I understand the process. But the process -- if

1 you find out a number of people do not want that, is it
2 going to be changed?

3 MAYOR SCARPELLI: Mr. Moore, we haven't -- we
4 haven't gotten that far at this point. I mean, you know, I
5 don't know what else to say to you.

6 MR. MOORE: My only concern is is that I know
7 that, once -- when Mr. Genitempo writes it, prepares the
8 ordinance, it's going to be presented as an ordinance. And
9 you're going to vote as an ordinance. But if the people --

10 MAYOR SCARPELLI: We'll have an introduction.

11 MR. MOORE: Yes.

12 MAYOR SCARPELLI: Which the public will have time
13 to comment on then. And then we'll have a public hearing,
14 just like we had on the ordinances today.

15 MR. MOORE: But at this point, it's written. The
16 public hearing -- it's written. You're going to vote yes on
17 it because (indiscernible) ordinance.

18 COMMISSIONER EVANS: Mr. Moore, just a question.
19 The recommendation that we're evaluating comes to us from
20 the Planning Board that actually goes through a public
21 hearing process when they're actually crafting their
22 recommendation.

23 MR. MOORE: They had a -- they had one?

24 COMMISSIONER EVANS: Absolutely.

25 MR. MOORE: They did? Wow, I didn't know that.

1 It was --

2 COMMISSIONER EVANS: Well, it's a Planning Board.

3 MR. MOORE: I don't remember -- I remember
4 everybody talking about it, but not having a hearing.

5 COMMISSIONER EVANS: Planning Board. Planning
6 Board -- in order to do that, there was a -- there was a
7 public discussion on that, and there was a vote of the
8 Planning Board to make a recommendation to the Board of
9 Commissioners. I don't know why it took the Planning Board
10 so long to take up a recommendation to investigate that.
11 Because actually, it was also proposed by the Code
12 Enforcement Office as well to clear up the Code earlier.

13 A change in government wouldn't change the
14 Planning Board, right? So my point is --

15 MR. MOORE: Imagine my confusion.

16 COMMISSIONER EVANS: My point is there is a
17 process of a -- of an autonomous board that's separately
18 governed that makes that recommendation to us. Now that we
19 received it, the first thing that we did is we held a
20 discussion, a public discussion, on what the terms are of
21 that ordinance. Right? And I will tell you that this board
22 has questions about it about not actually making it more
23 liberal, actually making it more stringent.

24 And we want to understand more in depth. And
25 specifically, I do. I want to understand more in depth from

1 a competent planner, right, to understand what the
2 implications are to consider, you know, weigh the factors.
3 Because when you put an ordinance on the books, it's not to
4 take care of today. It's taking care of what the future
5 expectations are. So you have to actually be thoughtful
6 about that process.

7 So since it's been before this board, right, we
8 have been going through that process. As the mayor said,
9 once we go through that, we will have an ordinance
10 introduction. There is a period of time between the
11 introduction where it's made public and the actual public
12 hearing on that document, where the public can actually come
13 to actually a meeting or reach out to any of the
14 commissioners to make their points known once it's
15 introduced.

16 Because it doesn't get introduced and adopted on
17 the same night. It's actually introduced, and it's
18 available for, I think, 45 days before it's actually on the
19 agenda. So --

20 MR. MOORE: I thought it was 30. That's okay. Go
21 ahead.

22 COMMISSIONER EVANS: Thirty. It might be 30,
23 yeah.

24 MR. MOORE: Yeah, 30 days.

25 COMMISSIONER EVANS: Because it says two meetings.

1 You've got to wait two meetings to give people time to look
2 at that, right? So we -- I understand your point, but
3 there's ample opportunity to address any concerns that would
4 be raised once that is made available to the public to look
5 at.

6 MR. MOORE: See, my confusion comes in when you
7 said there was a public hearing at the meeting. There
8 wasn't. Alls they said is they're going to hand off to the
9 commissioners their recommendations. They never said their
10 recommendations. Nobody ever saw them until they presented
11 it to you in the back room in --

12 MAYOR SCARPELLI: That's not true, Mr. Moore.

13 COMMISSIONER EVANS: That's not true.

14 MR. MOORE: Well, I was there.

15 COMMISSIONER EVANS: I was at both of the
16 meetings.

17 MR. MOORE: I don't remember three-bedroom
18 apartments anywhere.

19 COMMISSIONER EVANS: And there is no
20 recommendation in there for three-bedroom apartments.

21 MR. MOORE: Mr. Meka (ph) was talking about
22 that's the hottest thing in the block, that people --

23 COMMISSIONER EVANS: Mr. Meka was not
24 participating in that meeting.

25 MR. MOORE: Okay, all right, okay.

1 COMMISSIONER EVANS: No, really, I'm serious.

2 MR. MOORE: No, the reason -- the reason I'm
3 asking --

4 COMMISSIONER EVANS: Actually, you're referring
5 to, I think, of one of the planners who made a comment.
6 Mr. Meka was not there.

7 MR. MOORE: The reason I'm asking is because I
8 understand, through different sources, that Hoboken is going
9 to build approximately 6,000 apartments. Now, I know
10 somebody on the board down there, and they were telling me
11 what they get in their apartments in comparison to what we
12 get here. They're one train stop away from New York City,
13 which is the ideal commuter we're looking for.

14 But down there, they have Ubers. They have city
15 bikes out there. They have a park on top of a roof. They
16 offer so much more for apartments. So they're more
17 attractive. So when I heard that meeting in the back,
18 Hoboken sounded so much better, and that was my concern.

19 COMMISSIONER EVANS: I appreciate your concern,
20 but we, as a board, are considering that recommendation, and
21 I assure you it doesn't include three-bedroom apartments.

22 MR. MOORE: Thank you.

23 MAYOR SCARPELLI: Anybody else with to address the
24 Board of Commissioners this evening?

25 MS. SALENTO: Amy Salento, 70 Newman Avenue. So

1 just a quick follow-up on this topic about density and the
2 number of apartments and development. I raised an issue at
3 a joint Board of Commissioners/Planning Board meeting
4 earlier this year. I think it might have been March. And I
5 asked --

6 COMMISSIONER EVANS: February 28th.

7 MS. SALENTO: Pardon me?

8 COMMISSIONER EVANS: February 28th.

9 MS. SALENTO: February 28th. Thank you. I was
10 looking through my calendar, but I couldn't find it.

11 Anyway, I asked about some of the buildings, in
12 terms of the plans that were approved, either by the
13 Planning Board or the Zoning Board, depending on the
14 project, and indicated that I had personally seen, in 1
15 instance, that an approved building at 184 Franklin Avenue
16 for 1-bedroom apartments, that there were 2-bedroom
17 apartments in existence being rented and being advertised by
18 the developer. Additionally, I believe that some of the
19 other buildings from that specific developer -- what's been
20 built and what gets rented out does not match the plans.

21 So there's a couple of things. In some cases,
22 there's a density issue. But again, the density rules maybe
23 are not so clear. But in the other side, a zoning ordinance
24 related to certificates of occupancy is, "Violation of
25 penalties, there are violation penalties, \$250 to no more

1 than \$500 or imprisonment not to exceed 90 days or both.
2 Each and every day that such violation continues shall be
3 considered a separate and specific violation of this
4 chapter."

5 So I did inquire with our township attorney, Mr.
6 Genitempo, how would a citizen request an investigation.
7 And apparently, there is an investigation going on.

8 COMMISSIONER EVANS: Oh, absolutely.

9 MS. SALENTO: So can you please speak to that?
10 And I ask that that not be deducted from my time.

11 COMMISSIONER EVANS: Yeah.

12 MS. SALENTO: Thank you.

13 COMMISSIONER EVANS: The specifics around that --
14 and it is actually subject to potential litigation. So
15 there's only so much that I can tell you. But here's what I
16 will tell you.

17 First and foremost, no one is above the laws in
18 Nutley. I don't care who you are. And once we find out,
19 you know, and when we find out -- because this individual
20 does have violations. He's among many who do. We find the
21 violations in town all the time.

22 MS. SALENTO: Uh-huh, sure.

23 COMMISSIONER EVANS: And some people find
24 themselves in municipal court. Some people find themselves,
25 you know, in getting notice of the violation and removing

1 what they put in, as they're required to do. So, one, my
2 office, me as a commissioner, this Board of Commissioners
3 will not tolerate that ever. And so, to your point, you
4 raised that point on February 28th.

5 MS. SALENTO: Thank you.

6 COMMISSIONER EVANS: All right? A review was
7 begun, and every single property that that individual owns
8 has been subject to a full inspection. The inspection was
9 comprehensive. It included the original planning plans that
10 were submitted before the Board of -- the Planning Board or
11 the Zoning Board.

12 It included the actual sealed construction plans,
13 and then a physical inspection of every room in that -- in
14 each building was inspected to determine whether or not it
15 was in compliance with what the approvals were granted for
16 that particular situation, including the parking spaces as
17 well, which wasn't raised. But the point is we did a
18 comprehensive review to see are you in compliance. To the
19 extent that we have noted violations, those violations are
20 being addressed with the township counsel, with that
21 individual's counsel.

22 The position of my department and of the Board of
23 Commissioners is violations that are identified go along the
24 same basis as everybody else. You remove it or take a shot
25 at going to the Board of Adjustment to see if you can leave

1 it as built. Over the years, some people have done that,
2 and they've been successful. But we will not tolerate that.

3 So to your point is a comprehensive review has
4 been done. Those violations have been identified. They've
5 been provided to our counsel, and they've been provided to
6 the other person's counsel. And there are discussions
7 underway right now.

8 MS. SALENTO: So thank you for that.

9 In terms of these violations that have been noted,
10 apparently, they're not being made public because you're
11 handling this between our counsel and their counsel?

12 COMMISSIONER EVANS: It's subject to litigation.

13 MS. SALENTO: Okay. So presumably, that's costing
14 the Township of Nutley money to pay, whether it's Mr.
15 Genitempo or his firm or another firm, for the litigation.

16 COMMISSIONER EVANS: Right.

17 MS. SALENTO: So who absorbs those costs?

18 COMMISSIONER EVANS: This person will.

19 MS. SALENTO: And what are -- what's happening
20 with the fines?

21 COMMISSIONER EVANS: The town will not incur -- let
22 me be very, very clear. The township will not incur or
23 absorb any costs associated with this. All those costs will
24 be borne by the applicant.

25 And the reason for that is anybody who feels as

1 though that they can go around our laws, our rules, or what
2 they've been accepted -- we want to make it very clear to
3 anybody and everybody that you will be found out. And when
4 we do, we have a small department, so it might take us time.
5 But when we do, you will be subject to a violation. You
6 have the opportunity to correct the violation. You will be
7 subject to a summons, and you will find yourself in court.

8 MS. SALENTO: And I appreciate that. So up to
9 \$500 a day in fines. That's an awful lot of revenue for the
10 Township of Nutley. So is there an opportunity for the
11 Township of Nutley to recoup. that much money? This
12 builder, this developer has been renting these apartments,
13 \$2,000 a month, approximately.

14 COMMISSIONER EVANS: Yeah.

15 MS. SALENTO: Collecting that rent and pocketing
16 it. That money has not been coming to the Town of Nutley.

17 COMMISSIONER EVANS: Yeah. Yeah, so the
18 individual who has absorbed that rent -- he has that
19 ability, obviously, to keep a portion of that rent. There's
20 no vehicle that says you shouldn't have collected that rent,
21 so therefore, pay it all to the Township of Nutley.

22 MS. SALENTO: Right.

23 COMMISSIONER EVANS: That doesn't exist. There's
24 no ability to do it.

25 MS. SALENTO: But \$250 to \$500 a day in fines --

1 COMMISSIONER EVANS: Absolutely. And when you --

2 MS. SALENTO: -- certainly adds up to over \$2,000
3 a month very quickly.

4 COMMISSIONER EVANS: Absolutely. In fact, the
5 numbers that are in my mind are into six figures.

6 MS. SALENTO: Okay, so thank you for sharing that.
7 I will ask, in terms of the oversight of the department,
8 clearly, if this happens, I can assume that maybe an
9 employee had some sort of an involvement in this. And --

10 COMMISSIONER EVANS: That would be an incorrect
11 assumption.

12 MS. SALENTO: So this was all done without any
13 knowledge of any employee in the Town of Nutley?

14 COMMISSIONER EVANS: Many times, we'll have a two-
15 family house, where the individual converts the basement
16 into an illegal third apartment. My --

17 MS. SALENTO: I understand. A two-family house is
18 a very different situation than a building.

19 COMMISSIONER EVANS: Well, I will disagree with
20 you. I will disagree with you. We have the ability, under
21 our Code, for multi-family dwellings that, when you have a
22 change of tenancy, that you can do a C.O. inspection. And
23 that's when we find out most of the time -- and any size, by
24 the way.

25 MS. SALENTO: Absolutely, and there have been

1 changes in --

2 COMMISSIONER EVANS: Right? And so, --

3 MS. SALENTO: -- tenants in these buildings.

4 COMMISSIONER EVANS: And we -- and we find that
5 out. And so, to the extent that they have missed something,
6 that's been corrected. The administrative procedures have
7 been changed. Individuals have been changed in their roles.
8 Right? We don't tolerate it. So --

9 MS. SALENTO: And I appreciate that. So there
10 have been changes in the department. And then in terms of
11 oversight of that department, what are the enhancements or
12 the assurances that this is not going to happen again?

13 COMMISSIONER EVANS: Well, I don't think there's
14 ever an assurance that it won't happen again. Somebody can
15 do this, but we do have two things, a couple things. One is
16 I have a field inspector who it's his job to go out and
17 identify these areas of violation, going around for physical
18 observation. Looking at a building that has an extra
19 doorbell where it's not supposed to be, or there's a
20 significant amount of parking which might raise questions
21 associated with what might be going on on a particular
22 property.

23 When you look at a larger building, where you have
24 an internal space that has been converted to like an extra
25 apartment and the one you identified, right, the apartment

1 that was identified had one person in it. So there's no
2 extra buildup. There's nothing obvious that that inspector
3 would see.

4 So when we do catch them -- and we do catch them,
5 and we're not -- and we're not necessarily equipped to
6 employ the manpower necessary to do it as quickly and as
7 timely as everybody would like. But we do do them, and I
8 will tell you is that whatever happens, right, whether we
9 find it out that day, the next day, or several months later,
10 it's identified. And as I told you, the procedure is is
11 that violation notices are issued. They have an opportunity
12 to remove it and fix it, or they have to go before a board,
13 which is the Board of Adjustment, to leave it as built, if
14 they so choose.

15 If they refuse the fines on a UCC violation --
16 it's a \$2,000 fine. On a zoning violation, as you were
17 reading, it's \$250 a day up to \$500 a day. And that's
18 actually imposed in the court. We issue a summons
19 associated with that. In this particular case, it is one
20 individual. Because of the scale of the things that we
21 found, it's with counsel, and it's going through a legal
22 discussion on the ramifications of it.

23 MS. SALENTO: Okay, so aligned with that, since
24 this is litigation, you know, I believe that the township
25 should become much less friendly to this developer.

1 COMMISSIONER EVANS: The township is not friendly
2 to the developer.

3 MS. SALENTO: Or the developer presents plans.
4 They're generally approved. They proceed to build, and they
5 don't have to comply with the laws, until they get caught.

6 COMMISSIONER EVANS: Every applicant before the
7 board, right, rarely goes through the board getting their
8 plans approved as submitted. And this developer never got a
9 set of plans approved that were submitted. The Board of
10 Adjustment or the Planning Board representatives go through
11 a very thorough review and a comprehensive challenge with
12 expert testimony, expert witnesses on both sides, because
13 it's a quasi-judicial process where they go through that.

14 It's not -- this Board of Commissioners doesn't
15 say wow, wouldn't it be great to have a 30-unit building
16 here and say oh, gee, would you do me a favor, build that?
17 That's (indiscernible).

18 MS. SALENTO: I'm not -- I'm not in anyway
19 implying that. What I am saying is that, if a developer has
20 consistently not complied with ordinances, with zoning laws,
21 they should have a period where they cannot build in this
22 town. If I were caught drunk driving, I would have a period
23 of paying a fine, possibly serving jail time, possibly
24 serving community service, and most likely, losing my
25 driving privileges in the state of New Jersey for a period

1 of time, and most likely, paying additional insurance when I
2 am relicensed.

3 COMMISSIONER EVANS: Sure. Absolutely. I don't
4 think they're necessarily comparable. There are laws in
5 place that govern what you can and cannot do. I will tell
6 you that this particular builder, if he was to submit a plan
7 before any of the boards, would have a very hard time
8 getting an approval, given what we have learned in the
9 process. So to your -- to your point is I don't think
10 anyone has ever given this builder carte blanche to build
11 whatever he wants.

12 MS. SALENTO: I'm not suggesting that.

13 COMMISSIONER EVANS: But I'm just being clear. I
14 want to make it clear to you.

15 MS. SALENTO: Okay.

16 COMMISSIONER EVANS: But I also believe is that
17 the independent representatives of those boards would
18 basically give this individual a very, very hard time in
19 order to get approval on anything that he would submit
20 before this town.

21 MS. SALENTO: Okay. So thank you very much,
22 Commissioner Evans. In terms of the field inspector that's
23 been hired, what are the person's qualifications?

24 COMMISSIONER EVANS: Oh, sure.

25 MS. SALENTO: Was there an RFP? Will that person

1 be on top of every step --

2 COMMISSIONER EVANS: That person wasn't hired now.
3 And, yes, the individual is qualified. There's actually
4 inspectors certifications.

5 MS. SALENTO: Oh.

6 COMMISSIONER EVANS: And he has what they call
7 Level III certifications, so the highest certifications.

8 MS. SALENTO: Okay, thank you. So in terms of
9 this particular developer and the project that started
10 recently at the corner of Bloomfield and Centre, what will
11 be different in this process in terms of rough inspections,
12 final inspections, --

13 COMMISSIONER EVANS: Absolutely.

14 MS. SALENTO: -- C.O.'s, tenant C.O.'s, business
15 certificates of occupancy, i.e., business licensing for the
16 retail?

17 COMMISSIONER EVANS: Sure. Under the Uniform
18 Construction Code, right, all of the inspections have to
19 comply with those Codes, as they do on that building, as
20 they have done on every building. Right?

21 There's no -- there's no exception to say, aw,
22 it's okay. Right? There is guidelines under the State
23 Uniform Construction Code, which is the State Code. They
24 have to comply, and they go through those inspections.

25 The final -- the intermediate steps, which is the

1 framing inspection and the electrical inspection, plumbing
2 inspection -- all of those things occur, right.

3 MS. SALENTO: Yes.

4 COMMISSIONER EVANS: And the people that are doing
5 those inspections have been doing those inspections for 25
6 plus years. They're very competent. They're very thorough
7 when they do that.

8 MS. SALENTO: Absolutely.

9 COMMISSIONER EVANS: When you ultimately get to
10 the end of the building and there's the final -- what they
11 call the C.O. inspection, every room, every door with the
12 plans is looked at. What happens after we leave -- if
13 something happens after we leave, that's where the risk
14 occurs.

15 MS. SALENTO: And I understand that. And so, you
16 know, just to be clear, I'm seen here as a representative of
17 the citizens of Nutley, the townspeople, the taxpayers. I'm
18 asking these questions because clearly, something had gone
19 wrong for an extended period of time. And it's very
20 disappointing. I'm glad changes have been made.

21 You know, possibly an employee is going to receive
22 a full pension without any punishment for their involvement
23 in this situation. And that's disheartening. My tax
24 dollars have gone to paying someone who was complicit,
25 complicit in a developer breaking the law.

1 COMMISSIONER EVANS: I would --

2 MS. SALENTO: Potentially.

3 COMMISSIONER EVANS: I would be careful about
4 saying complicit. I'm not aware of any complicity. I would
5 say someone who didn't do their job thoroughly, maybe.

6 MS. SALENTO: Okay.

7 COMMISSIONER EVANS: But being complicit, I would
8 be -- I would object to that.

9 MS. SALENTO: And I appreciate everything that
10 you've outlined. So in terms of further information on this
11 in terms of the litigation, fines, potential court, how will
12 that be shared with the townspeople of Nutley?

13 COMMISSIONER EVANS: That will be with counsel. I
14 can't comment on that tonight.

15 MS. SALENTO: Okay.

16 COMMISSIONER EVANS: But my expectation is that,
17 once it's clear, I think the -- and we've reached the
18 destination on this, people will understand very clearly
19 that you just don't do this in Nutley.

20 MS. SALENTO: Right, and I appreciate that. And I
21 hope that the message gets sent and that people are going to
22 understand that they don't have carte blanche any more.

23 COMMISSIONER EVANS: I have -- someone -- you said
24 that any more. No one's had carte blanche ever. The point
25 is --

1 MS. SALENTO: Well, that developer has had carte
2 blanche. They have done whatever they wanted until they
3 were caught.

4 COMMISSIONER EVANS: That's not true. Until --
5 yes, but to your -- what you're implying is is that they've
6 done that with knowledge. Right? People do these things
7 outside of our office in the township all the time. It
8 doesn't mean that we have knowledge of it and we ignore it.

9 MS. SALENTO: Sure.

10 COMMISSIONER EVANS: When we find out about it, as
11 we did in this case, as you came to a meeting and said,
12 "Hey, I looked at this, and I found a two-bedroom apartment
13 there." That launched an immediate investigation. And for
14 this individual -- and you raised one building. It would
15 have been very easy to simply say okay, let's go look at the
16 building and issue fines for those two bedrooms. We didn't
17 do that.

18 MS. SALENTO: I appreciate that.

19 COMMISSIONER EVANS: We went through every single
20 building.

21 MS. SALENTO: And I appreciate that, because one
22 of those properties has apartments in a lower level when
23 they're just supposed to have a basement. So you've talked
24 about how someone might add a third apartment on a lower
25 level in a residence. But this developer blatantly added

1 actual living space exceeding whatever was approved in terms
2 of density, in terms of taxes being paid. So that's my last
3 question related to this. Will the taxes -- will there be a
4 claw-back -- or I should say a reach-back -- for the years
5 that this developer has been paying taxes on fewer
6 apartments or on lesser or smaller apartments?

7 COMMISSIONER EVANS: Alan, can I comment on that?

8 MS. SALENTO: Will that be part of the settlement?

9 COMMISSIONER EVANS: All right. So specifically,
10 --

11 MS. SALENTO: I'm sorry.

12 Mr. Genitempo, you're saying we'll have to look
13 into that? I didn't hear you.

14 MR. GENITEMPO: No, I did not. Just from a legal
15 question. He shouldn't be able to answer that under the
16 circumstances.

17 MS. SALENTO: Oh.

18 COMMISSIONER EVANS: Right. So --

19 MR. GENITEMPO: (Indiscernible).

20 COMMISSIONER EVANS: All right. So --

21 MS. SALENTO: Thank you.

22 COMMISSIONER EVANS: -- you're referring to
23 additional apartments on 113 East Centre Street; is that
24 correct?

25 MS. SALENTO: I believe that's the building.

1 COMMISSIONER EVANS: Right.

2 MS. SALENTO: I've only been in it once.

3 COMMISSIONER EVANS: Eighteen units that were
4 across four buildings.

5 MS. SALENTO: Uh-huh.

6 COMMISSIONER EVANS: Permits were issued.
7 Application was submitted. It was reviewed. Right? And
8 permits were issued.

9 The builder did not, in that case, do that behind
10 closed doors or do it illegally. Right? There were permits
11 issued. There was inspections, and taxes were assessed on
12 those buildings.

13 When we went through the review and went through
14 and went back and looked at that, an identification was
15 there was an issue, right, that was missed, as part of that
16 review when it was initially interpreted at the time that it
17 was allowable back in -- I think it's 2015. Right?

18 MS. SALENTO: Okay.

19 COMMISSIONER EVANS: So when we -- and that's the
20 matter of litigation. Because once you find out about that,
21 the determination is that, for those 18 units, you need to
22 go to the Board of Adjustment to address it. If you're not
23 willing to go to the Board of Adjustment, you need to go to
24 court. And if you're not willing to go to court -- that's
25 where it is right now. And wherever they decide where they

1 want to go, we'll address those issues.

2 And, yes, the fact is that we have been collecting
3 taxes. So taxes haven't been ignored on that. But, right,
4 while that was done, right, there is a question about
5 whether or not there was a miss in that evaluation at that
6 time. Right? And what do we do about that?

7 And there's a lot of legal stuff on both sides
8 that's being evaluated by counsel on how you need to address
9 that. Whatever that determination is, it will be
10 incorporated into whatever direction we take to send a clear
11 message. But I want to be clear with you that permits were
12 actually issued for those units. That wasn't done carte
13 blanche, as you said.

14 MS. SALENTO: Okay, and I appreciate that. Again,
15 I did not go back and do my own review, because I am a
16 citizen, and I didn't anticipate that I would need to do an
17 investigation.

18 COMMISSIONER EVANS: Oh, sure.

19 MS. SALENTO: I am pleased to hear that an issue I
20 raised and a question I raised at a public meeting has had
21 follow-up and that there will be fines, settlements, et
22 cetera.

23 COMMISSIONER EVANS: Absolutely.

24 MS. SALENTO: And revenue back to the Town of
25 Nutley.

1 COMMISSIONER EVANS: Absolutely. Just, Amy, to
2 your point is to do the review that we did, we easily could
3 have answered your question in two days.

4 MS. SALENTO: I understand.

5 COMMISSIONER EVANS: Said, yeah, did that. But we
6 didn't do that.

7 MS. SALENTO: Okay.

8 COMMISSIONER EVANS: We always take the position
9 is with someone who owns multiple locations, it's a must.
10 It's a requirement. Got to go look at everything.

11 MS. SALENTO: Exactly.

12 COMMISSIONER EVANS: And that was done.

13 MS. SALENTO: I hope they're looking at the
14 buildings that builder has built that he might not be owning
15 as well. I'm just saying.

16 COMMISSIONER EVANS: Yeah.

17 MS. SALENTO: I mean, there's a wanton disregard
18 by that builder for what the law is and what's been approved
19 by the Town of Nutley.

20 COMMISSIONER EVANS: That is --

21 MS. SALENTO: I'm talking about the builder, so --

22 COMMISSIONER EVANS: Well, that's the -- yeah,
23 that's the owner's responsibility. But I understand your
24 point.

25 MS. SALENTO: Thank you.

1 I do have some other questions. I realize I spent
2 a lot of time. But if you can indulge me, I will just ask
3 -- I will mention one thing related to budget and expenses.

4 In looking at the 2017 user-friendly budget, for
5 lack of a better term, -- I think that's what it's called.

6 COMMISSIONER EVANS: Yeah, I think that's a
7 colloquialism.

8 MS. SALENTO: Right, and I'm just -- it is much
9 easier to read, yes. Thank you.

10 So the overall township overtime is 4.1 percent in
11 that budget, just calculated by me, based on salaries. So
12 overtime line item versus the salaries. It's 4.1 percent.
13 I would be curious about your reviews, Robert Half, other
14 municipalities, et cetera. Where does Nutley fall, in terms
15 of the overtime budget?

16 I don't know where that budget target is for 2018.
17 I know there was a budget hearing, and there was
18 information. But I didn't actually see an overtime line
19 item, because I think that it was, again, that less user-
20 friendly version. So it's something that I would like to
21 know more about.

22 And then I would specifically like to know -- and,
23 Mayor, this is really addressed to you, specifically. When
24 I was here in January and February, so the 26th of January,
25 the 6th of February, I referenced that the Water Department

1 overtime was over 50 percent. And there was reference to a
2 number of water main breaks. I think you quoted the number.

3 Some of them are listed in your reports that were
4 filed at a previous meeting. I didn't print everything out.
5 But specifically, March 23rd, April 20th, May 4th, and
6 today's report, in terms of overtime. The Water Department
7 overtime for those 4 pay periods exceeds 20 percent.

8 Now, we're in spring/now into summer. There were
9 2 other time periods where it was a little bit less than 20
10 percent. I'm just curious. How do we continue to have a
11 department that has such a high percentage of overtime?

12 MAYOR SCARPELLI: As I explained before,
13 Ms. Salento, the Water Department is 24/7 operation.
14 They're overtime. There are some where they're on call. So
15 it's not all just where they're fixing the repairs.

16 But for instance, on Franklin Avenue, we had a
17 fire hydrant that was leaking. You can't do those during
18 the day. You can't close Franklin Avenue down.

19 MS. SALENTO: Sure.

20 MAYOR SCARPELLI: So they have to be done at
21 night. So you have those kind of issues, where there is
22 extra overtime because of that.

23 MS. SALENTO: So you know, in looking at that, I
24 really would ask that the town look at how employees are
25 scheduled. If we know that someone has to be on call, is

1 there any way to change the scheduling? And honestly, the
2 fact that being on call gives someone time-and-a-half is
3 fascinating to me.

4 MAYOR SCARPELLI: It's not -- they don't get time-
5 and-a-half under (indiscernible).

6 MS. SALENTO: Well, it says overtime. I'm sorry.

7 MAYOR SCARPELLI: Well, overtime is not
8 necessarily time-and-a-half. It's just in addition to their
9 regular pay.

10 MS. SALENTO: Okay. So even though, in some of
11 these ordinances, it says, "Overtime is time-and-a-half,
12 anything over 40 hours per week," that's not necessarily the
13 case?

14 MAYOR SCARPELLI: It's not necessarily true.

15 MS. SALENTO: So on-call time is potentially paid
16 at a different rate?

17 MAYOR SCARPELLI: It is paid at a different rate.

18 MS. SALENTO: Is it paid at their regular rate, or
19 is it paid at less than their regular rate or more than?

20 MAYOR SCARPELLI: It's paid at their regular rate
21 on a per-hour basis for the number of hours they're on call.

22 MS. SALENTO: Okay. I find that -- I find that to
23 be --

24 MAYOR SCARPELLI: (Indiscernible).

25 MS. SALENTO: -- a considerable challenge. If

1 you're on call and you never get a call, you're still living
2 your life and you're getting paid your regular rate to just
3 possibly take a phone call?

4 MR. GENITEMPO: Ms. Salento, these issues are
5 collective bargaining agreement issues.

6 MS. SALENTO: Okay.

7 MR. GENITEMPO: And, you know, they are the much
8 bigger picture. They're not like the commissioners just
9 decide okay, you get it or you get it or you don't get it.
10 It's part of the collective bargaining agreement, and it's
11 required -- it can be something that can be renegotiated.
12 But those opportunities have to be taken when a
13 renegotiation comes up.

14 MAYOR SCARPELLI: And they're not getting paid for
15 all the hours they're on call.

16 MS. SALENTO: Right. Okay. Thank you for that.
17 I don't think any of that is detailed.

18 And listen, I don't want to get into every single
19 contract. But I don't think that our public safety officers
20 -- many of them, I assume, are on call. If they're needed,
21 they're going to be called in. But I don't think we're
22 paying them just to be potentially on call, which I
23 appreciate. We're paying them for the hours they work, I
24 believe.

25 MAYOR SCARPELLI: But we also have 24/7 -- the

1 Police Department's on the street 24/7.

2 MS. SALENTO: This is true. This is true.

3 Well, I have some other questions, but in the
4 interest of time, I'm happy to hold them for a future
5 meeting.

6 MAYOR SCARPELLI: Thank you. Thank you.

7 MS. SALENTO: Thank you.

8 MAYOR SCARPELLI: Anybody else wish to address the
9 Board of Commissioners this evening?

10 MR. EVANGELISTA: Good evening. Mike Evangelista
11 (ph), 283 Chestnut, Apartment E, as in Edward, 1, NHS Class
12 of 1964. And hello again to all of you.

13 MAYOR SCARPELLI: How are you doing, Michael?

14 MR. EVANGELISTA: Okay. I'm here tonight as a
15 private citizen. I'm also a member of a group called New
16 Jersey 11 for Change. And I've been involved in an email
17 exchange with the mayor about a request to have N.J. 11
18 participate in a Get Out the Vote Effort at the Nutley
19 Farmers' Market. And after consulting with the town
20 attorney, his response was that he wanted to avoid public
21 confusion and any appearance of promoting a political
22 organization and a cause.

23 N.J. 11, although initially organized as a Super
24 Pac, has converted several months ago to a 501-(c)(4).
25 They've never endorsed a candidate or a party. So I'm not

1 sure what the township's reasoning is for objecting to what
2 would be simply a Get Out the Vote effort. I mean, that's
3 our most important obligation as citizens.

4 MAYOR SCARPELLI: Mr. Genitempo, do you want to
5 address that, or do you want me to?

6 MR. GENITEMPO: Sure.

7 Mr. Evangelista, you know, we've had a long
8 discussion about this and looked into it. You know, the
9 problem is where do you draw the line. Okay? And I
10 understand what you claim is the purpose of your group and
11 your 501(c)(3). You did have a history of having a Pac
12 that's a little bit, obviously, more political than you
13 claim that you are now.

14 MR. EVANGELISTA: Well, but never endorsed
15 anybody, right, right.

16 MR. GENITEMPO: I understand, but you don't have
17 to be endorsing a candidate to be apolitical. So we don't
18 -- I don't think the commissioners are going to be able,
19 down the road, to draw the line between the Farmers' Market
20 or the festival or some other event. And then so if one is
21 allowed, they're all going to be allowed. And I think the
22 whole idea is to make this not political.

23 Whether or not you believe that Get Out the Vote
24 may be one of the -- maybe the townspeople will say hey, the
25 mayor is using this event to get people to sign up to vote

1 to bolster his reelection campaign. And that's unfair. So
2 I think, no matter which way you slice it -- and I
3 understand your passion to want to do it -- I don't think
4 personally and as the attorney that it's something that
5 should be allowed because you don't know -- they're not
6 going to know where to draw the line on any future requests
7 or endorsements -- I'm sorry -- events.

8 So that is the purpose for it. It's not to stifle
9 the Get Out the Vote. You know, you have a right to do that
10 in other locations and at other opportunities. And I don't
11 -- I don't think -- some commissioners don't have events
12 like the Farmers' Market and may not have the opportunity to
13 have people -- I'm not saying they're going to sign up and
14 vote just for Mayor Scarpelli. But --

15 MR. EVANGELISTA: I have another question.

16 MR. GENITEMPO: -- you understand my point, I'm
17 sure?

18 MR. EVANGELISTA: I understand your point. How do
19 you reconcile that with holiday parades, which are supported
20 by the town, in which politicians routinely march?

21 MR. GENITEMPO: Well, holiday parades and all the
22 holiday celebrations are non-denominational. They've been
23 that way for years. There's case law that talks about what
24 should be allowed, and the commissioners march in them. It
25 doesn't mean they're endorsing anything or taking a

1 political stand.

2 MR. EVANGELISTA: But the holiday (indiscernible)

3 --

4 MR. GENITEMPO: I think that's too -- I think
5 that's -- excuse me. Wait.

6 MR. EVANGELISTA: (Indiscernible).

7 MR. GENITEMPO: I think that's two different
8 arguments that you're making. So my opinion was given to
9 the mayor. I don't have any reason to want to change my
10 opinion. I think it's a solid opinion, and that's the one
11 that the commissioners have decided to follow.

12 MR. EVANGELISTA: Okay. But as a private citizen,
13 I'm perfectly allowed to do that, right?

14 MR. GENITEMPO: Allowed to do what?

15 MR. EVANGELISTA: If I wanted to go to the
16 Farmers' Market and pass out information that's readily
17 available to the public on the web site, on the government
18 web site, that would be -- I would be within my rights?

19 MR. GENITEMPO: As a private citizen, if you walk
20 through yourself, you might be able to. But you're not
21 going to be endorsed by commissioners or --

22 MR. EVANGELISTA: Well, I'm not asking for an
23 endorsement.

24 MR. GENITEMPO: You asked me a question. I'm
25 trying to answer it. They're not going to -- you're not

1 going to be endorsed by a commissioner or by the event
2 itself. You're a private citizen. You can walk. It's a
3 public event.

4 I'm not suggesting that you're going to be
5 stifled. But if you're asking for official endorsement or
6 space, --

7 MR. EVANGELISTA: I'm not.

8 MR. GENITEMPO: Well, let me -- my understanding
9 is you were looking for approval from the commission to set
10 up a stand or set up a table to set up your particular
11 501(c)(3) during this -- during this event. And I don't
12 believe that's appropriate. As a citizen, you have other
13 rights. I'm not your lawyer.

14 You have every right to find out what your rights
15 are. But I don't disagree with you completely on that. But
16 I think, as an event, as a group, yes, I do believe it's
17 inappropriate.

18 MR. EVANGELISTA: Okay. I accept your answer.
19 I'm disappointed, but I accept it. I'll see you at the
20 Farmers' Market.

21 MR. GENITEMPO: Okay.

22 MAYOR SCARPELLI: Thank you, Mr. Evangelista.

23 Anybody else wish to address the Board of
24 Commissioners this evening?

25 (Pause)

1 MS. RABINO: Joan Rabino, 48 North Road. We speak
2 about being more strict with the builder who has all these
3 violations. Or I don't know how many he has. But I think
4 it's a little bit late, because he's built the whole town
5 up. Is there any property left where he can build? That's
6 another question.

7 I understand that there is going to be some
8 building behind the bank on Franklin Avenue. Is that true?

9 MAYOR SCARPELLI: That is no --

10 MS. RABINO: The same builder?

11 MAYOR SCARPELLI: There is no longer -- that is no
12 longer the case.

13 MS. RABINO: And that will be not -- that will --
14 he will not be granted permission for what reason?

15 MAYOR SCARPELLI: I don't think that application
16 is pending any longer.

17 MS. RABINO: Oh, okay. And if he -- if he
18 reinstates or, you know, reapplies or whatever, will you
19 look at it in a different light than you have in the past?
20 I mean, --

21 MAYOR SCARPELLI: Ms. Rabino, this board doesn't
22 look at any of those buildings. That's the Zoning and
23 Planning Boards.

24 MS. RABINO: Okay. But you don't have any
25 influence? Isn't --

1 MAYOR SCARPELLI: No, we do not have any -- we sit
2 -- we sit as members.

3 MS. RABINO: You don't? Yeah.

4 MAYOR SCARPELLI: Commissioner Evans and I sit as
5 members.

6 MS. RABINO: Well, that's what I mean. That's
7 what I mean.

8 MAYOR SCARPELLI: But we don't have any influence
9 over the boards. So we're just a voting member.

10 MS. RABINO: You're a voting member?

11 MAYOR SCARPELLI: Correct.

12 MS. RABINO: So you then do have some influence,
13 it seems, if you're voting on something.

14 MAYOR SCARPELLI: I think it's the way you
15 interpret influence.

16 MS. RABINO: Well, how do you interpret influence?

17 MAYOR SCARPELLI: Well, having a vote doesn't mean
18 that you're influencing the board.

19 MS. RABINO: Well, in other words, you don't have
20 a right to discuss anything while you're at this board, but
21 you are allowed to vote? Is that what you're saying?

22 MAYOR SCARPELLI: You listen to the testimony
23 provided by both sides, your side -- the experts on your
24 side, the experts on the developer's side. And then you
25 weigh and balance how you're going to vote on that

1 application.

2 MS. RABINO: Okay. So --

3 MAYOR SCARPELLI: Based on the law.

4 MS. RABINO: But you do not participate? That's
5 what you're saying?

6 MAYOR SCARPELLI: You ask --

7 MS. RABINO: In the discussion?

8 MAYOR SCARPELLI: You ask questions.

9 MS. RABINO: Oh, you can --

10 MAYOR SCARPELLI: You ask questions of the
11 experts.

12 MS. RABINO: Oh, okay.

13 MAYOR SCARPELLI: But there's no back and forth
14 between the members.

15 MS. RABINO: All right, very good. Thank you.

16 Oh, one more thing.

17 MAYOR SCARPELLI: Sure.

18 MS. RABINO: Now, when this particular person pays
19 his fines, how do we find out about that? Is that going to
20 be published in the newspaper, or, you know, to make sure
21 that this is -- has been done and the amount that the person
22 pays and, you know, all of the ramifications of this? How
23 do we find --

24 MAYOR SCARPELLI: Mr. Genitempo, do you want to
25 shed some light on that?

1 MR. GENITEMPO: Ms. Rabino, we're not really close
2 to having a complete resolution. When we do, I think it's
3 going to have to be formally approved by the board, which
4 means that it should be in public.

5 MS. RABINO: Okay.

6 MR. GENITEMPO: So that you -- whether it's in the
7 newspaper or not, I can't answer that question.

8 MS. RABINO: Right, right, right.

9 MR. GENITEMPO: But if this board has to take
10 action, --

11 MS. RABINO: It will be like in the minutes of the
12 meeting?

13 MR. GENITEMPO: Right. And obviously, if it ends
14 up in litigation, you'll be well-aware of it, and there'll
15 be a public record.

16 MS. RABINO: Okay, very good. Thank you.

17 MAYOR SCARPELLI: Anybody else wish to address the
18 Board of Commissioners this evening?

19 Seeing none, can I have a motion to close the
20 public portion of the meeting?

21 COMMISSIONER ROGERS: I make that motion.

22 COMMISSIONER PETRACCO: Move it.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: 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 Could I have a motion to go into executive session

7 --

8 COMMISSIONER ROGERS: I make that motion.

9 MAYOR SCARPELLI: -- to discuss --

10 MADAM CLERK: Litigation and contracts.

11 COMMISSIONER ROGERS: I make that motion.

12 MAYOR SCARPELLI: Second?

13 COMMISSIONER PETRACCO: Second.

14 WHEREAS, Section VIII of the Open Public Meetings
15 Act, Chapter 231, Public Law 1975 permits the exclusion of
16 the public for meetings in certain circumstances; and

17 WHEREAS, the public body is of the opinion that
18 such circumstances exist; and

19 WHEREAS, the Board of Commissioners of the
20 Township of Nutley, in the county of Essex, in the state of
21 New Jersey desires to proceed to closed executive session;
22 and

23 NOW, THEREFORE, BE IT RESOLVED by the Board of
24 Commissioners of the Township of Nutley move into closed
25 executive session to discuss litigation and contracts;

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

7 Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 We will be coming back on the -- on the record to
16 close the meeting. No further action will be taken.

17 MADAM CLERK: The time is 9:20.

18 (Adjourned to closed executive session)

19 MAYOR SCARPELLI: Let's wait for the clerk.

20 (Pause)

21 MAYOR SCARPELLI: Madam Clerk, you ready?

22 MADAM CLERK: Yes, Mayor.

23 MAYOR SCARPELLI: Could I have a motion to
24 adjourn?

25 COMMISSIONER ROGERS: Make a motion to adjourn.

1 COMMISSIONER EVANS: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 MADAM CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 MADAM CLERK: The time is 10:22.

11 MAYOR SCARPELLI: Good night, everybody.

12 COMMISSIONER ROGERS: Good night, everybody.

13 MADAM CLERK: Good night.

14 (Whereupon, these proceedings were concluded at 10:22

15 PM)

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

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



Nicole Yawn

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