

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

Transcript of Proceedings
January 2, 2019
Conference Session



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Min-U-Script® with Word Index

Conference Session

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

*** CONFERENCE SESSION ***

DATE: January 2, 2019

BOARD OF COMMISSIONERS:

- JOSEPH P. SCARPELLI, MAYOR
- STEVEN L. ROGERS, COMMISSIONER
- MAURO G. TUCCI, COMMISSIONER
- THOMAS J. EVANS, COMMISSIONER
- ALPHONSE PETRACCO, COMMISSIONER

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 THE CLERK: Board of Commissioners Public
3 Meeting Wednesday, January 2, 2019. The time is 7:04.
4 Pursuant to the requirement of the Open Public Meeting
5 Act, Chapter 231, Public Law 1975, notice of this
6 meeting was published in the November 29, 2018 issues
7 of The Nutley Sun, The Herald News, and The Star
8 Ledger. A copy of this notice has been posted on the
9 Nutley town hall bulletin board, and a copy is on file
10 in the municipal clerk's office.

11 Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye, here.

13 THE COURT: Commissioner Tucci?

14 COMMISSIONER TUCCI: Here.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Here.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Here.

19 THE CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Here.

21 THE CLERK: All present, Mayor.

22 MAYOR SCARPELLI: Thank you, Madam Clerk.

23 Commissioner Petracco?

24 COMMISSIONER PETRACCO: I'm looking and I
25 don't see anything. Am I missing something, Eleni?

Conference Session

3

1 THE CLERK: No.

2 COMMISSIONER PETRACCO: I don't have
3 anything.

4 THE CLERK: No, sir.

5 MAYOR SCARPELLI: Hear, hear.

6 COMMISSIONER PETRACCO: So it was either here
7 or with Fran, and I -- and here, I might point up at
8 (indiscernible). Fran, I would stay home.

9 COMMISSIONER TUCCI: Yeah. Well, that's on
10 the record.

11 COMMISSIONER PETRACCO: Is that on the
12 record?

13 MAYOR SCARPELLI: If your wife OPRAs that,
14 you're in trouble.

15 COMMISSIONER PETRACCO: So the holidays are
16 never over, right, Fran?

17 COMMISSIONER EVANS: Maybe yours is.

18 THE CLERK: It's very clear.

19 COMMISSIONER TUCCI: That was a joke, Fran.

20 THE CLERK: Yeah.

21 MAYOR SCARPELLI: He's joking. He's joking.

22 COMMISSIONER TUCCI: He's just joking. You
23 know he's a funny guy.

24 COMMISSIONER EVANS: I have -- Mayor, I have
25 two ordinances, 3411 and 3412, that we need to table

1 until the next meeting. The financing arrangements are
2 almost done and -- but not signed yet, and we need to
3 make them available prior to the public hearing, so
4 I'll table those. But they'll definitely be ready for
5 the next meeting.

6 I have one resolution for a professional
7 service contractor, to have Tim Cunningham of Archer &
8 Greiner come in and do an independent review of the
9 Code Department, best practices as we go forward, since
10 we have a new construction official, and his fees are
11 not to exceed \$16,000, which will be reimbursed.
12 That's all I have.

13 MAYOR SCARPELLI: Commissioner Rogers?

14 COMMISSIONER ROGERS: Mayor, I have nothing.

15 MAYOR SCARPELLI: Commissioner Tucci?

16 COMMISSIONER TUCCI: I have three short ones.
17 First is an award of plumbing, heating, air
18 conditioning, and refrigeration services and purchases,
19 if we need to, not to exceed \$90,000, to Advanced
20 Mechanical; and I have two resolutions awarding
21 contracts for recreation uniforms, equipment, and
22 supplies, and that's it.

23 MAYOR SCARPELLI: Thank you. I have a change
24 order for various roadway improvements and a decrease
25 in the amount of \$61,352 and change, appointment of

1 Jonathan Bruno as Public Defender for another year, and
2 authorize and approve of various raffle applications,
3 and authorize and approve of budget transfer. That's
4 all I have.

5 Madam Clerk?

6 THE CLERK: And we have -- the Nutley Junior
7 Raiders Booster Club has submitted a letter requesting
8 to hold a raffle on Sunday, February 10th from 3:00 to
9 7:00 at the Parks and Rec building, and that's it.

10 MAYOR SCARPELLI: Counselor?

11 MR.GENITEMPO: I have nothing, Mayor.

12 MAYOR SCARPELLI: Well, let's go have a
13 meeting.

14 UNIDENTIFIED: Let's go have one.

15 COMMISSIONER EVANS: I'm just going to say
16 real quick, I'll be circulating for capital for '19 so
17 that we can introduce capital in February. Okay?
18 You've got to keep that on your agenda and we'll see
19 (indiscernible).

20 COMMISSIONER TUCCI: Did you get my email?

21 COMMISSIONER EVANS: No.

22 COMMISSIONER TUCCI: Because I emailed --

23 (End of recording)

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CERTIFICATION

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

January 17, 2019

Ilene Watson
AAERT Cert. No. 447
Certified Court Transcriptionist

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In RE: Nutley Board of Commissioners

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January 2, 2019
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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS
ONE KENNEDY DRIVE
3RD FLOOR COMMISSION CHAMBERS
NUTLEY, NEW JERSEY 07110

*** PUBLIC SESSION ***

DATE: January 2, 2019

BOARD OF COMMISSIONERS:

- JOSEPH P. SCARPELLI, MAYOR
- STEVEN L. ROGERS, COMMISSIONER
- MAURO G. TUCCI, COMMISSIONER
- THOMAS J. EVANS, COMMISSIONER
- ALPHONSE PETRACCO, COMMISSIONER

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 (Pledge of Allegiance)

3 MAYOR SCARPELLI: Madam Clerk.

4 THE CLERK: Thank you, Mayor. Board of
5 Commissioners Public Meeting Wednesday, January 2,
6 2019. The time is 7:12. Pursuant to the requirements
7 of the Open Public Meeting Act, Chapter 231, Public Law
8 1975, notice of this meeting was published in the
9 November 29, 2018, issues of The Nutley Sun, The Herald
10 News, and The Star Ledger. A copy is on file -- a copy
11 of this notice has been posted on the Nutley town hall
12 bulletin board, and a copy is on file in the municipal
13 clerk's office.

14 Commissioner Rogers?

15 COMMISSIONER ROGERS: Here.

16 THE CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Here.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Here.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Here.

22 THE CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Here.

24 THE CLERK: All present, Mayor.

25 MAYOR SCARPELLI: Communications?

1 THE CLERK: Thank you, Mayor. The Nutley
2 Junior Raider Booster Club has submitted a letter
3 requesting permission to hold a raffle on Sunday,
4 February 10, 2019, between 3:00 p.m. and 7:00 p.m. at
5 the Parks and Recreation building, which is located at
6 44 Park Avenue. I need a motion.

7 COMMISSIONER EVANS: Move it.

8 COMMISSIONER TUCCI: Second.

9 THE CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 THE CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

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

20 MAYOR SCARPELLI: Bills?

21 THE CLERK: Yes, Mayor. Bill list for
22 January 2, 2019. Public Affairs, \$93,600; Revenue and
23 Finance, \$2,629,633.40; Public Safety, zero; Public
24 Works, zero; Parks and Public Property, \$532,280.66;
25 Water Utility, \$322,038.91; Total Payroll is

1 \$830,137.35; for a grand total of \$4,407,690.32.

2 COMMISSIONER EVANS: Move the bills.

3 COMMISSIONER TUCCI: Second.

4 THE CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: All right.

6 THE CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

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

15 MAYOR SCARPELLI: Public comment of agenda
16 items only. Madam Clerk?

17 THE CLERK: Yes, Mayor. All persons
18 addressing the Board of Commissioners regarding
19 community concerns should approach the microphone and
20 provide their name and address for the record. Unless
21 further time is granted by the Board, each person shall
22 limit their address to three minutes.

23 All remarks to the board and its individual
24 members much be addressed to the Mayor. The Mayor may
25 defer citizens' comments to the appropriate member of

1 the Board. Dialogue between citizens and others
2 addressing the Board shall be allowed unless the Mayor,
3 presiding officer, or the majority of the membership of
4 the Board shall determine that the interest of decorum
5 and/or the expeditious conduct of municipal business
6 are being adversely affected by such dialogue.

7 MR. MOORE: Rory Moore, 462 Chestnut Street.
8 Mr. Scarpelli, I have a question in general on the bill
9 list. Last meeting I believe there was a resolution
10 for Pennoni not to exceed \$165,000 for the year.
11 Believe this is written in Microsoft Excel. In Excel,
12 you can do a running total, and I'd like to know if we
13 could have a running total for the total -- yes?

14 MAYOR SCARPELLI: Like, you can put an open
15 request in, and it'll give you

16 MR. MOORE: No, no, no. On this bill -- so
17 it's a list. This is written in a software package.

18 MAYOR SCARPELLI: So every week, the Pennoni
19 bills are on there, it'll be on the bill list.

20 MR. MOORE: They'll be on

21 MAYOR SCARPELLI: It's always on.

22 MR. MOORE: No, no. I understand that. But
23 you can -- because this is -- the software package that
24 is used for this, you could do a running total for what
25 you spent

1 MAYOR SCARPELLI: That's not what the bill
2 list is, Mr. Moore. The bill list is for us to approve
3 the bills.

4 MR. MOORE: No. I understand.

5 MAYOR SCARPELLI: Not for a running total of
6 Pennoni. So if you'd like a running total of Pennoni's
7 bills for the year for 2018, I suggest you put it in a
8 open request.

9 MR. MOORE: Okay.

10 MAYOR SCARPELLI: Anybody else wish to
11 address the Board on agenda items only? Seeing none,
12 move to Board of Commissioner announcements. Any
13 announcements, commissioners?

14 COMMISSIONER TUCCI: I have an announcement,
15 Mayor. It's actually much more than an announcement.
16 I would prefer -- I know we -- I've been talking about
17 my white paper, and I was prepared to do it at the last
18 meeting, but I had an unfortunate personal situation
19 and I wasn't able to be here. I can give a verbal
20 tonight, if it pleases everyone, or if everyone is in
21 agreement, I can wait until the next meeting and
22 actually have a written document to hand out, the
23 actual white paper.

24 MAYOR SCARPELLI: It's up to you,
25 Commissioner. Which way do you want to handle it?

1 COMMISSIONER TUCCI: Well, with everyone's
2 permission -- everyone's been asking about it, and I
3 don't want anybody to think that I'm stalling because I
4 do have the information and the statistics to support
5 it. But basically this white paper was to assess the
6 impact of multi-family housing, you know, on the
7 township and whether or not we could sustain any more
8 housing. And while there is a tax benefit associated
9 with that there is also some stresses on services and
10 potential stresses on infrastructure, you know.

11 But I know we have -- Mayor, I know I asked
12 your department about sewer capacity, and we have ample
13 sewer capacity, but in different parts of town we may
14 not have the ability to convey that sewage to Passaic
15 Valley. All right. Water consumption. I know this
16 year we had a particularly wet year, and we spoke about
17 that. And our consumption was down, but should we
18 continue to develop that can also be impacted.

19 I spoke with Commissioner Rogers about the
20 Health Department. I mean, they're up about 15 percent
21 in service calls. All right. The school situation
22 with population and shortages of space, all right, are
23 not totally attributed to the multifamily housing. As
24 a matter of fact, there's only 24 more students from
25 '16 to '17. All right.

1 But there is the possibility that there's a
2 small impact there, and I'm waiting for the '18 numbers
3 from the Board that I understand they either have or
4 will be getting very shortly. But that, in conjunction
5 with some of the recent home sales over the past year
6 or so, and especially in the Washington School area,
7 all right, are impacting, you know, what's going on.

8 I see -- I know in Parks and Rec our numbers
9 are up. In Public Safety I know you're at about 48,000
10 calls for service. All right. You're up about 10 to
11 15 percent in that area. Same thing with fire. I
12 mean, fire's up, EMS is up, the courts are up. So does
13 the whole advent of additional units have an impact on
14 the township? Yes, I believe it does. All right.

15 And again, that's just one person's opinion,
16 but I just wanted to give everyone an overview as to
17 where I was with this and what, basically, my
18 conclusion is or some of my conclusions, and the fact
19 that I believe that we need to look at this even
20 further. Because there's not only the drain, all
21 right, or the stresses on services. There's also a
22 psychological effect that's affecting some folks, all
23 right, because with the advent of apartments -- and we
24 always try to accommodate, you know, the greater
25 population, you know, the "millennials," you know, it's

1 the "baby boomers," us "empty-nesters." So we need a
2 good mix, but I think we need to look at this moving
3 forward in greater detail, all right, to see exactly
4 what the cost is to us, what the psychological effect
5 is, how it's impacting traffic, how it's impacting
6 services, and a wide range of other things.

7 So I don't want to take up too much time this
8 evening, but I want everyone to know, all right, that,
9 you know, the work has, in fact, been done, just that
10 I've been delayed in actually getting it printed. But
11 I'm hoping to have that done by the next meeting.
12 Thank you, Mayor.

13 MAYOR SCARPELLI: Thank you, Commissioner.
14 Look forward to seeing that report.

15 COMMISSIONER TUCCI: And basically what it's
16 going to do, it's going to stimulate thought and
17 discussion and hopefully some action.

18 MAYOR SCARPELLI: Very good.

19 COMMISSIONER PETRACCO: I just have -- I do
20 have an announcement, and this is one thing regarding
21 Commissioner Tucci's report. I think it's really
22 interesting to get that information, especially now
23 that we're going into that Phase 3 at the Hoffman
24 La-Roche site, because that's when the residential
25 components are going to come in.

1 I have to tell you, I'm not personally sold
2 on all those units going there. The apartments on the
3 corners around town and these abandoned gas stations, I
4 think there was a benefit to that, and I don't think
5 any big companies were going to move on these little
6 corners.

7 So I think moving forward with the
8 residential and more stores and restaurants on the
9 Clifton side and all that stuff is going to be
10 instrumental of really how we shape this town moving
11 forward, and I think it's very important to get all the
12 facts before we just cast a vote if there would be one.
13 And that's my comment on that.

14 I just wanted to mention tonight, also, and
15 thank all of our departments during the holiday season,
16 but, of course, I have to just thank the Nutley Police
17 Department and the fire department, and also the EMTs,
18 because like you said, Mauro, the calls are up.

19 I have to say, this Christmas we had hardly
20 anything in town. Our overtime dollars, we did spend
21 some, and traditionally we do spend them November and
22 December. We hardly had -- got into any of these
23 package thefts. Break-ins were way, way down this
24 year. We have a new division in the police department
25 which we're calling Anti-Crime. And I don't want to

1 get into what we do, but, you know, we are -- it's not
2 the traditional policing in the Nutley Police
3 Department that it's been over the years. There's
4 people out in plain clothes now and all different
5 things to really deter the crime in Nutley.

6 So I just wanted to say -- you know, and
7 again, the fire department was busy on medical calls as
8 well. They did a great job with fire prevention with
9 all the Christmas trees around town. And it's -- it
10 was just -- you know, I think they deserve, you know,
11 just a shout out to them, along with the EMTs. Thank
12 you.

13 MAYOR SCARPELLI: Thank you, Commissioner.
14 Any other announcements?

15 COMMISSIONER ROGERS: Mr. Mayor, I'd like to
16 encourage the public to come out to the next meeting
17 and those thereafter to continue the dialogue on the
18 issue of term limits. I think that we should give --
19 and I know you all feel this way, too -- give every
20 citizen who wants to participate in the discussion an
21 opportunity to express their views, whether it's pro or
22 con.

23 We hear what they have to say, we look at the
24 legal issues, but I believe there's a way -- there is
25 a pathway to get to the goal. And the goal is to

1 increase public participation in the boards and in the
2 things we do here. So if there are legal roadblocks --
3 and I'm convinced there are, I'm not going to tell you
4 I'm not, I'm convinced there are -- there may be a way,
5 and I think we've got the way, but I'm not going to
6 talk about that until we actually get everyone
7 involved.

8 Look, the best way to handle this is people
9 being informed, getting educated. I'm sure that the
10 people could educate us on some things, and we could
11 certainly educate them on some things. But what we saw
12 here that night, I was encouraged over that. That was
13 good, civil discussion over a really very important
14 issue to everyone. So I would like to just encourage
15 people, if you all don't mind, to start coming out next
16 week, and to be articulate, and to express their views
17 on this issue. Thank you, Mr. Mayor.

18 MAYOR SCARPELLI: Thank you, Commissioner.
19 In regard to that, we had six people submit resumes for
20 interest in serving on the boards. I interviewed five
21 of the people. One could not make it. They were in
22 the hospital. And out of the five, four were appointed
23 to boards.

24 COMMISSIONER ROGERS: Great. Thank you.

25 COMMISSIONER EVANS: So, Mayor, just one

1 more, since it's the new year and everybody's got
2 something on their mind. And I apologize for my voice.
3 Just bringing in the new year with a new-year cold.
4 But something that's been on my mind, and we haven't
5 really talked about -- that much about this. And
6 there's this whole debate and whether you're on the
7 side of agreeing with or disagreeing with the notion of
8 climate change and so on.

9 I'm starting to see more and more that towns
10 are starting to take up the discussion around what we
11 should be doing to support the environment and things
12 like whether or not we should, you know, for example,
13 as a town, limit the use of plastic straws, plastic
14 containers, plastic bags, throwaway, disposal type
15 items, and whether or not we should encourage an
16 alternative such as maybe supplying people with
17 reusable bags for shopping and things like that that
18 promote -- I think it's something that we should look
19 to as a board to begin a conversation about how we can
20 actually be more proactive and understanding what the
21 influences are on our environment and at a simple level
22 at the local level. I think it's important that we
23 begin to have that dialogue, so I would look forward to
24 being able to do that.

25 MAYOR SCARPELLI: Commissioner, just as a

1 point of information, at our farmers market over the
2 years we have supplied reusable bags through the Go
3 Green Initiative and Green Nutley. So in that effort
4 they've been out there for free or a dollar. It was
5 very cheap.

6 COMMISSIONER EVANS: Yeah. I just think we
7 should think about how do we -- you know, look at how
8 do we expand things like that. And it's not something
9 that (indiscernible). I think we all, as a board, can
10 look at something like that because while, you know,
11 you were looking at -- you know, you think about what's
12 the impact on our recycling cost, what's on our
13 garbage-removal cost, what's the impact on our shores,
14 our beaches, the environment, sea life, wherever these
15 things are popping up. I just think it's valuable to
16 have that conversation.

17 MAYOR SCARPELLI: Very good. Any other
18 announcements?

19 Commissioner, you want to talk about the
20 ordinance/public-hearing side?

21 COMMISSIONER EVANS: Yes, Mayor. I'm
22 requesting that we table those for this evening. The
23 underlying agreements are just about ready, but they
24 haven't been inked yet, and I want to make sure that
25 those are available prior to having a public hearing on

1 those ordinances. So I suggest we table those, and I
2 fully expect them to be ready at the next meeting. I'm
3 disappointed they weren't ready tonight, but I will
4 have them for the next meeting.

5 MAYOR SCARPELLI: Thank you, Commissioner.
6 Commissioner Tucci, resolutions.

7 COMMISSIONER TUCCI: Yes. Thank you, Mayor.

8 Whereas, sealed bids were received for
9 plumbing, heating, air conditioning, and refrigeration
10 service and purchases on Wednesday, December 27, 2018.

11 Whereas, Advanced Mechanical Corp, 9 Falstrom
12 Court, Passaic, New Jersey, was the low bidder at
13 service per hour rate for HVAC of \$80, and plumbing
14 per-hour rate of the same \$80.

15 And whereas the contract is not to exceed
16 \$90,000, and funds are available from Account
17 9-01-508-200 for services contingent upon the adoption
18 of the 2019 budget, with an option to extend for one
19 year, having been certified by the chief financial
20 officer, said certification being attached to this
21 resolution.

22 Now, therefore, be it resolved by the Board
23 of Commissioners of the Township of Nutley, County of
24 Essex, State of New Jersey, that a contract for
25 plumbing, heating, air conditioning, and refrigeration

1 service and purchases of equipment be awarded to
2 Advanced Mechanical Corp, which is wholly owned by a
3 Nutley resident.

4 I move the resolution.

5 COMMISSIONER EVANS: Second.

6 THE CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 THE CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 COMMISSIONER TUCCI: Whereas, sealed bids
17 were received on December 12, 2018, for recreation
18 uniforms, equipment, and supplies in the Township of
19 Nutley.

20 And, whereas, BSN Sports, P.O. Box 49,
21 Jenkintown, PA submitted a proposal as per the attached
22 sheet.

23 And, whereas, funds are available from
24 accounts T-24-909-901 through T-24-909-915 in an amount
25 not to exceed \$27,800, and have been certified by the

1 Chief Financial Officer.

2 Now, therefore, be it resolved by the Board
3 of Commissioners of the Township of Nutley in the
4 County of Essex, State of New Jersey, that a contract
5 for recreation uniforms, equipment, and supplies be
6 awarded to BSN Sports, P.O. Box 49, Jenkintown, PA as
7 per the attached sheet, and the Mayor and township
8 clerk be and they are hereby authorized to enter into
9 and sign said contract for the Township of Nutley.

10 I move the resolution.

11 COMMISSIONER EVANS: Second.

12 THE CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 THE CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 THE CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 THE CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 THE CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 COMMISSIONER TUCCI: Whereas, sealed bids
23 were received on December 12, 2018, for recreation
24 uniforms, equipment, and supplies in the Township of
25 Nutley.

1 And, whereas, Dot Designing, LLC, 242 Possum
2 Hollow Road, Monroe Township, submitted a proposal as
3 per the attached sheet.

4 And, whereas, funds are available from
5 accounts T-24-909-901 through T-24-909-915 in an amount
6 not to exceed \$21,000, and have been certified by the
7 Chief Financial Officer.

8 Now, therefore, be it resolved by the Board
9 of Commissioners of the Township of Nutley, County of
10 Essex, State of New Jersey, that a contract for
11 recreation uniforms, equipment, and supplies be awarded
12 to Dot Designing, LLC, 242 Possum Hollow Road, Monroe
13 Township as per the attached sheet, and the Mayor and
14 the township clerk be and they are hereby authorized to
15 enter into and sign said contract for the Township of
16 Nutley.

17 I move the resolution.

18 COMMISSIONER EVANS: Second.

19 THE CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 THE CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 COMMISSIONER TUCCI: That's all I have,
5 Mayor.

6 MAYOR SCARPELLI: Commissioner Evans?

7 COMMISSIONER EVANS: Thank you, Mayor.

8 Whereas, given the recent retirement of the
9 Township construction official, the Township desires to
10 conduct an independent review of the Code Enforcement
11 Department in order to ensure that the department is
12 compliant with the most recent, current practices and
13 procedures of both the State Uniform Construction Code
14 and our local zoning code.

15 And, whereas, the Township has a need to hire
16 an attorney, as a professional service, who possesses
17 the special knowledge and experience to conduct the
18 above review through a non-fair and non-open process
19 pursuant to the provisions of N.J.S.A. 19:44 A-20.4 and
20 20.5 as appropriate and N.J.S.A. 28:11.1, as amended.

21 Whereas, Timothy Cunningham is the former
22 director of the New Jersey Division of Community
23 Affairs, where he has had oversight of all
24 municipalities across the state of New Jersey and meets
25 the criteria above.

1 Whereas, Mr. Cunningham of Archer & Greiner,
2 Attorneys at Law, located at 10 Highway 35, Red Bank,
3 New Jersey, has submitted a proposal to conduct this
4 review for an amount not to exceed \$16,000.

5 Whereas, the firm has completed and submitted
6 their Business Entity Disclosure Certification which
7 certifies that they have not made any reportable
8 disqualifying contributions to a political or candidate
9 committee in the Township of Nutley in the previous one
10 year that would violate N.J.S.A. 19:44A 20.5, or the
11 Township's local pay-to-play ordinance or the Election
12 Law Enforcement Commission disclosure requirements, and
13 that the contract will bar Timothy Cunningham from
14 making any reportable contributions through the term of
15 the contract.

16 Whereas, funds are available in Account
17 9-01-218-205, which have been certified by the Chief
18 Financial Officer subject to the adoption of the 2019
19 budget, said certification attached to this resolution.

20 Now, therefore, be it resolved by the Board
21 of Commissioners of the Township of Nutley, County of
22 Essex, State of New Jersey does hereby resolve and
23 authorize that the Mayor and the township clerk are
24 hereby authorized and directed to execute, seal and
25 deliver a 2019 contract for professional services with

1 Timothy Cunningham not to exceed \$16,000 for a term
2 beginning January 1, 2019, through June 30, 2019.

3 A copy of this resolution shall be -- as well
4 as the contract and business disclosure to the
5 certification and business entity disclosure of
6 campaign contributions shall be placed on file with the
7 clerk, as well as the resolution will be published, as
8 required by law, within 10 days of passage.

9 So moved.

10 COMMISSIONER TUCCI: Second.

11 THE CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye.

13 THE CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 COMMISSIONER EVANS: Thank you, Mayor.

22 MAYOR SCARPELLI: Whereas, bids for the 2017

23 Various Roadway Improvement Project were received and

24 opened on Wednesday, June 14, 2017.

25 And, whereas, D&L Paving Contractors, 675

1 Franklin Avenue, was the low bidder.

2 Whereas, the bid for the 2017 Various Roadway
3 Improvements was in the base bid amount of \$367,719.15,
4 Alternate Bid Number 1 in the amount of \$17,269.25, and
5 Alternate Bid Number 2 in the amount of \$45,771.09, for
6 a total contract bid of \$430,759.49.

7 And, whereas, the Township of Nutley entered
8 into a contract with D&L Paving Contractors for the
9 amount of \$430,759.49.

10 Whereas, Change Order Number 1 for the base
11 bid has been authorized for a decrease in the amount of
12 \$57,268.64, and Alternate Number 1 has been authorized
13 for an increase in the amount of \$2,144, and Alternate
14 Number 2 has been authorized for a decrease in the
15 amount of \$6,227.71.

16 And, whereas, the original contract amount is
17 being decreased in the amount of \$61,352.35 to be
18 credited to Ordinance Number 3295A/G-04-1 13-401 and to
19 reflect the adjusted contract price of \$369,407.14.

20 Now, therefore, be it resolved by the Board
21 of Commissioners in the Township of Nutley, County of
22 Essex, State of New Jersey, that Change Order Number 1
23 as attached is a change from the contract previously
24 made by the Township of Nutley with D&L Paving
25 Contractors for the project known as 2017 Various

1 Roadway Improvements and is hereby authorized and
2 approved.

3 I move the resolution.

4 COMMISSIONER TUCCI: Second.

5 THE CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 THE CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 MAYOR SCARPELLI: Be it resolved by the Board
16 of Commissioners of the Township of Nutley, County of
17 Essex, State of New Jersey, that Jonathan Bruno be
18 appointed Public Defender for the Township of Nutley
19 effective January 1, 2019, and expiring December 31,
20 2019.

21 I move the resolution.

22 COMMISSIONER TUCCI: Second.

23 THE CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 THE CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 Whereas, raffle applications have been
9 received from the following organizations: Nutley Youth
10 Baseball Club, License Number 1 19, off-premise, 50/50
11 cash raffle to be held Saturday, March 30, 2019; Nutley
12 Junior Raider Booster Club, License Number 2-19,
13 on-premise merchandise raffle, and License Number 3-19,
14 on-premise 50/50 cash raffle, both to be held Sunday,
15 February 10, 2019.

16 Whereas, the applications have been reviewed
17 and approved by the municipal clerk and the police
18 department.

19 Now, therefore, be it resolved by the Board
20 of Commissioners of the Township of Nutley, County of
21 Essex, State of New Jersey that the aforementioned
22 licenses are approved and the municipal clerk is
23 authorized to issue the raffle licenses.

24 I move the resolution.

25 COMMISSIONER TUCCI: Second.

1 THE CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 THE CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 Be it resolved by the Board of Commissioners
12 of the Township of Nutley, County of Essex, New Jersey,
13 that in accordance with the provision of R.S. 40A:4-59,
14 that the following transfer of 2018 Appropriation
15 Reserves be and the same are hereby authorized and
16 Approved: From the Mayor's office, salary/wage, \$10,000
17 to celebration of public events, \$10,000.

18 I move the resolution.

19 COMMISSIONER TUCCI: Second.

20 THE CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 THE CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 THE CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 That concludes the business portion of our
6 meeting. Madam Clerk?

7 THE CLERK: Thank you, Mayor. All persons
8 addressing the Board of Commissioners regarding
9 community concerns should approach the microphone and
10 provide their name and address for the record. Unless
11 further time is granted by the Board, each person shall
12 limit their address to five minutes. All remarks to
13 the board and its individual members must be addressed
14 to the Mayor. The Mayor may defer citizens' comments
15 to the appropriate member of the Board.

16 Dialogue between citizens and others
17 addressing the Board shall be allowed unless the Mayor,
18 presiding officer, or the majority of the membership of
19 the Board shall determine that the interest of decorum
20 and/or the expeditious conduct of municipal business
21 are being adversely affected by such dialogue.

22 MR. MOORE: Rory Moore, 462 Chestnut Street.
23 Mr. Scarpelli, I have a few follow-up questions. The
24 employee handbook, I thought that would've been out by
25 now. Is that going to be much longer?

1 MAYOR SCARPELLI: I think we're really close.
2 Mr. Genitempo?

3 MR. GENITEMPO: It's in final revisions,
4 Mayor, and I'm going to be distributing it to the
5 commissioners hopefully by Friday.

6 MR. MOORE: Is that based on a
7 (indiscernible)?

8 MR. GENITEMPO: Partly, yes.

9 MR. MOORE: Are you using the state for -- is
10 there any anti-nepotism in there?

11 MR. GENITEMPO: I'm sure you'll get a chance
12 to see it, Mr. Moore, but there's a lot of provisions.
13 It's very long. There's a provision Farley put out,
14 yes.

15 MR. MOORE: And the last meeting, I had asked
16 for a copy of the pilot report. I called and they said
17 it wasn't available. Will that be available any time
18 soon?

19 MR. GENITEMPO: It's -- that's one of the
20 things for the ordinance that we're waiting for. It's
21 almost finalized. The pilot agreement?

22 MR. MOORE: Yes.

23 MR. GENITEMPO: Yeah. It's almost finalized.
24 We'll be able to produce it at the clerk's office.

25 MR. MOORE: Okay. Mr. Evans, this evening

1 you just made a suggestion about the straws and the
2 bags. I would seriously suggest this is an ample
3 opportunity for you not to do this by the commissioners
4 but by have citizens -- there's so much controversy
5 over this that I think that if you're going to impose
6 an ordinance of some type possibly that the citizens
7 should at least have some say in it because the
8 pictures of getting rid of plastic straws because they
9 were stuck in a turtle's nose are all over, but I think
10 that -- I commend you for that.

11 However, I do think that the bulk of the
12 opinions should be from the citizens because they're
13 the ones that throw the trash out. They're the ones
14 that are going to have to live with it. It's easy for
15 you to say, as a public official, here's an ordinance,
16 I'm going to sign it. But to ask the people to
17 actually participate in it. Because I -- we just -- I
18 just participated in a debate on this, and it's
19 extremely controversial. But to say that you -- to
20 find five citizens that would sit down and try to come
21 up with a resolution, I think that would be commendable
22 for the Board of Commissioners to do that.

23 COMMISSIONER EVANS: Thank you, Mr. Moore. I
24 agree with you that it's not something that we just put
25 together an ordinance as a board. I believe there

1 should be public discussion about that. In fact, there
2 should be a public discussion here in chambers where
3 the topic is being discussed and not voted on, just an
4 open discussion about what

5 MR. MOORE: Because there's so much
6 controversy. All the towns that tried it, now I think
7 they're regretting it.

8 COMMISSIONER EVANS: Well, you've got to
9 separate the wheat from the chaff, and I

10 MR. MOORE: Yes, yes.

11 COMMISSIONER EVANS: -- absolutely agree with
12 you.

13 MR. MOORE: Mr. Petracco, two weeks ago I
14 approached you with the possibility of addressing
15 overnight parking, and you said if I came up with an
16 idea that I could submit it to you. And I think I have
17 a suggestion.

18 On Hillside and Chestnut Street, 6:00 in the
19 morning, either direction, there's at least 40 cars
20 that are parked on the street. Now, I'm not here to
21 ask them to be enforced. What I'm asking to do is that
22 we actually address the overnight parking, because
23 there's more and more apartments. There's more and
24 more cars on the street. And I would like to suggest
25 that -- recently, you've been using the permit process.

1 Those four streets that would have a permit that
2 allowed people to park overnight might be very helpful,
3 because it's -- it seems to be a growing problem.

4 COMMISSIONER PETRACCO: I have to say -- are
5 you done, or

6 MR. MOORE: Yes.

7 COMMISSIONER PETRACCO: I have to say, it's -
8 - I have been getting bombarded at my store about this
9 overnight parking like never before, truthfully. And I
10 have to say that, you know, I know it's always been
11 that we don't really want to change that. We think
12 it's the difference between, you know, safety with the
13 police officers and all, you know, and it separates us
14 from the neighboring towns and with the snow plowing
15 and all that stuff.

16 But I have to say I've never gotten so many
17 complaints about this overnight parking, and we've been
18 trying to limit the number of people calling in and
19 keep granting the same permission over and over again.
20 So I think that 2019 that there's going to have to be
21 some type of a discussion of some kind of options.
22 What they may be, you know, that we would have to
23 discuss with the Board of Commissioners.

24 COMMISSIONER TUCCI: Commissioner, can I add
25 to that --

1 COMMISSIONER PETRACCO: Yes.

2 COMMISSIONER TUCCI: -- with your permission?

3 Also, as part of the follow-up to this white paper, all
4 right, it includes traffic and parking and impact on
5 quality of life. So that's going to be one of the
6 elements that will, in fact, be looked at, so it may
7 assist you. It's not an easy question. I know we've
8 all pretty much stated what our positions have been in
9 the past. But who knows, maybe there's another
10 perspective.

11 COMMISSIONER ROGERS: If I may just add to the
12 conversation, Commissioner Tucci, one thing you might
13 want to do, just a suggestion, is to find the impact
14 regarding criminal activity overnight in the
15 surrounding communities. That's a real concern. That
16 doesn't mean it would kill, you know, the idea of
17 working on this, but I tell you what, I know things are
18 changing, but boy, I'll tell you, it's great to see no
19 cars on my street overnight, and when I make a phone
20 call, the police are there in one minute.

21 So -- but I think you've got a good point.
22 It should be a public discussion. It's something to
23 think about.

24 MR. MOORE: I think just to clarify, we're
25 not saying eliminate the ordinance. I want to try to

1 put that to rest. However, if you're -- as this
2 particular -- if you put one block, Chestnut and
3 Hillside, one block either way, you're limited.
4 Whether you like it or not, it's there. If you drive
5 down there at six o'clock in the morning, there's about
6 40 cars.

7 COMMISSIONER ROGERS: Your suggestion, just
8 target the areas where there's a problem?

9 MR. MOORE: Just that area.

10 COMMISSIONER ROGERS: Might be a -- hey, look, I
11 think that's a good idea. If you have a certain area
12 where there's a serious problem and the people say,
13 hey, look, we need relief, maybe that's something to
14 look at. If you have

15 MR. MOORE: You have a bicycle that one of
16 the residents attaches to a parking meter, which is
17 unsafe. And you could very simply put in a pole that's
18 specifically designed for bikes, to lock them up.
19 There's no reason to have to lock them up to an
20 existing parking meter, because somebody could get
21 hurt. But to ignore it is to our own detriment because
22 it's there whether we like it or not.

23 MAYOR SCARPELLI: Thank you, Mr. Moore.

24 MR. MOORE: Thank you.

25 MAYOR SCARPELLI: Anybody else wish to

1 address the Board of Commissioners this evening?

2 MS. ROSSI: Tammy Rossi, 28 Colonial Terrace.
3 Regarding the white paper, so you will have it at the
4 next meeting, correct? So how long will the
5 deliberations take to create that definition for mixed
6 use and density based on the findings of the white
7 paper?

8 COMMISSIONER TUCCI: My anticipation is that
9 once we distribute the white paper we will then accept
10 comments from the public and from the Board of
11 Commissioners, and then we will plot a course of
12 action, which I believe will beg the question as to
13 whether or not we need to continue with this
14 investigation. Because what will occur as a result of
15 this, all right, is going to impact this community for
16 many years to come, all right, not only infrastructure
17 wise, but traffic wise, parking wise. Things are
18 changing, all right.

19 But what we need to do is we need to get some
20 sort of balance, all right, so that we don't lose the
21 charm and character that has attracted people to Nutley
22 for years, all right. And what we don't want to do is
23 create a community with shallow roots, all right, where
24 our children and our children's children don't have the
25 want to come back here and to raise their families

1 here. That's what separates us from many other
2 communities, and that's why we don't have a lot of the
3 problems that other communities have, along with
4 parking issues and different traffic issues and, you
5 know, how we manage our water department and our sewer
6 department and, you know, code enforcement and health
7 and everything else.

8 I think the time is right for us to take a
9 global view of what's going on in the township and
10 really get a vision for the future. Because we all
11 have opinions, all right, and I'm sure there's some
12 credibility to what each and every one of us are
13 thinking and what we're saying, but no one's an expert,
14 all right. And if we listen and we don't just always
15 talk all the time, there is the likelihood that we're
16 going to learn something that we don't already know.

17 MS. ROSSI: With regards to the street
18 parking, overnight parking with the apartments on
19 Chestnut Street by Franklin Ave up the hill, there's no
20 parking lot for the apartment building on the left. Is
21 that correct? So all of those tenants are just parking
22 on the street. Is there a limit placed on

23 COMMISSIONER TUCCI: Oh, I don't know. Are
24 they parking on the street, Commissioner, on Chestnut
25 Street?

1 MS. ROSSI: Yeah. Mr. Moore said there could
2 be anywhere up to 40 cars parked on Hillside and
3 Chestnut.

4 MR. MOORE: That's right.

5 MS. ROSSI: Yeah. That's for that apartment
6 building. So my question is have you placed any
7 restrictions on how many cars are allowed per unit in
8 these apartments?

9 COMMISSIONER PETRACCO: Through the police
10 department, or

11 MS. ROSSI: No, no, no, no, no. How many
12 cars are permitted per apartment unit

13 COMMISSIONER PETRACCO: Well, I mean, that

14 MS. ROSSI: -- to limit the number of cars

15 MAYOR SCARPELLI: I think that's beyond our
16 control, Ms. Rossi.

17 COMMISSIONER PETRACCO: No. She -- I think
18 you're asking about when you're planning to build in
19 apartment building. That's in the

20 MS. ROSSI: Well, right now the

21 COMMISSIONER PETRACCO: That's in the zoning
22 rules and guidelines there.

23 MS. ROSSI: Yeah. So -- and I'm wondering
24 about that, because in the definition for mixed use and
25 density that was proposed I believe it was 1.5 parking

1 spaces.

2 MAYOR SCARPELLI: I think you're right.

3 MS. ROSSI: And if it's allowed to be 1.5,
4 will it result in people parking on the street?

5 MAYOR SCARPELLI: No. They have to provide
6 that parking on site.

7 MS. ROSSI: But .5 isn't really a parking
8 spot.

9 COMMISSIONER TUCCI: 1.5.

10 MAYOR SCARPELLI: Well, 1.5 --

11 MS. ROSSI: I know there's one full spot to
12 accommodate one car.

13 MAYOR SCARPELLI: Actually, I think

14 MS. ROSSI: What is a half of a spot going to
15 accommodate, a motorcycle?

16 MAYOR SCARPELLI: Well, it's the total
17 number of units times 1.5.

18 MS. ROSSI: It still doesn't work
19 mathematically. A whole car or a half a car, it's
20 going to -- so

21 MAYOR SCARPELLI: So if you have 10
22 apartments, right?

23 MS. ROSSI: Right.

24 MAYOR SCARPELLI: You need 15 spots.

25 MS. ROSSI: That's how it's going to work

1 out?

2 MAYOR SCARPELLI: Right?

3 COMMISSIONER PETRACCO: That is how it works.

4 COMMISSIONER ROGERS: Maybe I could help clarify
5 this, because I remember years ago we had this
6 discussion. You're right. It's 1.5. It was never,
7 ever meant to have enough parking spaces for the
8 tenants there. That .5 was to add up for visitors at
9 the time.

10 MS. ROSSI: I see. Okay.

11 COMMISSIONER ROGERS: What happened was, no one
12 ever expected the growth as we have today, so it's
13 something that perhaps has to be looked at. Perhaps,
14 with new construction -- and there goes your white
15 paper, Commissioner, something to look at. But that's
16 the reason why they had the 1.5, at least the way it
17 was explained to me years ago.

18 MS. ROSSI: Okay. And then my last question
19 is for Mr. Genitempo. Are we getting any closer to the
20 litigation, or maybe not necessarily litigation, but
21 negotiations with the developer who incurred
22 violations?

23 MR. GENITEMPO: Well, I just got an email
24 five minutes ago from the attorney, so we are involved
25 continuously in negotiations. So we're still working

1 on a document. It's been very difficult. The devil is
2 always in the details. This is how long it's taking.
3 We were hoping to have it done by now, but I think the
4 holidays kind of screwed it up a little bit, too.

5 MS. ROSSI: But right now, though, the clock
6 is ticking, so the fines per infraction per day are
7 adding up, right?

8 MR. GENITEMPO: So there's no -- that's
9 right. That's to the detriment of the developer. So,
10 you know, there's no artificial clock, but yes, I mean,
11 from that purpose, yeah.

12 MS. ROSSI: Okay. Thank you. And just this
13 is more of a suggestion, Mr. Evans, because I think
14 it's a great idea, regarding the limitation or
15 elimination of plastic bags and straws is to
16 incorporate the ShopRite where people are grocery
17 shopping, and that they have departments where they can
18 offer bulk product with a scoop and people can use
19 reusable bags, because whenever you buy a bag of rice
20 or beans or whatever, there's plastic. So if there was
21 a way to make the main grocery store in town a little
22 more environmentally friendly, that would be, I think,
23 welcomed by many citizens in town. Something to
24 consider. Thank you.

25 MAYOR SCARPELLI: Anybody else wish to

1 address the Board of Commissioners this evening?

2 Seeing none, motion to adjourn.

3 COMMISSIONER PETRACCO: Move to adjourn

4 COMMISSIONER ROGERS: Second.

5 THE CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 THE CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye. Happy New Year,
15 everybody.

16 THE CLERK: The time is 7:50.

17 (End of recording)

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CERTIFICATION

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

January 17, 2019

Ilene Watson
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Certified Court Transcriptionist

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