

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

Transcript of Proceedings
October 15, 2019
Conference Session



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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: October 15, 2019

BOARD OF COMMISSIONERS:

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

Also Present:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 THE CLERK: Yes, Mayor. Board of
3 Commissioners Public Meeting, Tuesday,
4 October 15th, 2019. The time is 7:08. Pursuant to the
5 requirements of the Open Public Meeting Act,
6 Chapter 231, Public Law 1975, notice of this meeting
7 was published in the November 29th, 2018 issues of The
8 Nutley Sun, The Herald-News, and The Star Ledger. A
9 copy of this notice has been posted on the Nutley
10 Town Hall bulletin board and a copy is on file in the
11 Municipal Clerk's office. Commissioner Rogers is
12 absent, excused. Commissioner Tucci?

13 COMMISSIONER TUCCI: Here.

14 THE CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Here.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Here, and I'd like to
18 put on the record I was ten minutes early tonight.

19 THE CLERK: Okay. Mayor Scarpelli?

20 COMMISSIONER TUCCI: I'd like to put on the
21 record that the commissioner is being a kiss-up.

22 THE CLERK: All --

23 COMMISSIONER PETRACCO: Usually I'm the one
24 that was late, so I was ten minutes --

25 COMMISSIONER TUCCI: Usually -- you were neck

1 and neck, come on. We're usually neck and neck, that's
2 what I'm saying.

3 COMMISSIONER EVANS: Actually, you don't get
4 any credit for it, because --

5 COMMISSIONER PETRACCO: I have no room to
6 talk.

7 COMMISSIONER EVANS: -- because it's the two
8 of us --

9 THE CLERK: Mayor --

10 COMMISSIONER TUCCI: All right.

11 THE CLERK: Everybody's present except for
12 Commissioner [Rogers] (erroneously stated Tucci).

13 COMMISSIONER PETRACCO: I was on time? I was
14 ten minutes -- oh, I didn't know that.

15 MAYOR SCARPELLI: Commissioner Petracco, what
16 do you have?

17 COMMISSIONER PETRACCO: I have two
18 introductions. One is for special -- an ordinance to
19 -- an ordinance put by -- I just read this. For
20 special zones and areas, then I have an introduction to
21 fix the salaries, and then I have a couple resolutions,
22 the firemen being one of them, for settling that 2017,
23 at 2 percent. So I guess I've got to read both of
24 them. Then I have a couple grants of medical leave for
25 the crossing guards, and an agreement to authorize, an

1 agreement with Leslie Digital Imaging to purchase
2 equipment under the State Cooperative Purchasing
3 Program.

4 THE CLERK: And two ordinance adoptions, too,
5 right?

6 COMMISSIONER PETRACCO: Yeah, I thought I had
7 hit them, but that's -- did I say that?

8 MAYOR SCARPELLI: You may have.

9 COMMISSIONER PETRACCO: I did?

10 MAYOR SCARPELLI: Yes.

11 COMMISSIONER PETRACCO: And that's all I have
12 tonight.

13 MAYOR SCARPELLI: Commissioner Evans?

14 COMMISSIONER EVANS: Yeah. I have -- I just
15 have a report tonight for the Code Enforcement
16 department for the -- I think the quarter and -- the
17 quarter and the month, and I have two resolutions for
18 change orders. One for Inglesino for \$5,000, and one
19 for Piro, Zinna for \$2,500.

20 COMMISSIONER PETRACCO: That was a
21 handicapped parking space. For the introduction.

22 MAYOR SCARPELLI: Commissioner Tucci?

23 COMMISSIONER TUCCI: Yes. I have a Shade
24 Tree Report for the month of September, and I have two
25 resolutions, one awarding specialized professional

1 services to a Town Arborist, and the second's a
2 contract to Prime Point, who does our ACA reporting.
3 That's all I have.

4 MAYOR SCARPELLI: Thank you, Commissioner.
5 Commissioner Rogers has a contract with Basso, and a
6 Shared Service Agreement with the Board of Education
7 with Basso, and I have various raffle licenses. I have
8 to re-advertise for bids on Grant Avenue. Just -- that
9 was just a timing issue. Change order for
10 Ricci Planning, and authorize the Clerk to advertise
11 for sealed bids for vegetative waste. Did I answer
12 your questions to the --

13 COMMISSIONER TUCCI: Yes. So I was going to
14 ask the question again, yes, yes you did. So this
15 4.188 million is just for collection, removal, and
16 disposal -- does that -- of garbage -- does that
17 include tipping fees, or exclude tipping fees?

18 MAYOR SCARPELLI: I believe that excludes
19 tipping fees, but I --

20 COMMISSIONER TUCCI: So tipping fees are in
21 addition to that, because what I read included TOD23
22 waste, vegetative waste, which is grass, leaves, as you
23 know, but then I saw your resolution, and I'm saying
24 wait a minute, Roger's resolution --

25 MAYOR SCARPELLI: So --

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1 COMMISSIONER TUCCI: -- included it and --

2 MAYOR SCARPELLI: -- yes. He includes it for
3 pickup. We pay the tipping fees.

4 COMMISSIONER TUCCI: Right. Got you. I got
5 it. So yours just --

6 MAYOR SCARPELLI: I put in the tipping fees
7 this morning because I pay Basso for commingling, and
8 that's what --

9 COMMISSIONER TUCCI: Yeah.

10 MAYOR SCARPELLI: -- tips it to that end.

11 COMMISSIONER TUCCI: I got it, thanks. I
12 just didn't want us paying twice. Basso's -- Basso's
13 good, don't get me wrong, but that -- matter of fact --

14 MAYOR SCARPELLI: And we also have two
15 proclamations, one for the Nutley Rotary and
16 World Polio Day, and a second one for Coach DiGregorio.
17 I think it would be appropriate if we all read the
18 Coach DiGregorio one, so if we could just go around the
19 room. Commissioner Evans take the first three
20 paragraphs, Commissioner Tucci the next three, I'll
21 take the next three, and Commissioner Petracco can wrap
22 it up.

23 COMMISSIONER TUCCI: Got it.

24 MAYOR SCARPELLI: Madam Clerk?

25 THE CLERK: Yes, Mayor. We have minutes for

1 September 17th, executive session minutes for
2 October 1st, and communications, we have applications
3 from the Conca Brothers for an extension of premises,
4 an application for a Color Run for the Nutley
5 Education, a social affair permit for Commissioner
6 Petracco, a social affair permit for the Friends of the
7 Nutley Family Library, and a social affair permit for
8 the Nutley Elks. And that's it for communications,
9 Mayor.

10 MAYOR SCARPELLI: Mr. Genitempo?

11 MR. GENITEMPO: I have nothing, Mayor.

12 MAYOR SCARPELLI: You have nothing? Nothing
13 for later, Commissioner?

14 MR. GENITEMPO: That'd be later.

15 MAYOR SCARPELLI: Nothing to -- to --

16 MR. GENITEMPO: Well, we're going to go into
17 executive there, that's the contract negotiations and
18 potential litigation.

19 MAYOR SCARPELLI: All right. Just so we're
20 clear.

21 COMMISSIONER TUCCI: The (indiscernible)
22 shenanigan, is that one of the --

23 MR. GENITEMPO: That should count, yeah.

24 COMMISSIONER TUCCI: So we all --

25 MAYOR SCARPELLI: With that, let's go out

Conference Session

1 there, we'll get the proclamations done, and --

2 THE CLERK: Okay.

3 COMMISSIONER TUCCI: All right.

4 MAYOR SCARPELLI: -- we'll just go on so
5 we're not here until midnight.

6 THE CLERK: We're going to have two of these
7 application of records --

8 COMMISSIONER TUCCI: Where is Steve --

9 THE CLERK: So we're going to adjourn?

10 MAYOR SCARPELLI: Yeah.

11 THE CLERK: -- and then when we come back and
12 have session.

13 (End of recording)

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

I, Lisa Luciano, 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.

LISA LUCIANO, AAERT NO. 327 DATE: October 30, 2019
ACCESS TRANSCRIPTS, LLC

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In RE: Nutley Board of Commissioners

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October 15, 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: October 15, 2019

BOARD OF COMMISSIONERS:

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

Also Present:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

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

4 (Pledge of Allegiance)

5 MAYOR SCARPELLI: Madam Clerk?

6 THE CLERK: Thank you, Mayor. Board of
7 Commissioners public meeting, Tuesday, October 15th,
8 2019. The time is now 7:17. Pursuant to the
9 requirements of the Open Public Meeting Act,
10 Chapter 231, Public Law 1975, notice of this meeting
11 was published in the November 29th, 2018 issues of The
12 Nutley Sun, The Herald-News, and The Star Ledger. A
13 copy of this notice has been posted on the Nutley
14 Town Hall bulletin board, and a copy is on file in the
15 Municipal Clerk's office. Commissioner Rogers is
16 absent, excused. 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, except for
25 Commissioner Rogers. He's absent, excused this

1 evening.

2 MAYOR SCARPELLI: Minutes?

3 THE CLERK: We have regular meeting minutes
4 for September 17th, 2019. I need a motion, please.

5 COMMISSIONER EVANS: Move it.

6 COMMISSIONER TUCCI: Second.

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 THE CLERK: We have executive session minutes
16 for October 1st, 2019.

17 COMMISSIONER EVANS: Move it.

18 COMMISSIONER TUCCI: Second.

19 THE CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 THE CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 THE CLERK: And that's it for minutes, Mayor.

3 MAYOR SCARPELLI: Commissioner Evans, Best
4 Practices?

5 COMMISSIONER EVANS: Yes, Mayor. Just, each
6 year we have to complete a best practices checklist to
7 submit to the Division of Local Governmental Services.
8 Just -- we have completed that inventory of the
9 questions for this year. Of the 48 survey questions,
10 we actually were able to answer yes to 41 of them. The
11 questions change, so each year they give -- the survey
12 is a little bit different. By answering 41 yes, it
13 actually qualifies us for the full amount of aid that
14 we negotiated with the state under the Transitional
15 State Aid Application. Thank you, Mayor.

16 MAYOR SCARPELLI: Thank you. Communications,
17 Madam Clerk?

18 THE CLERK: Thank you, Mayor. We have
19 several communications this evening. The first one is
20 Conca Brothers Management/The Old Canal Inn has
21 submitted an application for an extension of premises
22 for an event to be held Saturday, November 9, 2019,
23 from 12 to 5, at their location, 2 East Passaic Avenue.
24 The second one is the Nutley Education Foundation has
25 submitted an event application for a Color Run through

1 Kingsland Park on Saturday, October 26th, from 7 a.m.
2 to 12 p.m. The third one is the Committee to Re-Elect
3 Commissioner Petracco for a social affair permit, and
4 they -- their event is to be held Friday, November 1st,
5 2019, at the Starlight Dance Center, located at 7
6 High Street, from 7 p.m. to 11 p.m. The fourth one is
7 the Friends of Nutley Public Library is -- has
8 submitted a social affair permit for their Nutley Hall
9 of Fame event, which is scheduled for November 17th,
10 2019, from 2 p.m. to 5 p.m. at 93 Booth Drive. And the
11 last one is the Nutley Elks has also submitted an
12 application for a social affair permit for their
13 fundraiser event to be held Saturday, October 26th,
14 from 7:30 p.m. to 11:30 p.m. at 242 Chestnut Street. I
15 need a motion, please.

16 COMMISSIONER EVANS: Move all five.

17 COMMISSIONER TUCCI: Second.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: I just have to
24 abstain on mine, and then I vote aye on the rest.

25 THE CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

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

3 MAYOR SCARPELLI: Thank you, Madam Clerk.

4 We're going to do a couple of proclamations. The first
5 proclamation is for Rotary International, and I'm going
6 to read it, and then we'll present it to any of the
7 Rotarians that are here today.

8 Whereas, Rotary is a global network of 1.2
9 million individuals, comprised of neighbors, friends,
10 leaders, and problem solvers who unite and take action
11 to create lasting change in communities across the
12 globe; and

13 Whereas, the Rotary motto of "Service Above
14 Self" inspires members to provide humanitarian service,
15 follow high ethical standards, and promote goodwill,
16 peace in the world; and

17 Whereas, Rotary, in 1985, launched Polio
18 Plus, and in 1988, established the Global Polio
19 Eradication Initiative to immunize the children of the
20 world against polio, which today includes the
21 World Health Organization, U.S. Centers for Disease
22 Control and Prevention, UNICEF, and the Bill and
23 Melinda Gates Foundation; and

24 Whereas, polio mainly affects children under
25 the age of five; and

1 Whereas, there is no cure for polio, but it
2 is preventable with a vaccine; and

3 Whereas, polio cases have dropped by
4 99.9 percent since 1988, and the world stands on the
5 threshold of eradicating the disease; and

6 Whereas, to date, Rotary has contributed more
7 than 1.9 million and countless volunteer hours to
8 protecting the more than 2.5 billion children in 122
9 countries; and

10 Whereas, Rotary is working to raise an
11 additional 50 million per year, which will be leveraged
12 for the maximum impact by an additional \$100 million
13 annually from the Bill and Melinda Gates Foundation;
14 and

15 Whereas, these efforts are providing much
16 needed operational support, medical staff, laboratory
17 equipment and educational materials for health workers
18 and parents; and

19 Whereas, in addition, Rotary has played a
20 major role in decisions by donor governments to
21 contribute more than \$8 billion to the effort; and

22 Now therefore be it resolved by the Board of
23 Commissioners in the Township of Nutley, County of
24 Essex, State of New Jersey, recognize October 24th,
25 2019, as World Polio Day, and commends the global

1 network of Rotary Organization, including the
2 Nutley Rotary Club, in their efforts to build
3 awareness, fundraise, and encourage governments to
4 donate and support polio eradication efforts around the
5 world.

6 Thank you very much, Rotary. You do a great
7 job with everything else you do in town, and we're
8 proud that we are able to give this proclamation.
9 Commissioners?

10 COMMISSIONER EVANS: You want -- me? Rotary
11 has always been a wonderful organization. I'm very
12 pleased and proud to be part of this proclamation
13 tonight. Please keep up the good work, especially,
14 while you do wonderful work for the world, please keep
15 up your good work for Nutley.

16 COMMISSIONER TUCCI: I'd just like to
17 congratulate you, not only for what you did as far as a
18 cure for polio is concerned, but for what you do each
19 and every day here in Nutley, the dictionaries for our
20 youngsters in the schools, all the great service work
21 that you do, and all the organizations that you help.
22 It's just wonderful to have such an active Rotary
23 organization here in town, and I'd just like to thank
24 you for everything that you do.

25 COMMISSIONER PETRACCO: Thank you. I'd like

1 to say congratulations as well. Rotary to me is --
2 just stands for three important words: kindness, loving
3 and caring. With all you guys do, and for many, many
4 years in Nutley, and what you do for our town is really
5 commendable. Thank you.

6 MAYOR SCARPELLI: And you put on a great car
7 show.

8 COMMISSIONER PETRACCO: That's for sure.

9 MAYOR SCARPELLI: Come on up and take a
10 picture.

11 COMMISSIONER TUCCI: Don't forget the
12 (indiscernible).

13 COMMISSIONER EVANS: Yeah.

14 (Pause, crosstalk)

15 MAYOR SCARPELLI: Our next proclamation is to
16 proclaim October 19th, 2019 Coach D Day for
17 Steve DiGregorio. Commissioner Evans, will you start?

18 COMMISSIONER EVANS: Yes, I will, thank you.

19 Whereas, Steve DiGregorio is a graduate of
20 Nutley High School, Class of 1979, and Muhlenberg
21 University, Class of 1983; and

22 Whereas, Steve DiGregorio coached at Caldwell
23 High School, Paramus Catholic High School, Hobert
24 University, and Princeton University over -- for over
25 20 years; and

1 Whereas, Steve DiGregorio is a history
2 teacher at Nutley High School since 2004; and --

3 COMMISSIONER TUCCI: Whereas, Steve
4 DiGregorio, or Coach D, as he is known in Nutley,
5 coached the Nutley High School Raider football team for
6 10 seasons; and

7 Whereas, Coach D was recently diagnosed with
8 pancreatic cancer, and is undergoing extensive medical
9 treatment; and

10 Whereas, a group of Nutley citizens,
11 coworkers, and friends organized a community group,
12 Friends of Coach D, to assist Coach D and his family
13 with the financial hardships caused by his diagnosis
14 and fight against cancer; and --

15 MAYOR SCARPELLI: Whereas, Friends of Coach D
16 have adopted the motto, "Team Digger; We Got Your
17 Back," as a show of support and love for Coach D and
18 his family; and

19 Whereas, with great satisfaction that the
20 Township of Nutley pay tribute to the overwhelming
21 accomplishments of Steve DiGregorio, for his many
22 contributions to our community, school system,
23 students, and athletes; and

24 Whereas, the Nutley Board of Education, on
25 behalf of the Township of Nutley, extends to Coach D a

1 heartfelt blessing for the strength, courage, and
2 conviction to fight against this disease.

3 COMMISSIONER PETRACCO: Now therefore be it
4 resolved by -- that the Nutley Board of Commissioners
5 hereby proclaim that Saturday, October 19th, 2019, be
6 declared Coach D Day for his contributions to our
7 community, school system, and students and athletes of
8 Nutley High School; and

9 Be it further resolved that the Township of
10 Nutley extends its sincere thanks to Coach DiGregorio
11 for his service to our community, and pledge to support
12 him in his fight against cancer.

13 MAYOR SCARPELLI: We're glad that you guys
14 are all here supporting Coach D. He has our prayers
15 and our thoughts go with him. And, Commissioners?

16 COMMISSIONER EVANS: I just wanted to say
17 that this is something that's quite personal to me.
18 Coach, as you would tell your team, you know, fight.
19 You know, stay strong, stay focused on your mission,
20 and make sure that you cross the finish line
21 successfully. I know it works. My prayers of myself
22 and my family are all with you.

23 COMMISSIONER TUCCI: Yes. I'd just like to
24 say that Coach DiGregorio is not only an outstanding
25 coach, but he's an outstanding individual. The time

1 and effort that he puts in each and every day with all
2 of our students, not to mention our athletic programs,
3 is unsurpassed by just about anyone else that I know.
4 I want to wish him and his family nothing but the
5 absolute best, and rest assured that this Board of
6 Commissioners will be there to support him each and
7 every step of the way.

8 COMMISSIONER PETRACCO: I'd just like to add
9 that I've had my own personal experiences with Coach D.
10 To me, he is god sent. A few years ago, my own son was
11 having some health issues, and Coach D would call me a
12 couple times a week or stop by the deli to see how my
13 son was doing, and you all know what his own son is up
14 against, and I would say to Coach D, I should be asking
15 you about your son, not vice-versa. But that's his
16 love and commitment, and my son was one of his
17 students, to this township.

18 But to me, all of you being here, the
19 coaches, all the students that played for him, that
20 shows me what Nutley is all about. When I went through
21 the school system here, we had our coaches, they
22 weren't just our coaches, they were part of our
23 families, and I run into them all the time, and the
24 memories that you guys are making in standing up for
25 Coach D is very admirable to me, and that's what our

1 town's about. Thank you.

2 MAYOR SCARPELLI: Coach D is not only
3 somebody that I've known for many, many years, we
4 played football together, we wrestled together. He
5 went to Muhlenberg with one of my better friends, and I
6 would see him at Muhlenberg, and, you know, I wish to
7 see him back on those sidelines and at practices. So,
8 Coach Vick (phonetic), you have anything you want to
9 say?

10 MR. VICK: So I have something to read from
11 Coach D. This is from Coach D. It says, thank you,
12 Mayor Scarpelli, Commissioner Petracco, Evans, Tucci,
13 and Rogers for this proclamation. I am confident that
14 I am not worthy of this, but I am very grateful and
15 humbled by your thinking of me during this time.

16 I've been blessed with having been raised in
17 Nutley by my wonderful parents, Silvio and Rosemary,
18 who were long time contributors to Nutley -- to the
19 Nutley community. They instilled so many values and
20 lessons to my sister, Linda, and me and have been
21 passed down to our own children. I'd like to accept
22 this very special honor in my parents' memory.

23 I love Nutley. Everything about my childhood
24 and adolescence was terrific and memorable. I am
25 deeply honored to be teaching history in the same

1 building that I learned history. I am deeply honored
2 to be your head football coach to a program that I was
3 part of and helped shape so much of my formative years.
4 Each day I try to make a difference. Some days I
5 succeed. Some days I do not.

6 Because of the lessons and experience that
7 the Nutley community taught me, I will never stop
8 trying to have an impact on my students, my players,
9 and my colleagues. I am a proud son of Nutley, and
10 I've always remained one. Thank you for this honor.
11 Thank you.

12 MAYOR SCARPELLI: Coach, let's get
13 Team Digger up here and take a picture.

14 (Pause)

15 MAYOR SCARPELLI: I don't want to be doing
16 too many more of those.

17 COMMISSIONER EVANS: My two cousins,
18 brothers, same family, they had pancreatic cancer. One
19 58, one 60. Within a year of one another. Three
20 months. I was getting worried they weren't going to
21 make it.

22 MAYOR SCARPELLI: All right. Reports.
23 Commissioner Tucci?

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

1 MAYOR SCARPELLI: Commissioner Petracco?

2 COMMISSIONER PETRACCO: I have my
3 Public Safety report for September, 2019, as well.

4 MAYOR SCARPELLI: Commissioner Evans?

5 COMMISSIONER EVANS: I have a Code
6 Enforcement report for the third quarter of this year,
7 and I have a Code Enforcement report for -- they're
8 both the same. But I have them for the third quarter.

9 MAYOR SCARPELLI: Bills, Madam Clerk?

10 THE CLERK: Yes, Mayor, thank you. Bill list
11 for October 15, 2019. Public Affairs, \$105,164.30;
12 Revenue and Finance, \$3,629,590.67; Public Safety,
13 \$58,694.11; Public Works, \$175,262.09; Parks and
14 Public Property, \$121,901.20; Water Utility,
15 \$11,193.29. Overtime Payroll total is \$37,032.97;
16 Total Payroll, \$923,876.89, for a grand total of
17 \$5,025,682.55.

18 COMMISSIONER EVANS: Move the bills. Also, I
19 have a September report for the Code Department. Found
20 it.

21 COMMISSIONER TUCCI: Second on the bills
22 only, not the report.

23 THE CLERK: Commissioner Tucci?
24 Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

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

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

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

25 MAYOR SCARPELLI: Anybody wish to address the

1 Board of Commissioners on the agenda items only?

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

3 Commissioner Petracco?

4 COMMISSIONER PETRACCO: Yes, I have an
5 introduction for Ordinance Number 3429, an ordinance to
6 amend ordinances codified in the code of the Township
7 of Nutley, Chapter 228 entitled Vehicles and Traffic,
8 particularly Article VII, Special Zones and Areas,
9 Section 29A, entitled Handicapped Parking, to add to
10 the locations set forth thereon.

11 You know what, I'm missing my little paper I
12 needed here to --

13 THE CLERK: There's --

14 COMMISSIONER PETRACCO: -- oh, the next
15 meeting -- thank you. Okay.

16 THE CLERK: Sorry, Commissioner.

17 COMMISSIONER PETRACCO: I move that this
18 ordinance be passed to the second reading and
19 advertised in the Nutley Sun, together with the notice
20 required by law, and that further consideration of said
21 ordinance for final passage be -- by the Board of
22 Commissioners be held at its second reading on -- where
23 are we, November 19th?

24 THE CLERK: Yes, November 19th, Commissioner.

25 COMMISSIONER PETRACCO: Okay, on

1 November 19th. I move the ordinance.

2 COMMISSIONER TUCCI: Second.

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 COMMISSIONER PETRACCO: Okay. My second one
12 is an ordinance to fix the salaries of certain officers
13 and employees of the Township of Nutley, County of
14 Essex, State of New Jersey, effective January 1st,
15 2017. This is the Fire Department, FBN -- FMBA,
16 Local 44. I move that this ordinance be passed on to
17 second reading, and advertised in the Nutley, together
18 with the notice required by law, and that further
19 consideration of said ordinance for final passage by
20 the Board of Commissioners be held at its second
21 reading. I'm assuming November 19th as well. I move
22 the ordinance.

23 MAYOR SCARPELLI: Second.

24 THE CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye. Let's move on to
7 public hearings. Commissioner Petracco?

8 COMMISSIONER PETRACCO: Yes, thank you. This
9 is Public Hearing 3427, an ordinance to amend an
10 ordinance codified in the Township of Nutley,
11 Chapter 228, entitled Vehicles and Traffic,
12 particularly the article Section 14, Parking Prohibited
13 Certain Hours for Brookfield Avenue. I move to open
14 the public portion of the meeting.

15 MAYOR SCARPELLI: Does anybody want to be
16 heard on Ordinance Number 3427?

17 COMMISSIONER PETRACCO: Seeing none, move to
18 close.

19 MAYOR SCARPELLI: Second.

20 THE CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 COMMISSIONER PETRACCO: I move the ordinance.

4 MAYOR SCARPELLI: Second.

5 THE CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 COMMISSIONER PETRACCO: And my second public
14 hearing is one that's Number 3428, an ordinance to
15 amend an ordinance codified in the code of the Township
16 of Nutley, Chapter 228, entitled Vehicles and Traffic,
17 particularly Article VII, Special Zones and Areas,
18 Section 29A, entitled Handicapped Parking, to remove
19 the locations set forth thereon by Yantacaw Place. I
20 move this open to public hearing.

21 MAYOR SCARPELLI: Anybody want to be heard on
22 Ordinance Number 3428?

23 COMMISSIONER PETRACCO: Seeing none, move to
24 close.

25 MAYOR SCARPELLI: Second.

1 THE CLERK: Commissioner Tucci?
2 COMMISSIONER TUCCI: Aye.
3 THE CLERK: Commissioner Evans?
4 COMMISSIONER EVANS: Aye.
5 THE CLERK: Commissioner Petracco?
6 COMMISSIONER PETRACCO: Aye.
7 THE CLERK: Mayor Scarpelli?
8 MAYOR SCARPELLI: Aye.
9 COMMISSIONER PETRACCO: I move the ordinance.
10 MAYOR SCARPELLI: Second.
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 COMMISSIONER PETRACCO: Thank you.
20 MAYOR SCARPELLI: Thank you, Commissioner.
21 Now let's go to resolutions. Commissioner Tucci?
22 COMMISSIONER TUCCI: Yes, thank you, Mayor.
23 Whereas, the Township of Nutley has the need to acquire
24 specialized professional services as a fair and open
25 contract pursuant to the provisions of N.J.S.A.

1 19:44A-20.5; and

2 Whereas, the requests for qualification for
3 Township Forester were received and opened on
4 Wednesday, September 25th, 2019; and

5 Whereas, the most responsible and responsive
6 requests for qualification was from the Shade Tree
7 Department, LLC, John Linson, West Orange, New Jersey;
8 and

9 Whereas, the Shade Tree Department,
10 John Linson, New Jersey Certified Tree Expert
11 Number 198 has provided these services in the past to
12 the Township of Nutley, and is particularly suited to
13 provide continued service; and

14 Whereas, the term of this contract is for a
15 one-year period, commencing on October 1, 2019, and
16 continuing through September 31st, 2020; and

17 Whereas, the contract is not to exceed
18 \$22,000, and funds are available from Account
19 9-01512200 in the amount of \$5,505 and 0-01512200 in
20 the amount of \$16,495, and the funds have been
21 certified by the Chief Financial Officer, said
22 certification being attached to this resolution;

23 Now therefore be it resolved by the Board of
24 Commissioners of the Township of Nutley in the County
25 of Essex, State of New Jersey, that a contract be

1 awarded to the Shade Tree Department, LLC, John Linson,
2 as described herein. The response to the request for
3 qualification be placed on file with this resolution,
4 and a notice of this action shall be printed once in
5 the Nutley Sun in accordance with the Local Public
6 Contracts Law. I move the resolution.

7 COMMISSIONER EVANS: Second.

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, the Township of
17 Nutley has the need to acquire specialized and
18 professional ACA reporting services to ensure
19 compliance with the IRS regulations for the year 2019
20 reporting; and

21 Whereas, such services may be acquired as a
22 non-fair and open contract pursuant to the provisions
23 of N.J.S.A. 19:44A-20.4, or 20.5 as appropriate; and

24 Whereas, Primepoint, LLC, located at
25 2 Springdale Road, Mount Holly, New Jersey, has

1 submitted a proposal dated September 27th, 2019, with
2 an anticipated cost of \$7,050 to complete these
3 services and assure compliance on behalf of the
4 Township of Nutley; and

5 Whereas, funds are available from
6 Budget Account 9-01526200, and have been certified by
7 the Chief Financial Officer, said certification being
8 attached to this resolution; and

9 Whereas, Primepoint LLC has completed and
10 submitted a business entity disclosure certification,
11 which certifies Primepoint has not made any reportable
12 contributions to a political or a candidate committee
13 in the Township of Nutley in the previous one year, and
14 that the contract will prohibit Primepoint from making
15 any reportable contributions through the term of the
16 contract;

17 Now therefore be it resolved that the Board
18 of Commissioners of the Township of Nutley, County of
19 Essex, State of New Jersey, hereby authorize the
20 Commissioner of Parks and Public Property to enter into
21 a contract with Primepoint, LLC. I move the
22 resolution.

23 COMMISSIONER EVANS: Second.

24 THE CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

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

9 MAYOR SCARPELLI: Thank you, Commissioner.
10 Commissioner Evans?

11 COMMISSIONER EVANS: Thank you. Whereas, the
12 law firm of Inglesino, Webster, Wyciskala, and Taylor,
13 600 Parsippany Road, Suite 204, Parsippany, New Jersey,
14 has been awarded a non-fair and open contract as a
15 professional service, as pursuant to the provisions of
16 N.J.S.A. 19:44A-20.4 or 20.5 as appropriate to provide
17 services to the Board of Commissioners as counsel for
18 the Township of Nutley concerning compliance,
19 procedural -- compliance, procedural, and general legal
20 issues;

21 Whereas, such services will exceed the
22 contract amount of \$35,000, and the following change
23 order is needed;

24 Change Order 1: Provide legal services not
25 to exceed \$5,000.

1 Whereas, funds are available in
2 Account 9-01012205, and have been certified by the
3 Chief Financial Officer, said certification being
4 attached to this resolution.

5 Now therefore be it resolved by the Board of
6 Commissioners of the Township of Nutley that that
7 Change Order 1 in the amount of \$5,000 is and is hereby
8 approved. So move.

9 COMMISSIONER TUCCI: Second.

10 THE CLERK: Commissioner Tucci?

11 Commissioner --

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 COMMISSIONER EVANS: Whereas, the law firm of
20 Piro, Zinna, Cifelli, Paris, and Genitempo, 360 Passaic
21 Avenue, Nutley, has been awarded a non-fair and open
22 contract as a professional service as pursuant to the
23 provisions of N.J.S.A. 19:44A-20.4 and 20.5, as
24 appropriate, to provide services to the Code
25 Enforcement Department in connection with the

1 township's land use policies and procedures; and

2 Whereas, such services will exceed the
3 contract amount of \$10,000 and the following change
4 order is needed;

5 Provide legal services not to exceed \$2,500.

6 Whereas, funds are available in Account
7 901226205, and have been certified by the Chief
8 Financial Officer, said certification being attached to
9 this resolution.

10 And now therefore be it resolved by the Board
11 of Commissioners of the Township of Nutley, County of
12 Essex, State of New Jersey, that Change Order Number 1
13 in the amount of \$2,500 be and is hereby approved.

14 So move.

15 COMMISSIONER TUCCI: Second.

16 THE CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 COMMISSIONER EVANS: Thank you, Mayor.

25 MAYOR SCARPELLI: Thank you, Commissioner.

1 Commissioner Petracco?

2 COMMISSIONER PETRACCO: Be it resolved by the
3 Board of Commissioners, Township of Nutley, County of
4 Essex, State of New Jersey, that Richard Mazzitelli, an
5 employee of the Department of Public Safety, be granted
6 a medical leave of absence with pay effective --
7 without pay, effective October 5th, 2019, through
8 November 5th, 2019. I move the resolution.

9 MAYOR SCARPELLI: Second.

10 THE CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 THE CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 THE CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 THE CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER PETRACCO: Be it resolved by the
19 Board of Commissioners, Township of Nutley, County of
20 Essex, State of New Jersey, that Meredith Donatello, an
21 employee of -- in the Department of Public Safety, be
22 granted medical leave of absence without pay effective
23 October 5th, 2019, through November 5th, 2019. I move
24 the resolution.

25 MAYOR SCARPELLI: Second.

1 THE CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 THE CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 THE CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 COMMISSIONER PETRACCO: I'm going to pull
10 this Resolution 253-19, because we were planning on
11 purchasing this, but after talking to Commissioner
12 Evans, we're going to look into perhaps leasing it as
13 well. And I know everybody in my department did a
14 stellar job, but it doesn't hurt to double check
15 something. So I will move on to Resolution 254-19.

16 Whereas, the duly authorized representatives
17 from the Township of Nutley in good faith have
18 negotiated a four-year collective bargaining agreement
19 with FMBA Local 44, and 44-A. They represent for the
20 term January 1st, 2013 through December 31st, 2016; and

21 Whereas, the agreement has been lawfully and
22 properly ratified by the FMBA Local 44 and 44-A, and
23 Nutley's authorized representatives and approved by the
24 Board of Commissioners; and

25 Whereas, the FMBA Local 44 and 44-A seek to

1 further extend the contract without salary increase --
2 with a salary increase of 2 percent for an additional
3 year, to December 31st, 2017; and

4 Whereas, FMBA Local 44 and 44-A and the Board
5 of Commissioners have approved and find it in the best
6 interests of the township that the above mentioned
7 amendment to the agreement be executed.

8 Now therefore be it resolved that the Board
9 of Commissioners of the Township of Nutley, County of
10 Essex, State of New Jersey, hereby authorize an
11 extension of said agreement. I move the resolution.

12 COMMISSIONER TUCCI: Second.

13 MAYOR SCARPELLI: Second.

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 PETRACCO: Thank you, Mayor.

23 MAYOR SCARPELLI: Thank you, Commissioner.

24 These first two I will read are Commissioner Rogers'
25 resolution.

1 Whereas, the Township of Nutley advertised
2 for bids and received bid proposals inclusive of the
3 amendments for the collection and removal and disposal
4 of all solid waste, bulk waste, vegetative waste and
5 white goods, and pursuant to a fair and open process in
6 accordance with N.J.S.A. 40A:11-1;

7 Whereas, bids were opened on Wednesday,
8 October 2nd, 2019, at 11:00 a.m. in the Township Hall,
9 third floor, Commission Chambers; and

10 Whereas, the Township wishes to award the
11 contract to F. Basso Jr. Rubbish and Removal as the
12 successful bidder for a term of five consecutive years;
13 and

14 Whereas, the Township of Nutley is awarding
15 the contract to F. Basso Jr. Rubbish and Removal,
16 located at 55-93 South 20th Street, Irvington,
17 New Jersey, for a term of five years, commencing on
18 November 1st, 2019, through October 31st, 2024;

19 Whereas, in consideration of full and proper
20 performance by the contractor of its obligations of
21 collection, removal and disposal, the Township agrees
22 to pay to the contractor the total five-year sum of
23 \$4,188,000 for collection, removal, and transportation
24 for disposal of all collected items, for solid waste,
25 bulk waste, and white goods as per the specifications;

1 and

2 Whereas, further, in consideration for the
3 collection, removal, and transportation for disposal of
4 all vegetative, brush, leaves, and grass clippings for
5 the proper performance by contractor for its
6 obligations, the Township agrees to pay the contractor
7 a monthly sum of \$11,200 for the period from each
8 April 15th through December 15 annually for the full
9 period of this contract, up through October, 2024, for
10 the total sum of \$504,000.

11 Whereas, funds are available and have been
12 certified by the Chief Financial Officer as follows:
13 funds are available from Account Number 9-01-138-200,
14 Account Number 9-01-616-200 to cover the periods
15 November 1st, 2019 through December 31st, 2019. Funds
16 will be provided in Account Number 9-01-138-200 and
17 Account Number 9-01-616-200 in each of 2020, 2021,
18 2022, 2023, 2024, sufficient to meet the terms of the
19 contract that was certified by the Chief Financial
20 Officer prior to the adoption of the budget.

21 Now therefore be it resolved by the Board of
22 Commissioners of the Township of Nutley, County of
23 Essex, State of New Jersey, that a contract be awarded
24 to F. Basso Jr. Rubbish and Removal, located at
25 55 South 20th Street, Irvington, New Jersey, in an

1 amount not to exceed the accumulated five year total of
2 \$4,692,000. And that the Mayor and the Township Clerk
3 are hereby authorized to enter into and sign said
4 contract on behalf of the Township of Nutley. I move
5 the resolution.

6 COMMISSIONER TUCCI: Second.

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. Be it resolved that

15 the Board of Commissioners of the Township of Nutley,

16 County of Essex, State of New Jersey, approve a

17 Shared-Services Agreement with the Nutley Board of

18 Education for solid waste removal by F. Basso Jr.

19 Rubbish and Removal for which the Township will

20 reimburse the yearly amount of \$12,500 for a period of

21 five years, commencing November 1st, 2019 through

22 October 31st, 2024. I move the resolution.

23 COMMISSIONER TUCCI: Second.

24 THE CLERK: Commissioner Tucci.

25 COMMISSIONER TUCCI: Aye.

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye. Whereas, raffle
7 applications have been received from the following
8 organizations: HSA Fairview of Bloomfield, license
9 number 45-19, on-premise merchandise raffle, and
10 license number 46-19, on-premise 50/50 cash raffle, to
11 be held on Monday, November 11th, 2019; Nutley Hockey
12 League Booster Club, license number 47-19, off-premise
13 50/50 cash raffle to be held Saturday, March 21st,
14 2020; and

15 Whereas, the applications have been reviewed
16 and approved by the Municipal Clerk and the Police
17 Department.

18 Now therefore be it resolved by the Board of
19 Commissioners, Township of Nutley, County of Essex,
20 State of New Jersey, that the aforementioned licenses
21 are approved, the Municipal Clerk is authorized to
22 issue the raffle licenses. I move the resolution.

23 COMMISSIONER TUCCI: Second.

24 THE CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye. Be it resolved by the
7 Board of Commissioners of the Township of Nutley,
8 County of Essex, State of New Jersey, that the
9 Township Clerk is hereby authorized to rescind
10 Resolutions 178-19, which was originally read on
11 July 2nd, 2019, and authorized to advertise for sealed
12 bids for NJDOT Grant Avenue Roadway Improvement Project
13 in the Township of Nutley, to be received on behalf of
14 the Board of Commissioners, in the Commission Chambers,
15 Township Hall, 1 Kennedy Drive, Nutley, New Jersey, on
16 Wednesday, November 6th, 2019, at 11 a.m. prevailing
17 time, at which time they will be opened and read.

18 COMMISSIONER PETRACCO: Second.

19 MAYOR SCARPELLI: I move the resolution.

20 COMMISSIONER PETRACCO: Second.

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. Whereas, Paul Ricci
4 of Ricci Planning, 10 Georgian Way, Clark Road,
5 New Jersey, the designated planner for the Township,
6 has been awarded a non-fair and open contract as a
7 professional service as pursuant to the provisions of
8 N.J.S.A. 19:44A-20.4 or 20.5 as appropriate to provide
9 supplemental planning services; and

10 Whereas, such services will exceed the
11 contract amount of \$5,000, and the following change
12 order is needed;

13 Change Order Number 1: Provide planning
14 services not to exceed \$1,500;

15 Whereas funds are available from
16 Account Number T-26-909-902, and have been certified by
17 the Chief Financial Officer, said certification being
18 attached to this resolution.

19 Now therefore be it resolved by the Board of
20 Commissioners of the Township of Nutley, County of
21 Essex, State of New Jersey, that Change Order Number 1
22 in the amount of \$1,500 be and is hereby approved. I
23 move the resolution.

24 COMMISSIONER TUCCI: Second.

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. Be it resolved by the
8 Board of Commissioners of the Township of Nutley,
9 County of Essex, State of New Jersey that the
10 Township Clerk is hereby authorized to advertise for
11 sealed bids for the 2020 acceptance of recycling
12 vegetative waste to include leaf and grass clippings,
13 to be received on behalf of the Board of Commissioners,
14 Commission Chambers, Township Hall, 1 Kennedy Drive,
15 Nutley, New Jersey, on Wednesday, November 13th, 2019,
16 at 11:00 a.m. prevailing time, at which time they will
17 be opened and read. I'd move the resolution.

18 COMMISSIONER TUCCI: Second.

19 THE CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 THE CLERK: Mayor Scarpelli?

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

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

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

20 MS. BOZZA: I just -- I'm just here to
21 address you relative to what I spoke about two or three
22 weeks ago about a variance that was issued for Nutley
23 Avenue. I just want to thank you. (Indiscernible) At
24 any rate, I do have a copy of the ordinance, and the
25 ordinance -- and I want you to know ahead of time that

1 I have no animosity toward the people who live there or
2 anything like that, and that's not my purpose for being
3 here.

4 But secondly, I just want to say that the
5 variance that was issued prior to the building of the
6 house in 2003, the reference in the variance was
7 relative to the building envelope, which I came to find
8 is essentially the footprint of the house itself, okay,
9 and because the property was irregular, certain
10 conditions were allowed, because of depth and frontage
11 and all this other stuff, which is what was --
12 actually, that's what the ordinance was for. It had
13 nothing to do with (indiscernible). It did -- it does
14 indicate in the ordinance and it's underlined in great
15 big yellow letters, and it says that a patio, but not a
16 deck, would be installed in the rear yard, and it's in
17 yellow.

18 So I just want to bring that to your
19 attention, that -- I was told that a C of O was issued,
20 and it was issued probably erroneously, but at this
21 point, they can't do anything. And I had somebody else
22 who was in building in another town look at these
23 (indiscernible) I was told by the town, you know, your
24 building has some --

25 COMMISSIONER EVANS: Sure. Ms. Bazza, thank

1 you. I'm glad you had a good experience in the office.

2 MS. BAZZA: I was --

3 COMMISSIONER EVANS: That's what they're
4 there for, they're there to help. The -- it's not a
5 deck. It's an elevated patio, as it's defined by me,
6 which does not violate its -- the building envelope or
7 the qualifications for a CO. I'm sorry. It's a --
8 it's defined as an elevated patio, not a deck. All
9 right? So you're referring to its --

10 MS. BAZZA: It's raised and if --

11 COMMISSIONER EVANS: -- it's a --

12 MS. BAZZA: -- if that patio was level --

13 COMMISSIONER EVANS: -- no, it's not. And
14 that it --

15 MS. BAZZA: That's what I was told by all the
16 building people, that it hadn't --

17 COMMISSIONER EVANS: Not by my building
18 official, and it's not just the way the code is laid
19 out. It's an elevated patio, it's not a deck, and it's
20 allowed in that use, in that zone. And I asked that
21 question because after listening to you I wanted to
22 know myself, and what I was told was that it's defined
23 as an elevated patio, not a deck. I don't -- and it's
24 a concrete structure, it's not made out of wood or
25 elevated -- or other uses --

1 MS. BAZZA: But it's permanent --

2 COMMISSIONER EVANS: -- it's a permanent
3 solid piece of, for lack of a better word, concrete.

4 MS. BAZZA: I was told that it -- that the
5 building -- by -- not the town's (indiscernible). For
6 purposes of building in order to clarify, so, you know,
7 a patio is not a deck and a deck is not a patio, as far
8 as, you know, for building purposes.

9 COMMISSIONER EVANS: I don't know who you
10 spoke to --

11 MS. BAZZA: Well, it's a code --

12 COMMISSIONER EVANS: -- our building official,
13 our building officials --

14 MS. BAZZA: No, I spoke to him --

15 COMMISSIONER EVANS: -- it's acceptable.

16 MS. BAZZA: -- and I know exactly what he
17 said. He --

18 COMMISSIONER EVANS: Yeah. Yeah.

19 MS. BAZZA: -- said that a C of O was probably
20 erroneously issued, and -- but at this point, there's
21 nothing they could do. But I just wanted to bring that
22 to --

23 COMMISSIONER EVANS: Did -- you're saying
24 Dave Barry, the construction official of Nutley, said
25 that it was erroneously issued? Is that what you're

1 saying? Or are you telling me that a building
2 inspector that you spoke to, or building construction
3 person in another town who does this work told you that
4 it was erroneously issued?

5 MS. BAZZA: I didn't really -- I can't hear
6 you too well. You're not --

7 COMMISSIONER EVANS: We're working on the
8 mics. We're doing our best to work on the mics.

9 MS. BAZZA: Sorry.

10 COMMISSIONER EVANS: Just as a point of
11 clarification, so for my benefit, were you told by
12 Dave Barry, the Township of Nutley construction
13 official, that a C of O was erroneously issued? Or
14 were you told that by another person --

15 MS. BAZZA: No, he said it was -- Dave told
16 me that it was probably erroneous. He didn't say it
17 was, he said it was probably erroneous, but it happened
18 way before him, and he had no jurisdiction over that
19 from --

20 COMMISSIONER EVANS: Sure. I will speak to
21 him first thing in the morning, because that's not my
22 understanding. And also, I just would check on your
23 original point, where you had indicated that you are a
24 three-family that you're not allowed to use as a
25 three-family?

1 MS. BAZZA: I clarified that with him, he
2 said I have --

3 COMMISSIONER EVANS: You were granted -- I
4 was surprised. You actually were granted a variance in
5 the year 2000.

6 MS. BAZZA: But the point is it's very, very
7 costly.

8 COMMISSIONER EVANS: I appreciate that.
9 That's a personal choice, but --

10 MS. BAZZA: Right, but I can make it into, he
11 told me, a part of the second tier.

12 COMMISSIONER EVANS: Yes. There are ways
13 that you can --

14 MS. BAZZA: Right.

15 COMMISSIONER EVANS: -- expand the use to
16 change your economics for that property that still
17 retains the two-family. I just wanted to check for
18 your benefit, you know, whether or not there was
19 something in your file we related to a variance, and I
20 was actually surprised to see that it was granted.

21 MS. BAZZA: It was, yeah, but we never
22 followed through on it because I had all the --
23 whatever.

24 COMMISSIONER EVANS: Yeah, I was just trying
25 to clarify because you had said that --

1 MS. BAZZA: I didn't have the thousand
2 dollars, you know, it's not --

3 COMMISSIONER EVANS: -- you couldn't do it.

4 MS. BAZZA: -- worth it.

5 COMMISSIONER EVANS: I understand.

6 MS. BAZZA: Okay. Thank you.

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

9 MR. L'ESTRANG: Good evening. My name's Ted
10 L'Estrang. I'm not a resident. I've not been -- my
11 address is 43 Prospect Hill Road, Cuddebackville,
12 that's New York. And (indiscernible), I'm afraid. And
13 I've entitled this genocide by scalpel, because that's
14 the title given by one of the investigators into forced
15 organ harvesting in China.

16 Their updated research concludes China's
17 hospitals transplant between 60,000 and 100,000 vital
18 human body organs each year. And China has no real
19 organ donation program. Here in the U.S., we're the
20 most sophisticated organ transplant system in the
21 world, a patient may wait two to three years just for
22 matching organs to become available. In China, the
23 waiting time is measured in weeks. With organ
24 transplant tourists to China, including one from
25 Nutley, can arrange a specific date for their

1 operation. Now that effectively means that someone had
2 been dispatched on their behalf on that date.

3 It's a cultural taboo to donate one's organs
4 after death in China, the source of all these organs.
5 Translation of these facts equates to tens of thousands
6 of prisoners of conscience each year being killed for
7 their organs. Most of these prisoners of conscience
8 are Falun Gong practitioners, but also Tibetans,
9 (47:36) and house Christians. They are routinely blood
10 tested, and the organs examined while held in China's
11 forced labor camps, detention centers, and black jails.

12 I have a quote. "On June 13, 2016, the
13 U.S. House of Representatives unanimously passed
14 Resolution 343, which in its summary section, quote,
15 "condemns the practice of state-sanctioned forced organ
16 harvesting in China, People's Republic of China." The
17 European Parliament has also passed similar
18 resolutions. This has been happening for about 20
19 years and (indiscernible) on this issue, and that's why
20 I've come before you, the elected and respected
21 representatives of (indiscernible) to (indiscernible)
22 the heavy burden of this genocide as acknowledged by
23 the House. China has total control of its own media
24 and way beyond that, so it comes down to word of mouth
25 to (indiscernible) surgeons have gathered an enormous

1 amount of data concurrent and (indiscernible) the
2 websites, local media reports, transplant surveys, and
3 other evidence for the over 1,000 hospitals in China
4 that have performed these organ transplants. Some
5 books have now been written, and documentaries have
6 been produced with more comprehensive information, so I
7 brought along a little package, I'm going to carry this
8 for your (indiscernible). And I'll thank you very much
9 for
10 your --

11 MAYOR SCARPELLI: Thank you. Give him some
12 -- thank you very much.

13 Anybody else wish to address the Board of
14 Commissioners this evening?

15 MS. RUBINO: Joan Rubino, 48 North Road. You
16 said you were working on the mics. I couldn't
17 understand one word that man said. You'd really better
18 get with it, because what's the point of coming to
19 these meetings if we can't hear a thing that's being
20 said? I couldn't hear Maria, either. So, I don't
21 know, what are you doing with the mics? You said
22 you're working on it.

23 COMMISSIONER EVANS: We have upgraded mics
24 here. I don't know what's being done with the --

25 MS. RUBINO: Maybe it's the sound system

1 around us that is --

2 COMMISSIONER EVANS: Well --

3 MS. RUBINO: -- not working.

4 UNIDENTIFIED: Just talk into the microphone.

5 MS. RUBINO: Yeah, well --

6 UNIDENTIFIED: If you stand away from it, it
7 won't -- it doesn't pick up.

8 COMMISSIONER EVANS: Yeah.

9 MS. RUBINO: Well, I think maybe you should
10 advise the people who step up to the mic. I usually
11 know, and I adjust it, but a lot of people do not
12 realize that, so I would suggest that you -- before
13 they -- anybody comes up, you make that announcement.
14 It's really important, I think. Thanks.

15 MAYOR SCARPELLI: Thank you, Mrs. Rubino.
16 Anybody else wish to address the Board of Commissioners
17 this evening? I did switch over commissioner
18 announcements. Commissioner Tucci?

19 COMMISSIONER TUCCI: Yes, thank you, Mayor.
20 I do have one announcement. This coming Monday,
21 October 21st, from 6 p.m. to 7:30 p.m., we are having
22 the first ever Grandma, Grandpa, and Me Pumpkin
23 Painting Party at the Parks Department, 44 Park Avenue.
24 It's for children of all ages. The fee is \$5, that's
25 per child, not for the grandparents, and there are

1 still some tickets available, but they're going fast.

2 Thank you.

3 MAYOR SCARPELLI: Thank you, Commissioner.

4 Any other commissioner announcements?

5 COMMISSIONER PETRACCO: If we could just
6 please do a moment of silence? A good friend of all of
7 ours, Lenny Grillo, passed away suddenly this week.
8 Today was the wake, tomorrow's the funeral. But talk
9 about a really good Nutley friend of all of ours, and
10 he was from my class of 1983. Just a really kind soul,
11 person, so if we could do a moment of silence, I would
12 appreciate it.

13 (Pause)

14 COMMISSIONER PETRACCO: Thank you.

15 MAYOR SCARPELLI: Thank you. Motion to
16 adjourn?

17 COMMISSIONER TUCCI: So --

18 THE CLERK: Go into executive?

19 MAYOR SCARPELLI: Oh. We will -- yeah, we'll
20 go -- we need a motion to go into executive, and then
21 we will be coming back to close the meeting. There'll
22 be no further action taken. I was just -- maybe I was
23 -- thinking -- motion to go into executive council to
24 discuss --

25 MR. GENITEMPO: Contract negotiations and

1 litigation.

2 COMMISSIONER TUCCI: So moved.

3 COMMISSIONER EVANS: Second.

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

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

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

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

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

25 COMMISSIONER TUCCI: Aye.

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 THE CLERK: The time is 8:09.

8 (Off the record. Back on the record)

9 MAYOR SCARPELLI: Don't worry about it.

10 THE CLERK: Okay. Yes, Mayor. Are you good?

11 Ceci?

12 COMMISSIONER EVANS: Motion to adjourn?

13 COMMISSIONER TUCCI: Second.

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 THE CLERK: The time is now 10:07.

23 MAYOR SCARPELLI: Good night.

24 (End of recording)

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

I, Lisa Luciano, 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.

LISA LUCIANO, AAERT NO. 327 DATE: October 30, 2019
ACCESS TRANSCRIPTS, LLC

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