

**In The Matter Of:**

*In RE: Nutley Board of Commissioners*

---

*Transcript Of Proceedings*

*December 31, 2019*

*Public Session*

---



66 W. Mt. Pleasant Avenue  
Livingston, NJ 07039  
T (973)992-7650 F (973)992-0666  
[www.rizmanrappaport.com](http://www.rizmanrappaport.com)  
[reporters@rizmanrappaport.com](mailto:reporters@rizmanrappaport.com)

*Min-U-Script®*

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

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

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

DATE: December 31, 2019

BOARD OF COMMISSIONERS:

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

Also Present:

- ANGELO CIFELLI, JR., TOWNSHIP ATTORNEY

1 (Recording begins)

2 THE CLERK: Board of Commissioners Public  
3 Meeting. Today is Tuesday, December 31st, 2019. The  
4 time is 9:03. Pursuant to the requirements of the Open  
5 Public Meeting Act, Chapter 231, Public Law 1975,  
6 notice of this meeting was published in the  
7 November 29th, 2018 issues of the Nutley Sun, the  
8 Herald News, and the Star Ledger. A copy of this  
9 notice has been posted on the Nutley Town Hall bulletin  
10 board, and a copy is on file in the Municipal Clerk's  
11 office.

12 Commissioner Rogers?

13 COMMISSIONER ROGERS: Here.

14 THE CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Here.

16 THE CLERK: Commissioner Evans.

17 COMMISSIONER EVANS: Here.

18 THE CLERK: Commissioner Petracco.

19 COMMISSIONER PETRACCO: Here.

20 THE CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Here.

22 THE CLERK: All present, Mayor. Commissioner  
23 Petracco and Commissioner Tucci are present via phone.

24 MAYOR SCARPELLI: Let's -- Commissioner  
25 Petracco, thank you for joining us. I see you have no

1 resolutions on the agenda tonight. Today.

2 COMMISSIONER PETRACCO: Yeah, I just wanted  
3 to wish everybody a Happy New Year and have a great  
4 time. I'll see you guys later. Am I dismissed?

5 MAYOR SCARPELLI: You could stick around a  
6 little if you'd like.

7 MR. GENITEMPO: You're still allowed to vote,  
8 Commissioner.

9 MAYOR SCARPELLI: Commissioner Evans?

10 COMMISSIONER EVANS: Happy New Year to  
11 everyone. I have three resolutions. One's a budget  
12 transfer, and another refund of an overpayment in  
13 taxes, and the last one is cancelling a reserve in the  
14 Water Utility for \$368,000 which would allow that to  
15 drop the reserve in the Water Utility.

16 MAYOR SCARPELLI: Commissioner?

17 COMMISSIONER ROGERS: You forgot my name? I  
18 mean --

19 MAYOR SCARPELLI: Commissioner Rogers.

20 COMMISSIONER ROGERS: All right. Happy New  
21 Year, everyone, I have nothing, and see you in March.

22 MAYOR SCARPELLI: He's using his time.  
23 Commissioner Tucci?

24 COMMISSIONER TUCCI: I have one resolution  
25 for a budget transfer.

1           MAYOR SCARPELLI: I have a authorization for  
2 raffles and a budget transfer of \$111,000. So we have  
3 no reports. Any commissioner announcements? None --

4           COMMISSIONER TUCCI: Just Happy New Year,  
5 everybody, happy and healthy.

6           MAYOR SCARPELLI: Healthy is the most  
7 important. I --

8           COMMISSIONER EVANS: Couldn't agree more.

9           MAYOR SCARPELLI: I do have to announce that  
10 two salary ordinances, Number 3434 for the dispatchers,  
11 and 3435 for the FMBA, were advertised to be heard at a  
12 public hearing today. They will be moved to our  
13 meeting on Thursday night.

14           Seeing none, let's -- Commissioner Tucci,  
15 your resolution.

16           COMMISSIONER TUCCI: Yes, thank you, Mayor.

17           Be it resolved by the Board of Commissioners,  
18 Township of Nutley, County of Essex, New Jersey, that  
19 in accordance with the provisions of R.S. 40A:4-58, the  
20 following transfer appropriations in the 2019 budget be  
21 and same are hereby authorized and approved;

22           The Department of Parks and Public Property,  
23 from health insurance, \$22,000;

24           To Recreation Salaries and Wages in the  
25 amount of \$1,000;

1 Parks, Other Expenses, in the amount of  
2 \$20,000;

3 And Telephones Salary and Wages in the amount  
4 of \$1,000, totaling like amount of \$22,000. I move the  
5 resolution.

6 COMMISSIONER EVANS: Second.

7 THE CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 THE CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 THE CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 THE CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Mayor Scarpelli.

16 MAYOR SCARPELLI: Aye.

17 MR. GENITEMPO: And one thing before you go

18 on. You -- we skipped over public comment on agenda  
19 items only. I just want to acknowledge for the record  
20 that --

21 MAYOR SCARPELLI: There's nobody here.

22 MR. GENITEMPO: Well, you should announce it,  
23 and then we'll state that there's no one here to make  
24 any public comments, just for the record.

25 MAYOR SCARPELLI: Is there anybody here who'd

1 like to address the Board of Commissioners on the  
2 agenda items only?

3 MR. GENITEMPO: Mr. Mayor, there's no one  
4 here from the public at this meeting. I checked the  
5 main hall, and of course this room. Also, one other  
6 thing. Ceci is here as the Clerk today. She has  
7 passed all of her clerk courses, and I believe she is  
8 completely authorized to act as Deputy Clerk here for  
9 this meeting. Thank you.

10 MAYOR SCARPELLI: Thank you, Counselor, for  
11 keeping us on point.

12 MR. GENITEMPO: No problem.

13 MAYOR SCARPELLI: Commissioner Evans?

14 COMMISSIONER EVANS: Thank you, Mayor.

15 Be it resolved by the Board of Commissioners  
16 of the Township of Nutley, County of Essex, New Jersey,  
17 that in accordance with the provision of R.S. 40A:4-58,  
18 the following transfers of appropriations in the  
19 2019 budget be and the same are hereby authorized and  
20 approved;

21 From Construction Code Official O/E, to  
22 Construction Code Official Salaries, \$18,000. So move.

23 MAYOR SCARPELLI: Second.

24 COMMISSIONER TUCCI: Second.

25 COMMISSIONER ROGERS: Aye.

Public Session

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 COMMISSIONER EVANS: Be it resolved by the  
12 Board of Commissioners of the Township of Nutley in the  
13 County of Essex, State of New Jersey, that the  
14 Treasurer be, and she is hereby authorized to refund  
15 overpayments of tax charges in the amount of \$2,196.89  
16 for Block 6702, Lot 9. So move.

17 COMMISSIONER ROGERS: Second.

18 COMMISSIONER TUCCI: 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 EVANS: Whereas, there exists a  
5 reserve for accounts payable in the balance sheet of  
6 the Water Operating Fund;

7 Whereas, the funds creating this reserve have  
8 been investigated, and it has been determined that  
9 these accounts payable should be canceled.

10 Now therefore be it resolved by the Board of  
11 Commissioners of the Township of Nutley, County of  
12 Essex, New Jersey, that the following accounts payable  
13 reserve balance in the amount of \$368,400 and --  
14 \$864.67, be and is hereby canceled. So move.

15 MAYOR SCARPELLI: Second.

16 THE CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 THE CLERK: Mayor Scarpelli.

25 MAYOR SCARPELLI: Aye.

1 COMMISSIONER EVANS: Thank you.

2 MAYOR SCARPELLI: Thank you, Commissioner.

3 Whereas, raffle applications have been  
4 received from the Nutley Junior Raiders Booster Club,  
5 License Number 58-19, on-premise 50/50 cash raffle.  
6 License Number 59-19, on-premise merchandise raffle, to  
7 be held Sunday, February 9th, 2020;

8 Whereas, the application has been reviewed  
9 and approved by the Municipal Clerk and the  
10 Police Department.

11 Now therefore be it resolved by the Board of  
12 Commissioners, Township of Nutley, County of Essex,  
13 State of New Jersey, that the aforementioned licenses  
14 are approved and the Municipal Clerk has authorized the  
15 issue of the raffle license. So moved.

16 COMMISSIONER ROGERS: Second.

17 COMMISSIONER PETRACCO: Second.

18 THE CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 THE CLERK: Commissioner Tucci?

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER TUCCI: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER EVANS: Who? Who?

1 THE CLERK: I'm sorry.

2 COMMISSIONER EVANS: I was out of sequence.

3 Sorry, Mauro.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 Be it resolved by the Board of Commissioners  
9 of the Township of Nutley, County of Essex, New Jersey,  
10 that in accordance with provisions of R.S. 40A:4-58,  
11 the following transfers of appropriation in the 2019  
12 budget be and the same are hereby authorized and  
13 approved;

14 Sewer System, Solid Waste, \$30,000. City of  
15 Newark, Water O/E, \$40,000. Annual audit, \$3,000.  
16 Group insurance, \$38,000. To Recycling Salary and  
17 Wage, \$22,000. Parking lot meter, O/E, \$8,000, Passaic  
18 Valley Water O/E, \$81,000. A total of \$111,000. I  
19 move the resolution.

20 COMMISSIONER EVANS: Second.

21 THE CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 THE CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 THE CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 THE CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 THE CLERK: Mayor Scarpelli.

5 MAYOR SCARPELLI: Aye. That concludes the  
6 business portion of our meeting. Anybody from the  
7 public like to address the Board of Commissioners this  
8 morning?

9 MR. GENITEMPO: Mr. Mayor, there's no one  
10 here from the public.

11 MAYOR SCARPELLI: Seeing none, we wish  
12 everybody a Happy New Year.

13 MR. GENITEMPO: And I have executive for a  
14 few items. Very brief. I have four items, very  
15 briefly.

16 MAYOR SCARPELLI: All right. So rather than  
17 adjourning this meeting --

18 MR. GENITEMPO: Sorry.

19 MAYOR SCARPELLI: -- we'll move into  
20 executive session. Do I have a motion to move into  
21 executive for -- what, Counselor?

22 MR. GENITEMPO: Litigation, potential  
23 litigation, and negotiations.

24 MAYOR SCARPELLI: Is there a motion? Motion?

25 COMMISSIONER TUCCI: Move it.

1 COMMISSIONER EVANS: Second.

2 COMMISSIONER TUCCI: Second.

3 THE CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

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 THE CLERK: Okay. The time is 9:11.

14 (Off record)

15 MAYOR SCARPELLI: We are back on the record  
16 at 9:33. Commissioners may I have a motion to adjourn  
17 and wish everybody a healthy and happy New Year? Do I  
18 have a motion?

19 COMMISSIONER EVANS: Second. Motion adjourn  
20 with a provision that --

21 COMMISSIONER TUCCI: Second.

22 COMMISSIONER EVANS: -- it's filled with much  
23 happiness, much health, in the New Year for everyone.

24 COMMISSIONER ROGERS: I ditto that, and I  
25 vote yes, aye.

1 THE CLERK: Commissioner Rogers?  
2 COMMISSIONER ROGERS: Aye.  
3 THE CLERK: Commissioner Tucci?  
4 COMMISSIONER TUCCI: Yes.  
5 THE CLERK: Commissioner Evans?  
6 COMMISSIONER EVANS: Aye. Yes.  
7 THE CLERK: Commissioner Petracco?  
8 COMMISSIONER PETRACCO: Aye.  
9 THE CLERK: Mayor Scarpelli?  
10 MAYOR SCARPELLI: Aye.  
11 THE CLERK: And the time is 9:33.  
12 MAYOR SCARPELLI: Happy healthy New Year,  
13 everybody.  
14 COMMISSIONER ROGERS: Happy New Year.  
15 MAYOR SCARPELLI: We'll see you --  
16 THE CLERK: Happy New Year.  
17 MAYOR SCARPELLI: -- next year, Thursday.  
18 (Recording ends)

19 \* \* \* \* \*  
20  
21  
22  
23  
24  
25

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

CERTIFICATION

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

\_\_\_\_\_  
January 17, 2020

Alicia Jarrett  
AAERT Cert. No. 428  
Certified Court Transcriptionist