

In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings

February 19, 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: February 19, 2019

BOARD OF COMMISSIONERS:

- JOSEPH P. SCARPELLI, MAYOR
- 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, Tuesday, February 19th, 2019. The time is
4 7:07. Pursuant to the requirements of the Open Public
5 Meeting Act, Chapter 231, Public Law 1975, notice of
6 this meeting was published in the November 29th, 2018
7 issues of the Nutley Sun, the Herald News, and the
8 Star-Ledger. A copy of this notice has been posted on
9 the Nutley Town Hall bulletin board, and a copy is on
10 file in the Municipal Clerk's office.

11 Commissioner Rogers?

12 COMMISSIONER ROGERS: Here.

13 THE CLERK: 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: All right. Agenda items.

23 Commissioner Petracco, what do you have on?

24 COMMISSIONER PETRACCO: Let's see. Do we
25 have any ordinances tonight, or -- let's see.

1 THE CLERK: No ordinance.

2 COMMISSIONER PETRACCO: No?

3 THE CLERK: No.

4 COMMISSIONER PETRACCO: Okay. I have some
5 resolutions. This is basically this abandoned personal
6 properties that we go out with, I have two of them it
7 looks like. I'm authorized to advertise for sealed
8 bids for surplus equipment. That's I guess all a part
9 of that, too. Authorized to accept funds for emergency
10 management assistant grant, and then the appointment of
11 the Coordinator William Cassidy -- I thought we did
12 that already.

13 THE CLERK: Well, what happened is, for the
14 OEM --

15 COMMISSIONER PETRACCO: Uh-huh.

16 THE CLERK: -- it has to be for a three-year
17 term. We can't do the unexpired term, because I called
18 the State.

19 COMMISSIONER PETRACCO: Okay.

20 THE CLERK: Okay? That's --

21 COMMISSIONER PETRACCO: Okay.

22 THE CLERK: -- all that is.

23 COMMISSIONER PETRACCO: And then authorize
24 the budget transfer of \$140,000, and that's all I have.

25 MAYOR SCARPELLI: Commissioner Evans?

1 COMMISSIONER EVANS: I had a -- my code
2 enforcement report for the month of January on the
3 agenda for tonight. I have an ordinance introduction
4 and a public hearing. I like the financing agreements
5 so much I put them on the agenda twice, so --

6 COMMISSIONER TUCCI: I hadn't asked that
7 question, but I --

8 COMMISSIONER EVANS: Did you notice?

9 COMMISSIONER TUCCI: -- I didn't know if you
10 were tabling the first two and just to let them die
11 there --

12 COMMISSIONER EVANS: So -- so the --

13 COMMISSIONER TUCCI: Right?

14 COMMISSIONER EVANS: Right. The ordinance
15 introductions relates to the fact that we now have
16 agreement with Jean Diaz and Prism regarding the
17 Building 100 and Building 200. There's been some
18 updates to the agreements, so on the advice of counsel,
19 they need to be reintroduced, so that's the
20 introduction of the two ordinances tonight.

21 As far as the public hearing of the two older
22 ordinances, I would ask that my cosign to adopt them,
23 we vote no because they're redundant with the
24 introductions. The only reason why they're on there is
25 because we have previously introduced and then

1 advertised for a public hearing, and that in order to
2 comply with the Open Public Hearings Act, the
3 (indiscernible) the public allowed for the public
4 hearing. But the intent is that those ordinances, we
5 vote no because they're stale and they're out of date,
6 and they'll be replaced by the ordinance introductions,
7 which will be heard for public hearing on March 5th.
8 So it's just procedural things that we have to do to --

9 COMMISSIONER ROGERS: May I interrupt for a
10 moment on that?

11 COMMISSIONER EVANS: You absolutely can.

12 MR. GENITEMPO: Also the documents will
13 be available at the Clerk's Office for review between
14 now and adoption, so any member of the public that
15 wants to see the introduced new ones can come in and
16 see them.

17 COMMISSIONER TUCCI: So we're voting down the
18 old ones?

19 COMMISSIONER EVANS: Correct.

20 MR. GENITEMPO: We're going to vote
21 down the old ones and leave the new ones for
22 introduction, and that'll be March 5th.

23 MAYOR SCARPELLI: Okay.

24 COMMISSIONER EVANS: Okay. The agreements
25 are then substantially the same, so we took previously

1 the fact that they were based on the 2018 assessed
2 value, the 2018 tax rate. They include full taxation
3 for municipal and school, and while there's -- they
4 only have to pay 5 percent of the county, there's a 95
5 percent piece that they don't have to pay anymore.
6 We're splitting that savings with them. We're
7 retaining 25 percent of that, which was a slight change
8 from the previous piece. With this there's a 2 percent
9 annual administrative fee --

10 COMMISSIONER TUCCI: Okay. Let's back up a
11 minute. Of the 95 percent, they're keeping 25?

12 COMMISSIONER EVANS: They're keeping 75,
13 we're keeping 25, which is about 70 grand.

14 COMMISSIONER ROGERS: Just the county
15 portion.

16 COMMISSIONER TUCCI: Just the county portion.

17 COMMISSIONER EVANS: Just the county --

18 COMMISSIONER TUCCI: Oh, okay.

19 COMMISSIONER EVANS: -- part. So rather than
20 saying --

21 COMMISSIONER TUCCI: I missed that part.

22 COMMISSIONER EVANS: -- okay, you just took
23 the --

24 COMMISSIONER TUCCI: Right. There you go.

25 COMMISSIONER EVANS: Okay.

1 COMMISSIONER TUCCI: They always need a
2 piece.

3 COMMISSIONER EVANS: Exactly.

4 COMMISSIONER TUCCI: Right now.

5 COMMISSIONER EVANS: Exactly.

6 COMMISSIONER TUCCI: Is that a legal term?

7 COMMISSIONER EVANS: So it's -- the
8 agreements still include an annual 2 percent
9 administrative fee as well as a minimum 2 percent
10 annual escalator. The agreements will still be based
11 on gross revenue of each of the buildings. While
12 Building 100 is known, Building 200 is yet to be
13 leased, so we have a variable related to that. And
14 then overall we maintained our insistence that the tax
15 appeals that have been taken out for '16, '17, and '18
16 had to be withdrawn, which they agreed to.

17 COMMISSIONER TUCCI: And they agreed to it?

18 COMMISSIONER EVANS: They agreed to it, so --

19 COMMISSIONER TUCCI: Did they ask for any
20 downside protection on 200 or no?

21 COMMISSIONER EVANS: No.

22 MR.GENITEMPO: It's all upside,
23 permanence.

24 COMMISSIONER EVANS: All upside.

25 COMMISSIONER TUCCI: Okay, good.

1 MR.GENITEMPO: According to Tom Beck,
2 it was a very good deal.

3 COMMISSIONER EVANS: Yeah.

4 COMMISSIONER TUCCI: It was just one of the
5 many banker theories, downside protection, get them
6 upside participation for us. And we went to the same
7 school.

8 COMMISSIONER EVANS: So with that, you know,
9 that's relating to those -- the financing agreements
10 that they're ready to do tonight, as well as the
11 procedures that we have to follow. I also have a
12 couple of resolutions. One is for the overpayment of
13 tax charges and a -- an amendment for the -- for
14 Inglesino relating to their bills as special counsel in
15 negotiating the redevelopment agreement.

16 The plan right now is that on March 5th, we
17 would adopt -- hold a public hearing and adopt the
18 pilot agreements, the financing agreements as I just
19 discussed. We would also be able to move on the
20 signing of the redevelopment agreement for Phase II-A
21 only, and they would also execute releases at that time
22 to withdraw the tax appeals.

23 COMMISSIONER TUCCI: So these will be done
24 simultaneously?

25 MR.GENITEMPO: And then within 30 days we get

1 reimbursed for all of the expenses that we've incurred,
2 and we establish a \$40,000 escrow (indiscernible) on
3 one part.

4 COMMISSIONER TUCCI: Okay.

5 MR.GENITEMPO: So no more dipping into the
6 budget.

7 COMMISSIONER EVANS: For pay -- and that's --
8 and that's for the 40 for II-A.

9 MAYOR SCARPELLI: Yeah, and after the 5th
10 meeting, we'll do a signing ceremony with them.

11 COMMISSIONER EVANS: Yeah, II-A only.

12 COMMISSIONER TUCCI: Okay. Good.

13 COMMISSIONER EVANS: So that's -- Mayor,
14 that's all I have except for one thing. Thank you for
15 getting your budget worksheets in. We need to
16 obviously work through the details of that. That's
17 where we're at. I remain concerned about the state
18 aid, given the condition of the state budget and the
19 things that are going on, so I will be working on that.
20 I'm going to have a meeting with Lieutenant Governor
21 Oliver soon with regard to the initial conversations
22 about that. We -- as we put together our budget, we
23 need to have a budget workshop, so we have to schedule
24 a date. The budget needs to -- by statute needs to be
25 introduced by the -- March 19th, that Tuesday. I think

1 it's that week. So we have to -- statutorily, we have
2 to introduce that date. So we have pull together all
3 of your submissions. We then need to look at it and
4 hold a budget workshop meeting. And we will take a
5 hard look at capital, so that capital won't have to go
6 through a two step process where we could have done the
7 capital and then later on, if we've done -- if we get
8 it right, then we can move forward on -- in the way we
9 should be doing, and get it right and process the
10 capital in the normal process.

11 So we have to look at a budget workshop date.
12 So we wanted a thing that we could look at as to do
13 that on the 5th. We had a lot going on that night, but
14 maybe start that meeting, advertise and start that
15 meeting earlier, right, if it's possible, or look to --
16 we traditionally do the workshop meeting, since it's
17 not a public comment period, it's just a -- the public
18 can observe during that meeting, we could do it, you
19 know, March 6th, you know, the next day, or that week.
20 It would be important to do it that week because it's
21 on the -- it's on the municipal budget office because
22 (indiscernible).

23 COMMISSIONER TUCCI: (Indiscernible.)

24 COMMISSIONER EVANS: The -- so we can do it
25 -- if it's possible --

1 THE CLERK: March 6th is --

2 COMMISSIONER EVANS: -- March 5th would be
3 the first meeting in March. We can do it earlier.

4 COMMISSIONER PETRACCO: What day is that,
5 Tom?

6 MAYOR SCARPELLI: Tuesday.

7 THE CLERK: Tuesday.

8 COMMISSIONER EVANS: Tuesday, March 5th.

9 COMMISSIONER PETRACCO: Okay.

10 COMMISSIONER EVANS: And try and do that
11 earlier, if that's possible, or possibly continue the
12 meeting on the 5th, and go into the morning of the 6th.
13 As possibly -- I don't know how that affects you.

14 THE CLERK: If I may, the workshop -- the
15 budget workshop meeting is separate from a regular
16 meeting, so we can -- I can advertise it.

17 COMMISSIONER EVANS: Fine.

18 THE CLERK: I can come up with that.

19 COMMISSIONER EVANS: But you don't want to do
20 -- that's a big meeting, so you've probably got a lot
21 to get out the door the next day, so maybe not, so --

22 THE CLERK: It's no problem doing it, if
23 you're -- if you want me to do that. I just need to
24 advertise it --

25 COMMISSIONER EVANS: Yeah, so --

1 THE CLERK: -- as a budget workshop meeting.

2 MAYOR SCARPELLI: But we can do that on the
3 6th, in the morning?

4 COMMISSIONER EVANS: So it's possible to do
5 that on the 6th or --

6 COMMISSIONER TUCCI: Which morning?

7 COMMISSIONER EVANS: -- the 8th?

8 COMMISSIONER ROGERS: Wednesday morning.

9 THE CLERK: No, before 9:00, right,
10 Commissioner?

11 COMMISSIONER PETRACCO: 10:00.

12 COMMISSIONER TUCCI: 10:00.

13 THE CLERK: Okay.

14 COMMISSIONER PETRACCO: 10:00 works.

15 THE CLERK: No. We have a meeting the night
16 before, not before 10:00.

17 COMMISSIONER EVANS: Is it better to do it --
18 yeah, if we need -- is it better to do it later in the
19 week?

20 MAYOR SCARPELLI: I can't do 10:00 unless we
21 do it on Thursday.

22 COMMISSIONER ROGERS: You suggested after our
23 commissioner meeting?

24 COMMISSIONER EVANS: Well, before.

25 COMMISSIONER ROGERS: Before?

1 COMMISSIONER EVANS: Before the --

2 COMMISSIONER ROGERS: If we're all coming in
3 anyway, maybe --

4 COMMISSIONER PETRACCO: I'd rather do that,
5 I'd rather come --

6 MAYOR SCARPELLI: Come early.

7 COMMISSIONER EVANS: Come in at 6:00?

8 COMMISSIONER PETRACCO: And just --

9 COMMISSIONER ROGERS: Yeah, let's do it on
10 the 6th.

11 COMMISSIONER PETRACCO: -- meet there in the
12 morning and --

13 MAYOR SCARPELLI: That's better.

14 COMMISSIONER EVANS: All right. And we'll do
15 it all, right?

16 COMMISSIONER TUCCI: Six? Six.

17 COMMISSIONER EVANS: No, the 5th, the 5th.

18 COMMISSIONER ROGERS: The 5th.

19 MAYOR SCARPELLI: The 5th at 6:00.

20 COMMISSIONER TUCCI: The 5th at 6:00.

21 COMMISSIONER EVANS: The 5th at 6:00.

22 COMMISSIONER TUCCI: Got it.

23 THE CLERK: That works for everybody?

24 COMMISSIONER ROGERS: Yep.

25 THE CLERK: Do I need to advertise that?

1 Okay. Budget at 6:00 p.m. Does that give you enough
2 time? One hour? Yeah?

3 COMMISSIONER EVANS: Yeah, it's just -- it's
4 basically to report out --

5 THE CLERK: Okay.

6 COMMISSIONER EVANS: -- you know, they
7 usually last about a half hour, but if we start at
8 6:00, we'll have plenty of time.

9 THE CLERK: Okay. Do you want me to be here?

10 UNIDENTIFIED: Uh-huh.

11 MAYOR SCARPELLI: Resolutions, Commissioner?

12 COMMISSIONER EVANS: As I said, I have two.
13 One was a change order for Inglesino regarding the
14 redevelopment on Roche, and the other is a tax refund
15 for North Spring Garden Ave. And the -- Commissioner,
16 the transfer, is it on your agenda for tonight?

17 COMMISSIONER TUCCI: I did see, you're
18 welcome.

19 COMMISSIONER EVANS: Okay. Thank you very
20 much. Okay.

21 COMMISSIONER TUCCI: Open and close.

22 MAYOR SCARPELLI: Commissioner Rogers?

23 COMMISSIONER ROGERS: Nothing, Mayor, but
24 just to follow up on a couple of financial issues that
25 Commissioner Evans talked about, our Animal Control

1 costs have risen from 35,000 to 75,000 plus. I had
2 Palestano go out and do some shopping with different
3 towns and counties, and it looks like we're going to
4 get hit with that 75,000. So we have the money, we're
5 budgeting for it, but I bring this up because of the
6 expense to run local government is -- it's getting
7 expensive.

8 Now, we're trying to find out how much
9 services do we get. Okay. How many animals are picked
10 up? How many crises they have when there's wild
11 animals, et cetera, so we're going to get all that
12 information together, but at the end of the day, it
13 still may cost us that. So I just want to give you an
14 idea that it's getting pretty expensive; 35 to 75 plus
15 is a lot of money in a year.

16 COMMISSIONER EVANS: Yes.

17 COMMISSIONER ROGERS: So that's where we're
18 at. One year.

19 COMMISSIONER EVANS: Yeah. And that's not --
20 that's the -- that's a shared -- under a shared service
21 arrangement, having some -- another town do it.

22 COMMISSIONER ROGERS: Montclair?

23 COMMISSIONER EVANS: Montclair.

24 COMMISSIONER ROGERS: Montclair.

25 COMMISSIONER EVANS: Yeah. So we don't have

1 any manpower, it's just a contract.

2 COMMISSIONER ROGERS: Yeah. Yeah, and --

3 THE CLERK: It's Bloomfield.

4 COMMISSIONER ROGERS: -- it -- oh,

5 Bloomfield, I'm sorry, it's Bloomfield, not Montclair.

6 We have Montclair. The issue of manpower would be cost
7 prohibitive. We can't handle it.

8 COMMISSIONER EVANS: Yeah.

9 COMMISSIONER ROGERS: It would be cost
10 prohibitive. We're working on it, but at the moment
11 we're at, I think -- okay?

12 COMMISSIONER EVANS: Yeah. It's -- that's a
13 dramatic increase.

14 COMMISSIONER ROGERS: It's big.

15 COMMISSIONER EVANS: Of all of them.

16 COMMISSIONER ROGERS: Thank you, Mayor.

17 That's all.

18 MAYOR SCARPELLI: I know you have no
19 resolutions tonight, Commissioner, but thank you for
20 coming. Commissioner Tucci?

21 COMMISSIONER TUCCI: Yes, what do I have? I
22 have a Shade Tree report. What do I have? I have a
23 Shade Tree report for January, I have a public hearing
24 this evening on a grant that I will be submitting to
25 Green Acres for DeMuro Park to reconstruct the track

1 and the high jump pit and the -- all of the other
2 sports around there that pertain to track and field,
3 and refurbishing the tennis courts.

4 So I have a hearing on that, and I have two
5 applications, one authorizing the -- me submitting the
6 application for the loan to Green Acres in the amount
7 of 737,000 -- 731,160, 75 percent of which will be a
8 grant, and 25 percent will be -- either we can come up
9 with hard cash or a no-interest loan through them. And
10 my second resolution is a budget transfer of \$50,000.
11 That's all I have.

12 MAYOR SCARPELLI: Thank you, Commissioner. I
13 have a public hearing on the density ordinance. And
14 Paul Ricci's here, if anybody has any questions for him
15 before or during the public hearing. He's here, he
16 wrote most of it. And Topology also chimed in,
17 and then Dave Berry also was chiming in. So we have
18 that.

19 And I have three resolutions. Raffle
20 licenses, I got it authorized for sealed bids, CDBG
21 money for Ernest Street Roadway Improvement, and a
22 resolution adopting the employee handbook for personnel
23 policies and procedural manual. Commissioner, you said
24 you need an executive for personnel?

25 COMMISSIONER PETRACCO: I do. Exactly.

1 COMMISSIONER ROGERS: I have a couple of
2 personnel questions that pertain to the handbook, if
3 this is the -- if you would be open to that.

4 COMMISSIONER PETRACCO: Oh, that would be
5 great.

6 COMMISSIONER ROGERS: If it's the appropriate
7 time, yeah.

8 COMMISSIONER PETRACCO: Executive?

9 COMMISSIONER ROGERS: You can go first.

10 COMMISSIONER PETRACCO: I wanted to do it --
11 some -- I have some personal --

12 COMMISSIONER ROGERS: Oh.

13 COMMISSIONER PETRACCO: But I have some
14 questions about that also, if --

15 COMMISSIONER ROGERS: Yeah.

16 COMMISSIONER PETRACCO: -- we could go into
17 executive, that would be great.

18 MAYOR SCARPELLI: Uh-huh. Sure.

19 COMMISSIONER PETRACCO: Counsel?

20 MR.GENITEMPO: Questions on -- I'm sorry --
21 on what issue?

22 COMMISSIONER PETRACCO: It's personnel.

23 THE CLERK: It's personnel.

24 UNIDENTIFIED: Personnel.

25 COMMISSIONER TUCCI: It's all personnel

1 related, yeah.

2 THE CLERK: Yeah.

3 UNIDENTIFIED: Personnel related --

4 MAYOR SCARPELLI: Is there a motion?

5 COMMISSIONER PETRACCO: Sorry to wake you up.

6 MAYOR SCARPELLI: Is there a motion?

7 THE CLERK: We need a motion, please.

8 UNIDENTIFIED: Don't worry about it, it's
9 okay.

10 COMMISSIONER TUCCI: Going to perform
11 tonight, huh?

12 COMMISSIONER PETRACCO: Moving. Second?

13 COMMISSIONER TUCCI: Second.

14 COMMISSIONER ROGERS: Third.

15 COMMISSIONER TUCCI: Third, fourth.

16 THE CLERK: Okay. Whereas, Section 8 of the
17 Open Public Meeting Act, Chapter 231, Public Law 1975,
18 permits the exclusion of the public from meeting in
19 certain circumstances.

20 And, whereas, the public is of the opinion
21 that such circumstances exist.

22 And, whereas, the Board of Commissioners of
23 the Township of Nutley, in the County of Essex, State
24 of New Jersey, desire to proceed to closed executive
25 session.

1 And now, therefore, be it resolved by the
2 Board of Commissioners of the Township of Nutley, to
3 move into closed executive session to discuss
4 personnel.

5 Be it further resolved that at the time when
6 such discussions may be disclosed to the public, shall
7 be, and as such disclosures may be made without
8 adversely affecting the Township of Nutley, pending
9 and/or anticipated legal personnel or contractual
10 matters, and other matters within the exceptions
11 provided for by the statute.

12 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 THE CLERK: The time is 7:24.

23 (End of recording)

24 * * * * *

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

I, Ilene Watson, court-approved transcriber,
hereby certify that the foregoing is a correct
transcript from the official electronic sound recording
of the proceedings in the above-entitled matter.

ILENE WATSON, AAERT NO. 447 DATE: March 6, 2019
ACCESS TRANSCRIPTS, LLC

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

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February 19, 2019
Public Session



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*** PUBLIC SESSION ***

DATE: February 19, 2019

BOARD OF COMMISSIONERS:

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

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY
- PAUL RICCI, PROFESSIONAL PLANNER

1 (Recording begins)

2 (Pledge of Allegiance)

3 MAYOR SCARPELLI: Madam Clerk?

4 THE CLERK: Thank you, Mayor. Board of
5 Commissioners public meeting, Tuesday, February 19th,
6 2019. The time is 8:05. 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 of this notice has
11 been posted on the Nutley Town Hall bulletin board, and
12 a copy is on file in the Municipal Clerk's office.

13 Commissioner Rogers?

14 COMMISSIONER ROGERS: Here.

15 THE CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Here.

17 THE CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Here.

19 THE CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Here.

21 THE CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Here.

23 THE CLERK: All present, Mayor.

24 MAYOR SCARPELLI: Thank you. I apologize to
25 the public. We had a couple of agenda items that we

1 needed to discuss in the back before voting tonight, so
2 we do apologize for being a little late.

3 Communications, Madam Clerk?

4 THE CLERK: Yes, Mayor. Southside Grill has
5 submitted an application for a social fair permit for
6 their Saint Patrick's Day event, scheduled for
7 Saturday, March 2nd, 2019, from 12:00 to 10:00 p.m., at
8 233 Franklin Avenue.

9 COMMISSIONER EVANS: Move it.

10 THE CLERK: Any motion?

11 COMMISSIONER EVANS: Move it.

12 COMMISSIONER TUCCI: Second.

13 THE CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 THE CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 THE CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 THE CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 THE CLERK: The Nutley Irish Alliance has
24 submitted an application for a social fair permit for
25 the Saint Patrick's Day Parade, scheduled for

Public Session

4

1 March 2nd, from 2:00 p.m. to 7:00 p.m.

2 COMMISSIONER EVANS: Move it.

3 COMMISSIONER TUCCI: Second.

4 THE CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

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: The Green Nutley Community has
15 submitted an event application to hold their outdoor
16 farmer's market from Sunday, June 16th, 2019 to
17 October 27, 2019, at 537 Franklin Avenue.

18 COMMISSIONER EVANS: Move.

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 THE CLERK: Grace Episcopal Church has
6 submitted an application to hold a motorcycle blessing
7 religious service on Highfield Lane on Saturday,
8 May 11, 2019, from 11:00 a.m. to 12:00 p.m.

9 COMMISSIONER EVANS: Move it.

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 THE CLERK: And that's it for communications,
22 Mayor.

23 MAYOR SCARPELLI: Reports of
24 Commissioner Evans?

25 COMMISSIONER EVANS: Thank you. I have a

1 code enforcement monthly report for January, 2019.

2 MAYOR SCARPELLI: Commissioner Petracco?

3 COMMISSIONER PETRACCO: We have our public
4 safety report for January 2019 as well.

5 MAYOR SCARPELLI: Commissioner Tucci?

6 COMMISSIONER TUCCI: Yes. I have a parks and
7 recreation Shade Tree report for January, 2019.

8 MAYOR SCARPELLI: Bills, Madam Clerk?

9 THE CLERK: Yes, Mayor. Bill list for
10 February 19, 2019: Public Affairs, \$103,446.26; Revenue
11 and Finance, \$2,560,542.98; Public Safety, \$67,950.53;
12 Public Works, \$222,588.84; Parks and Public Property,
13 \$94,637.48; Water Utility, \$5,696.82; Total Payroll,
14 \$806,027.43, for a grand total of \$3,860,870.34.

15 COMMISSIONER EVANS: Move the bills.

16 COMMISSIONER TUCCI: Second.

17 THE CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

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: That's it for the bills, Mayor.

3 MAYOR SCARPELLI: Public comment on agenda
4 items only. Madam Clerk?

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

14 Dialogue between citizens and others
15 addressing the board shall be allowed, unless the
16 mayor, the presiding officer, or the majority of the
17 membership of the board shall determine that the
18 interests of the quorum and/or the expeditious conduct
19 of municipal business are being adversely affected by
20 such dialogue.

21 MAYOR SCARPELLI: Anybody wish to address the
22 Board of Commissioners on the agenda items only?

23 MS. CELENTO: Amy Celento, 70 Newman Avenue.

24 I just wanted to ask about the mixed-use ordinance.

25 Commissioner Tucci presented a white paper of the

1 effect of multi-family housing. Unfortunately, I
2 wasn't here at that meeting, but I was able to read it
3 online, thank you, and I'm just wondering if there are
4 any comments or thoughts from the other commissioners
5 about that white paper and, you know, any kind of link
6 or thoughts about the mixed-use density ordinance.

7 MAYOR SCARPELLI: Well, Ms. Celento, they're
8 mutually exclusive, the density ordinance and
9 Commissioner Tucci's paper. I think Commissioner
10 Tucci's paper brings up a lot of valid points on our
11 capacity to increase development, along with some other
12 issues that went along with that. So we're going to
13 actually amend the ordinance for -- that's for --
14 passing tonight to 24 units instead of 28, so that's
15 one of the issues maybe that will help you resolve
16 that.

17 MS. CELENTO: Okay. Thank you. So then when
18 we get to that, you'll discuss what the proposed
19 changes --

20 COMMISSIONER TUCCI: If I might, and it's not
21 even so much -- it's not so much the obvious things
22 that we thought would be impacted by multi-family
23 housing. What I called it in the back were some of the
24 quiet impacts, all right, you know, the additional
25 service calls, you know, the additional policies and

1 procedures we need to put in place to deal with more
2 people. So the toll that multi-family housing takes on
3 the township is much more than just student population,
4 which actually went down.

5 MS. CELENTO: I saw that.

6 COMMISSIONER TUCCI: All right? And once we
7 get the demographer's report, the latest demographer's
8 report, I believe it's for 2018, all right, we're going
9 to compare that to the white paper. And I think the
10 white paper was -- I know it was an eye opener for me,
11 and I'm sure everyone else that read it, because it
12 brought to light a lot of things that we wouldn't
13 necessarily have thought of. All right.

14 But that is, in fact, part of the thinking
15 that went into the amendment, and I know in speaking
16 with Commissioner Petracco and Rogers and Evans and the
17 Mayor that, you know, we speak about this all the time
18 to see how we can resolve different issues, and what
19 impacts different things have. So did it have a major
20 impact on this density ordinance? No. But it's part
21 of the thinking that went into the amendment that we're
22 going to propose tonight reducing that number from 28
23 to 24.

24 MS. CELENTO: Okay. Thank you. And I do
25 want to note that the reports about the multi-family

1 housing and the schoolchildren, that a couple of the
2 new developments, 184 Franklin, which had some
3 additional two-bedroom apartments which weren't
4 supposed to be there, and then the Kingsland and
5 Passaic development, those show zero because those
6 buildings were just opening.

7 COMMISSIONER TUCCI: Exactly.

8 MS. CELENTO: So it will be interesting to
9 see if there truly are no --

10 COMMISSIONER TUCCI: What that report
11 presents --

12 MS. CELENTO: Yes.

13 COMMISSIONER TUCCI: -- those are absolutely
14 right.

15 MS. CELENTO: Yes, thank you.

16 COMMISSIONER TUCCI: And that's a living
17 document. So hopefully, as we go along, we're going to
18 be updating that, all right, and presenting new
19 information as it becomes available.

20 MS. CELENTO: Right. Thank you very much.

21 MAYOR SCARPELLI: Anybody else wish to
22 address the Board of Commissioners on agenda items
23 only? Seeing none, let's move on to Board of
24 Commissioner announcements. Any announcements,
25 Commissioners?

1 COMMISSIONER TUCCI: I'm good right now.

2 MAYOR SCARPELLI: Good? Ordinance
3 introductions. Commissioner, do you want to explain
4 how this is going to work tonight?

5 COMMISSIONER EVANS: Yeah. Just so one --
6 one thing, so we agreed on this in the back. We're
7 beginning the 2019 budget process, so that -- we just
8 want to announce that we agreed that the March 5th
9 meeting will start at six o'clock, which has to be
10 advertised, to allow for a budget workshop meeting from
11 6:00 to 7:00. Okay?

12 MAYOR SCARPELLI: Yeah.

13 COMMISSIONER EVANS: As far as the ordinance
14 introductions tonight, we have two ordinance
15 introductions that are related to the tax financing
16 agreements for Building 100 and Building 200 on the
17 Roche property. These are updated agreements that
18 solidify our taxing position going forward. Our taxing
19 position is very straightforward, that the taxes on
20 those buildings have to provide for the -- both the
21 municipal as well as the school tax portion of the
22 property tax bill.

23 Under a pilot law, there is a savings
24 attributed to the taxes that we collect but have to pay
25 to the county. They do not have to pay that tax, so in

1 this agreement, we didn't -- we just were able to
2 negotiate that we would keep 25 percent of that savings
3 here in Nutley as an additional tax benefit. The
4 agreements also provide that the -- there's an annual
5 2 percent administrative fee, and that there is an
6 annual 2 percent increase in the taxes that we would
7 collect as the minimum amount that we would collect.

8 What's also important about this is that at
9 the time of the transition of the Roche property, tax
10 appeals were filed in court, in the tax court, for tax
11 years '16, '17, and '18, where the assessed value of
12 the property was being challenged. So even though we
13 reduced the value of the site, because demolitions, you
14 can't tax a building that doesn't exist anymore, and
15 for the change in use, that there was still a challenge
16 out there that says that the -- even with that, the
17 assessed value was too high.

18 As part of agreeing to these taxing
19 agreements, those tax appeals have been withdrawn. And
20 they'll be -- and so once we adopt these at the next
21 meeting, as a public hearing, we will also be
22 withdrawing the tax appeals. So those are the major
23 provisions that exist within these new tax financing
24 agreements. As a result, we do have a public hearing
25 tonight related to the old ordinances as a matter of

1 compliance. They were introduced, we notified the
2 public that there would be a public hearing, so to
3 comply with open public -- the Public Meeting Act,
4 we'll go forth with the public hearing portion of the
5 ordinance introductions.

6 However, when it comes to adopting those
7 ordinances, they will be voted down. They'll be voted
8 no. So this way they'll go away and we'll have --
9 what's left will be the two new ordinances that are
10 being introduced tonight. So procedurally that's what
11 we're going to see. Do you want me to proceed, Mayor?

12 MAYOR SCARPELLI: Yes.

13 COMMISSIONER EVANS: So we have two ordinance
14 introductions, Number 3416 and 3417, relating to the
15 financing agreements for Buildings 100 and 200 on the
16 Roche property. I move that this ordinance -- these
17 ordinances be passed to a second reading and advertised
18 in the Nutley Sun, together with the notice required by
19 law, and that further consideration of said ordinance
20 for final passage by the Board of Commissioners be held
21 at its second reading on March 5th, 2019. So move.

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. Public hearings --

8 Mr. Genitempo, can we do one public hearing for both,

9 or do we have to do individual public hearings?

10 MR. GENITEMPO: I would (indiscernible).

11 MAYOR SCARPELLI: All right. So public
12 hearing on -- or, Commissioner, you could proceed with
13 that -- those two, that --

14 COMMISSIONER EVANS: As I previously
15 explained, these are the old agreements related to the
16 tax -- taxing of Building 100 and 200. The major terms
17 that are in here have not changed in the new
18 agreements. It still provides for pro-local taxation.
19 So tonight we're having any public comment relating to
20 the taxing agreement as it relates to Building 100 on
21 the Roche property.

22 MAYOR SCARPELLI: Does anybody want to be
23 heard on Ordinance Number 3411? Seeing none.

24 COMMISSIONER EVANS: Move to close the public
25 hearing.

1 COMMISSIONER TUCCI: Second.
2 THE CLERK: Commissioner Rogers?
3 COMMISSIONER ROGERS: Aye.
4 THE CLERK: Commissioner Tucci?
5 COMMISSIONER TUCCI: Aye.
6 THE CLERK: Commissioner Evans?
7 COMMISSIONER EVANS: Aye.
8 THE CLERK: Commissioner Petracco?
9 COMMISSIONER PETRACCO: Aye.
10 THE CLERK: Mayor Scarpelli?
11 MAYOR SCARPELLI: Aye.
12 COMMISSIONER TUCCI: You've got to move it.
13 COMMISSIONER EVANS: Yes. Move the
14 ordinance.
15 COMMISSIONER TUCCI: Second.
16 THE CLERK: Commissioner Rogers?
17 COMMISSIONER ROGERS: Aye.
18 COMMISSIONER EVANS: No --
19 COMMISSIONER TUCCI: No.
20 COMMISSIONER ROGERS: No.
21 COMMISSIONER EVANS: No.
22 COMMISSIONER ROGERS: No.
23 THE CLERK: Commissioner Tucci, I'm sorry.
24 MR.GENITEMPO: We're defeating this ordinance
25 for purposes of --

1 COMMISSIONER ROGERS: Oh, I'm --

2 COMMISSIONER EVANS: Procedurally --

3 COMMISSIONER TUCCI: Because we've
4 reintroduced --

5 COMMISSIONER EVANS: It's just a procedural
6 requirement.

7 COMMISSIONER TUCCI: Uh-huh.

8 COMMISSIONER EVANS: So.

9 THE CLERK: So, Commissioner Tucci, you're
10 voting no, correct?

11 COMMISSIONER TUCCI: Commissioner Tucci is
12 no, yes.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: No.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: I don't know. Are
17 you sure it's a no?

18 COMMISSIONER EVANS: It's a no.

19 COMMISSIONER PETRACCO: Okay, no.

20 THE CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: No.

22 COMMISSIONER EVANS: Thank you. As far as
23 Ordinance Number 3412 -- by the way, it appears a
24 little bit off because we normally don't do this as a
25 board. If we're holding a public hearing, it's because

1 there's been a lot of debate, and we're actually ready
2 to proceed, but in this case we're changing the rules a
3 little bit, just to ensure compliance with the Open
4 Public Meetings Act. So 3412. This is the same
5 financial agreement, but as it relates to Building 200.

6 MAYOR SCARPELLI: Anybody that wanted to be
7 heard on Ordinance Number 3412? Seeing none.

8 COMMISSIONER EVANS: Move to close the public
9 hearing.

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: Move the ordinance.

22 COMMISSIONER TUCCI: Second.

23 THE CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 THE CLERK: No?

1 COMMISSIONER ROGERS: No, no. All right.

2 I'm mixed up guys, sorry.

3 THE CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: No.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER ROGERS: Procedures.

7 COMMISSIONER EVANS: No.

8 THE CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: No.

10 THE CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: No.

12 THE CLERK: Okay.

13 MAYOR SCARPELLI: All right. A public
14 hearing on our density ordinance, Ordinance Number
15 3414, open the public hearing, and Mr. Ricci, do you
16 want to give a little background on the ordinance?

17 MR. RICCI: Sure, Mayor. For the record,
18 Paul Ricci, I'm a licensed professional planner in the
19 state. Do I need to be sworn at this level here?

20 MAYOR SCARPELLI: No.

21 MR. RICCI: Just a little bit of background;
22 I was asked to really help in the codification of
23 really what's been envisioned by the Board of
24 Commissioners in terms of, number one, cleaning up the
25 ordinance and applying density where residential was

1 permitted as part of mixed-use development in the
2 downtown. But the ordinance, in addition to that, for
3 this to be undertaken, it does revise several sections
4 of the township's ordinance dealing with definitions,
5 general regulations, that's the use regulations. and
6 largely what's occurring at the use level is, is that
7 this was written in a manner to be ultra-clear as to
8 where things are permitted, where they're not.
9 Definitions are written to be ultra-clear as to the
10 types of land uses and where they were to be permitted,
11 so some of this, from a very technical standpoint, I
12 would call it as cleaning up of the ordinance for those
13 purposes.

14 And if everyone has a copy of the ordinance,
15 I'm not sure if I'm going to go through this point by
16 point, Mayor, but an example is where mixed-use
17 buildings are permitted. And there's areas where
18 mixed-use buildings are permitted without residential,
19 and even if that's the case, the code goes on to
20 further elaborate "residential prohibited." So it's
21 meant to be ultra-clear.

22 There's a new definition of mixed-use that's
23 provided in the code for this purpose as well. And
24 also I think some of the key provisions of the code,
25 number one, what was happening, and just so -- if

1 everyone's aware, as needed, I represent the planning
2 and the zoning board, and I work with the zoning
3 officer on a daily basis, so I kind of understand how
4 they look at the ordinance, how they apply the
5 ordinance, and part of this was, is to clarify how the
6 ordinance was originally structured.

7 There was a -- you know, a schedule of
8 regulations in the back, and that's -- I don't want to
9 get into too much detail, but those regulations are
10 very clear as to the height of a building, the setbacks
11 of a building, how much the building can cover of the
12 lot, and et cetera. But there was a separate section
13 called the mixed-use section, and in some areas, these
14 uses were in conflict with each other, so we clarified
15 that and we took away those points of conflict so that
16 the zoning officer has clear direction from the Board
17 of Commissioners on how the ordinance should be
18 applied.

19 And that was very important because at one
20 point certain areas weren't clear, and that was a
21 difficult position for the boards to be in. The mayor
22 referred to this as the density ordinance, and it does
23 apply right now. I just heard tonight there may be a
24 change, but right now in the three zones where density
25 are permitted, in the B-3 zone, it currently -- as my

1 ordinance shows, 28 units per acre, and the B-1 and B-2
2 zones, that's 17.42 units per acres. Is that 17.42?
3 How did you get a crazy number like that? That's
4 taking -- historically, the ordinance allowed for a
5 development to take place in a residential capacity if
6 you had 2,500 square feet. Each 2,500 square feet, you
7 could have one residential apartment on the upper
8 floor. Now, this ordinance just translates that into a
9 number. That's largely done for consistency purposes
10 with the density provision that was added to the B-3
11 district, that's currently 28 units per --

12 MAYOR SCARPELLI: 24.

13 MR. RICCI: -- my reading.

14 MAYOR SCARPELLI: 24 as of today.

15 MR. RICCI: Now 24 units, correct. I'm
16 sorry, Mayor.

17 COMMISSIONER PETRACCO: Hold on, and just one
18 statement, because I was actually the one that brought
19 that up because that caught my eye, the 28 units per
20 acre. And the thing that I just want to be clear on,
21 even if -- that we're knocking them down to 24, people
22 are still able to go for a variance and, you know,
23 change that number if needed for an application, you
24 know, and then there would be a vote. True?

25 MR. RICCI: They could, but once you start to

1 apply a new ordinance, I think it's -- I think they
2 would be hard pressed to be seeking a variance right
3 away from a brand new ordinance --

4 COMMISSIONER TUCCI: I think what the
5 Commissioner is saying and what I'm going to speak to
6 is we're not encouraging that --

7 COMMISSIONER PETRACCO: Right.

8 COMMISSIONER TUCCI: -- but that's always an
9 option that someone could exercise, correct?

10 MR. RICCI: It is an option, yes.

11 COMMISSIONER TUCCI: Okay. Thank you.

12 COMMISSIONER PETRACCO: Exactly. Thank you,
13 Commissioner.

14 MR. RICCI: The ordinance -- I mean, another
15 issue that came up in the ordinance I think is an
16 excellent standard. It applies that in the mixed-use
17 building, at least 30 percent of that building has to
18 be for retail or office or actually a true mixed use.
19 Often, sometimes today, parking is one of the biggest
20 issues in the terms of -- for someone to try to provide
21 a mixed-use building for residential and commercial and
22 provide sufficient parking. So often you would see
23 applications where they would line the building in the
24 frontage with very -- for lack of a better word, a very
25 shallow commercial space, and this ordinance encourages

1 or requires that there be a significant commercial
2 space on the ground floor of each mixed-use building.

3 Also, it establishes minimum bedroom sizes
4 for the units, 925 square feet for a one-bedroom and
5 1,175 square feet for a two-bedroom. So these are --
6 in the industry today, these are -- they're not very
7 large. They're definitely not small, but they would be
8 on the larger side of where you're seeing this type of
9 development today. And also it's clear that sometimes
10 we've had a number come to the planning board meetings,
11 developers can -- I'll use it nicely -- get cute and
12 they'll propose units that are one-bedroom with a den.
13 Okay. And you can talk to an architect, what's
14 considered a den? When you start seeing a closet, a
15 door on a room, that's not really a den, right? So
16 there's -- and that's an interpretation of the building
17 code traditionally, or rather the zoning code.

18 Here there's a provision that requires any
19 building that could be contemplated like a den that's
20 over 69 square feet is considered a bedroom. So this
21 is something that would be eliminating that, someone
22 trying to, for lack of a better word, getting cute and
23 to get another extra bedroom as part of a unit. Or if
24 it's not technically considered a bedroom, something
25 that could functionally serve as a bedroom.

1 I think those are some of the key provisions
2 of the ordinance. Also it goes on to clarify regarding
3 in the remainder of the township garden apartments are
4 not permitted except where they exist in the R-3 and
5 the N-1 zones today, so any apartments that are going
6 to potentially be built would be in the downtown at the
7 densities proposed. And then also, instead of having
8 provisions and numbers in two sections of the
9 ordinance, when I was talking about cleaning up the
10 ordinance, now most of all the provisions dealing with
11 development are in the -- what we call the bulk table
12 at the end of the chapter.

13 And this is something historically, as your
14 zoning officer has utilized the code, and I think it
15 was the most efficient way to make the changes to the
16 ordinance, and it's -- for that reason, we tried to
17 place everything in that table for ease of use, and
18 where things were applicative, if I can say that
19 correctly, we tried to remove those double references
20 and just have it in one place, so -- I'm not sure if
21 I'm missing anything, Mayor.

22 MAYOR SCARPELLI: Mr. Ricci, I wanted to
23 thank you for your hard work on rewriting this
24 ordinance along with Topology and their input and
25 Mr. Barry and his input. I think we have a better

1 ordinance than we had previous. We've eliminated a lot
2 of the issues that we've had in the past, and I think
3 we're going to be better off. And we'll see how it
4 works, and if we need to amend it further, we will.

5 MR. RICCI: Okay.

6 MAYOR SCARPELLI: But thank you for your
7 efforts.

8 MR. RICCI: Thank you, Mayor. Thank you
9 Board.

10 MAYOR SCARPELLI: Anybody else wish to be
11 heard on this ordinance?

12 MS. ROSSI: Tammy Rossi, 28 Colonial Terrace.
13 Just curious, is it possible to include in this
14 ordinance allowable condos versus apartments? I notice
15 in Montclair they have beautiful mixed-use buildings
16 with condominiums above, and I would think that perhaps
17 that could benefit the town with regards to having true
18 residents versus transients, and also from a tax
19 revenue perspective.

20 MR. RICCI: Mayor, could I take that question
21 as (indiscernible)?

22 MAYOR SCARPELLI: Sure. Sure.

23 MR. RICCI: I don't mean to interject, but
24 it's kind of a planning question. When you talk about
25 condos and apartments, you're talking about a form of

1 ownership, and by a matter of law, even for
2 affordable housing purposes, the courts have ruled that
3 we cannot require that form of ownership to be either
4 condo or rental. We can encourage it, incentivize it
5 potentially, but historically, since the downturn to
6 today, my experience as a planner, I'm in a number of
7 towns and I also do private testimony, I don't think
8 until maybe this current year or the end of last year
9 that I've seen a condominium project. It had to do
10 with the lending of the banks and how they were
11 lending. It was very difficult to lend for
12 condominiums.

13 It may start to come back a little bit now,
14 and it's -- but that's speculation. More -- maybe talk
15 to Realtors and real estate agents about that. But
16 historically -- I'm not talking about Nutley; I'm
17 talking about state wide -- what's occurred as a result
18 of the downturn, and how banks have lended. And so
19 just that's my two cents.

20 MAYOR SCARPELLI: So, Mr. Ricci, let me just
21 see if I can clarify what you said, or ask you to stay
22 up at the mic. By ordinance we couldn't do that.

23 MR. RICCI: No.

24 MAYOR SCARPELLI: Okay. Thank you.

25 UNIDENTIFIED: (Indiscernible).

1 COMMISSIONER PETRACCO: If I may? I -- you
2 know, when there was a lot of building going on in
3 Nutley, we always tried to keep it to one-bedroom
4 because of the school situation and all that stuff.
5 And after reviewing this, I see there's percentages of
6 how many two-bedrooms, how many three-bedrooms, and I
7 talked to the mayor about that before. That's all COAH
8 obligations. I mean, we can't restrict the number of
9 units, especially now with -- you know, we're dealing
10 with our schools as far as bedrooms even with the COAH
11 obligation.

12 MR. RICCI: Regarding COAH, that is a state
13 ruling, so you have uniform housing in the district --

14 COMMISSIONER PETRACCO: What's the
15 percentage?

16 MR. RICCI: It says that at least 20 percent
17 of the affordable units have to be three-bedroom, no
18 more than 20 percent can be one-, and the rest are
19 two-bedrooms. And that's a matter of law. According
20 to the COAH --

21 COMMISSIONER PETRACCO: And there's no way we
22 can challenge that?

23 MR. RICCI: That's only for the COAH, the
24 affordable units. The other units, I mean, that's up
25 to your purview.

1 COMMISSIONER PETRACCO: So as far as when the
2 affordable units are being built, that's when we have
3 to follow that state law is what you're saying is state
4 law?

5 MR. RICCI: Yes, and that's --

6 COMMISSIONER PETRACCO: And there's no way
7 that we can go to the State and appeal and talk about
8 our schools and talk about what's going on in our town
9 to try to plead that number down?

10 MR. RICCI: That's really a legal question.
11 I don't -- I guess you can appeal anything. I have not
12 heard of that being successfully done.

13 COMMISSIONER PETRACCO: Okay. Thank you.

14 MAYOR SCARPELLI: But there's no provisions
15 in this ordinance for one- or two-bedroom.

16 COMMISSIONER PETRACCO: Okay.

17 MAYOR SCARPELLI: Anybody else wish to be
18 heard on Ordinance Number 3414? Seeing none, I move
19 that we close the public hearing.

20 COMMISSIONER TUCCI: 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. Move the ordinance --

6 MR.GENITEMPO: Mr. Mayor, can we please do a

7 -- first a motion to amend the ordinance, first

8 officially vote on that, and then vote on yes or no?

9 COMMISSIONER TUCCI: If the mayor moves it,
10 can I second it with the amendment, or do I introduce
11 the amendment at that point, get a second and then
12 vote?

13 MR. GENITEMPO: I would introduce the
14 amendment now, vote on the amendment, and then vote on
15 the public hearing. Vote on the -- on the --

16 COMMISSIONER TUCCI: Okay. So after he
17 introduces, then we -- we -- preside --

18 MR. GENITEMPO: It's already been introduced,
19 so --

20 MAYOR SCARPELLI: Can I have a motion to
21 amend the 28 units to 24 units?

22 COMMISSIONER TUCCI: I will make that motion
23 to amend from 28 units per acre to 24 units per acre.

24 COMMISSIONER PETRACCO: I'll second it.

25 THE CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye. Move the ordinance.

10 COMMISSIONER TUCCI: Second.

11 THE CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye.

13 THE CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: As amended, aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: As amended, aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: As amended, aye.

19 THE CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye. Public hearings.

21 Commissioner Tucci?

22 COMMISSIONER TUCCI: Yes. As a requirement
23 of filing a Green Acres application, I need to hold a
24 public hearing this evening. I have as a resource with
25 me tonight Sue Scavone from Millennium Strategies, our

1 grants person, but what I'd like to do is just briefly
2 outline what the project is.

3 It would be a removal and installation of a
4 new synthetic track system up at DeMuro Park, repairing
5 and improving the long jump, the discus circle, the
6 shot circle, and the pole vault box, in addition to
7 refurbishing the tennis courts, fixing the cracks, new
8 nets, relining, coloring of the courts, et cetera, and
9 any ancillary site work that needs to be done.

10 The amount of the application that I'm
11 seeking authorization for this evening is \$731,160, and
12 again that includes demolitions, site improvements,
13 repairs, improvements to everything I've just said, and
14 that also includes Nutley Raiders and lane three of the
15 straightaway in Stripers Standard Form.

16 That would be -- 75 percent of that total
17 would be in a grant that comes to approximately
18 \$548,370, and the 25 percent match can either be in the
19 form of a zero percent loan from the State of New
20 Jersey, or I -- or hard cash in the amount of \$182,790.
21 Sue, did I miss anything?

22 MS. SCAVONE: Not at all.

23 COMMISSIONER TUCCI: She's an excellent
24 teacher.

25 MAYOR SCARPELLI: Anybody want to be heard on

1 the -- on this resolution?

2 MS. ROSSI: Tammy Rossi, 28 Colonial Terrace.
3 I'm just curious, Commissioner Tucci, when was the last
4 time the tracks were resurfaced?

5 COMMISSIONER TUCCI: It was resurfaced
6 approximately ten years ago.

7 MS. ROSSI: And that's the anticipated
8 lifetime --

9 COMMISSIONER TUCCI: Right. And that -- it's
10 like adding a layer of roofing to your home, all
11 right --

12 MS. ROSSI: Uh-huh.

13 COMMISSIONER TUCCI: -- where we've maxed out
14 on the amount of times we can just resurface. We're at
15 the point now where we need to completely demolish and
16 rip out everything that's there, put in a brand new
17 subsurface, and then put the synthetic top on top of
18 that.

19 MS. ROSSI: Is there a newer technology that
20 has a longer lifetime for this?

21 COMMISSIONER TUCCI: I'm sure they've
22 improved it, but it's basically the same technology.
23 You know, it's that super soft cushioned --

24 MS. ROSSI: Uh-huh. Uh-huh.

25 COMMISSIONER TUCCI: -- fabric that they put

1 down.

2 MS. ROSSI: Okay. Thank you.

3 COMMISSIONER TUCCI: You're welcome.

4 MAYOR SCARPELLI: Anybody else that wants to
5 be heard on this resolution?

6 MR. ODRIA: Michael Odria, 133 High Street.
7 Did I hear you correctly this is going to cost
8 \$733,000?

9 COMMISSIONER TUCCI: That's our estimate,
10 yes.

11 MR. ODRIA: Is the Town planning to offset
12 the cost by cutting something else out to the -- that
13 won't happen?

14 COMMISSIONER TUCCI: No, no. Michael, pay
15 attention. \$548,370; 75 percent of that would be a
16 grant, all right, and the balance, the 25 percent max,
17 could either be in a zero percent loan that the state
18 would give us in the amount of \$182,790 or hard cash.
19 We have never come up with hard cash in the 20 years
20 that I'm sitting here, so my guess is we're going to
21 take the zero percent loan and pay that out over time.

22 MR. ODRIA: Okay.

23 COMMISSIONER TUCCI: That's the total cost.
24 And if you're familiar with DeMuro Park, you know that
25 people are there from early in the morning to late at

1 night, all right, in addition to our high school teams,
2 all right, our recreation teams, and anyone else that's
3 -- that would like to use it because it is a public
4 park.

5 MR. ODRIA: Well, my question -- I know it's
6 a public park, but couldn't you do this through some
7 kind of a private company that would want to front the
8 money for this and use the park for a little
9 investment, I mean, advertisement?

10 COMMISSIONER TUCCI: Nice concept, and we --
11 in fact, we actually investigated that, and we continue
12 to investigate that. We've approached Adidas, we've
13 approached Nike and some of the other big names, all
14 right, for funding for that, to give them naming
15 rights, but quite frankly we're not MetLife Stadium, so
16 there's not a lot of interest in that right now.

17 MR. ODRIA: All right.

18 MAYOR SCARPELLI: Anybody else wish to be
19 heard on this resolution?

20 MS. SPENCE: Hi. Emily Spence, 302 Harrison
21 Street. I'm curious, and this may be a separate issue,
22 but there's a little playground adjacent to DeMuro Park
23 called Reinheimer, I believe, and I'm wondering if
24 potentially there's a way to maybe share some of this
25 grant with that playground by maybe possibly adding a

1 fence. It's on a very busy street, Bloomfield. Or
2 possibly updating the dog park, or something to make
3 that also just a little bit better in addition to all
4 of the sports equipment?

5 COMMISSIONER TUCCI: Right. Well,
6 Reinheimer, as you know, is on Bloomfield, and DeMuro
7 was on Margaret Avenue. All right.

8 MS. SPENCE: Yeah, but, I mean, they're
9 close, but yeah.

10 COMMISSIONER TUCCI: Relative -- they're
11 relatively close, yeah. This application is
12 specifically for DeMuro, but as part of our due
13 diligence in the parks department, and I guess
14 Frank DeMaio is here with me this evening. We're due
15 for our annual tour of the parks to see what needs to
16 be improved, and if you go to Booth Park, you can see
17 where the playground area was. We spoke with some of
18 the residents there, and we put up a low fence so that
19 the little ones don't run into the street. So we look
20 for those type of safety things and improvement issues.
21 But if you have any ideas for Reinheimer Park, we'll be
22 happy to listen to them, and if it's something we can
23 do, we absolutely will.

24 MS. SPENCE: Great. Thank you.

25 COMMISSIONER TUCCI: You're welcome.

1 MAYOR SCARPELLI: Anybody else wish to be
2 heard on this resolution? Let's move on to
3 resolutions. Commissioner Tucci?

4 COMMISSIONER TUCCI: Thank you, Mayor. All I
5 have to do is find it now. Okay.

6 Whereas, the Department of Environmental
7 Protection Green Acres Program provides loans and/or
8 grants to municipal and county governments, and grants
9 to non-profit organizations for assistance in the
10 acquisition, development, and stewardship of lands for
11 outdoor recreation and conservation purposes.

12 And, whereas, the Township of Nutley desires
13 to further the public interests by obtaining funding in
14 the amount of approximately \$548,370 in the form of a
15 75 percent matching grant and, if available, a
16 25 percent loan of approximately \$182,790 from the
17 State to fund the following project: The Township of
18 Nutley, DeMuro Park Improvement Project, at an
19 approximate cost of \$731,160.

20 Whereas, the Board of Commissioners of the
21 Township of Nutley resolves that Commissioner
22 Mauro Tucci, Director of the Department of Parks and
23 Public Property, is hereby authorized to, A, make
24 application for such a loan and/or such a grant; B,
25 provide additional application information and furnish

1 such documents as may be required; and C, act as the
2 authorized correspondent of the above named applicant.

3 And, whereas, the State shall determine if
4 the application is complete and in conformance with the
5 scope and intent of the Green Acres program and notify
6 the applicant of the amount of the funding award.

7 And, whereas, the applicant is willing to use
8 the State's funds in accordance with such rules,
9 regulations, and applicable statutes, and is willing to
10 enter into an agreement with the State for the above
11 named project.

12 Now, therefore, be it resolved by the Board
13 of Commissioners of the Township of Nutley, County of
14 Essex, State of New Jersey, that:

15 One, that the Mayor is hereby authorized to
16 execute an agreement and any amendment thereto with the
17 State, known as Township of Nutley DeMuro Park
18 Improvement Project for upgrades and improvements to
19 the track and tennis courts at DeMuro Park;

20 And two, that the applicant has its matching
21 share of the project if a match is required, in the
22 amount of \$182,790;

23 Three, that in the event the State's funds
24 are less than the total project costs specified above,
25 the applicant has the balance of funding necessary to

1 complete the project;

2 Four, that the applicant agrees to comply
3 with the applicable federal, state -- I guess my
4 time's up, huh?

5 THE CLERK: Sorry.

6 COMMISSIONER TUCCI: And local laws, rules,
7 and regulations in its performance of the project;

8 And, five, that this resolution shall take
9 effect immediately. I move the resolution.

10 COMMISSIONER EVANS: 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 TUCCI: My second resolution
22 this evening is a transfer. Be it resolved by the
23 Board of Commissioners of the Township of Nutley,
24 County of Essex, State of New Jersey, that in
25 accordance with the provision of RS40A:4-59, the

1 following transfer of 2018 appropriation reserves being
2 the same are hereby authorized and approved; Department
3 of Parks and Public Property from group insurance, in
4 the amount of \$50,000 to Economic Development of their
5 expenses in a like amount of \$50,000. I move the
6 resolution.

7 COMMISSIONER EVANS: Second.

8 THE CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

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 TUCCI: That's all I have,

19 Mayor.

20 MAYOR SCARPELLI: Thank you, Commissioner.

21 Commissioner Evans?

22 COMMISSIONER EVANS: Thank you. Be it
23 resolved by the Board of Commissioners of the Township
24 of Nutley, in the County of Essex, State of New Jersey,
25 that the treasurer be and she is hereby authorized to

1 refund overpayments of tax charges in the amount of
2 \$3,327.32 for Block 2800, Lot 9. So move.

3 COMMISSIONER TUCCI: Second.

4 THE CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

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 COMMISSIONER EVANS: Whereas, the law firm of
15 Inglesino, Webster, Wyciskala & Taylor, 600 Parsippany
16 Road, Suite 204, Parsippany, New Jersey, has been
17 awarded a non-fair and open contract as a professional
18 service pursuant to the provisions of NJSA 19:44A 20.4
19 and 20.5 as appropriate to provide special development
20 counsel on January 2, 2018, by Resolution 4-18.

21 Whereas, such services have exceeded the
22 original contract amount of \$95,000.

23 Whereas, Change Order 1 was authorized on
24 November 7th, via the resolution 249-18, for an
25 increase in the amount of \$15,000 as such services have

1 exceeded the amount of the original contract, and
2 change order number one.

3 And, whereas, the Director of Revenue and
4 Finance has recommended the following additional change
5 order from said contract: Change Order Number 2
6 provides special development counsel in the amount of
7 \$40,840.

8 Whereas, funds are available from Account
9 8-01-226-205, and have been certified by the Chief
10 Financial Officer, said certification being attached to
11 this resolution.

12 Now, therefore, be it resolved by the Board
13 of Commissioners of the Township of Nutley that Change
14 Order Number 2 in the amount of \$40,840 is hereby
15 approved.

16 These fees are being spent in connection with
17 the redevelopment of the Roche sites, specifically for
18 Phase II-A. Under our redevelopment agreement, once it
19 is signed, these costs are fully reimbursable by the
20 developer. So move.

21 COMMISSIONER TUCCI: Second.

22 THE CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

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 EVANS: Thank you, Mayor.

8 MAYOR SCARPELLI: Thank you, Commissioner.

9 Commissioner Petracco?

10 COMMISSIONER PETRACCO: To save a little
11 time, I'm going to just recap all my resolutions,
12 Resolution 50-19. I'm authorized to sell abandoned
13 personal property at a live auction Wednesday,
14 April 10, 2019, at 2:00 p.m., Twin Towing, Inc.,
15 35 Mill Street in Belleville, New Jersey. This
16 specifically is for a 2001 Jeep and a 2008 Honda. I
17 move that resolution.

18 COMMISSIONER ROGERS: 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 PETRACCO: Resolution 51-19,
5 recreation or authorization to sell abandoned personal
6 property, vehicles, at a live auction Wednesday,
7 April 10, 2019, at 10:00 a.m., Nicoletti Towing,
8 757-1000 Page Avenue, Lyndhurst, New Jersey. This one
9 is for a 1998 Honda and a 2005 Cadillac. I move the
10 resolution.

11 COMMISSIONER ROGERS: 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 PETRACCO: Resolution Number
23 52-19, authorized to advertise for sealed bids for
24 surplus equipment no longer in use to be received and
25 opened on Wednesday, March 6, 2019, at 11:00 a.m. I

1 move the resolution.

2 COMMISSIONER ROGERS: Second.

3 COMMISSIONER PETRACCO: This is for a
4 2000 Chevy Impala and a 2003 Honda Accord. I move it.

5 COMMISSIONER ROGERS: Second.

6 THE CLERK: Okay. The bid date is
7 March 13th, right? Wednesday, March 13th?

8 COMMISSIONER PETRACCO: It is, yes.

9 THE CLERK: Thank you. 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 COMMISSIONER PETRACCO: Resolution

20 authorizing the Township of Nutley, Office of Emergency
21 Management, to accept funds from a subgrant award for
22 the Federal Fiscal Year 2018 Emergency Management
23 Agency Assistance Program, funding in -- for the Chief
24 Financial Officer of the Township of Nutley to amend
25 the budget and certify the available funds. I move the

1 resolution.

2 COMMISSIONER ROGERS: 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 COMMISSIONER PETRACCO: Whereas, NJSA 9:41

14 would provide us that our Emergency Management Council
15 be formed to coordinate all disaster control activities
16 on behalf of the Township of Nutley, County of Essex,
17 State of New Jersey.

18 Now, therefore, be it resolved by the Board
19 of Commissioners, Township of Nutley, County of Essex,
20 New Jersey, that William Cassidy be appointed to serve
21 a three-year term as Emergency Management Coordinator
22 on behalf of the Township of Nutley, starting
23 January 15, 2019, through December 31, 2022.

24 Before I move this resolution, we did have a
25 fine, fine young man in that position, Captain Thomas

1 Nicoletti from the Fire Department, for as long as I
2 can remember, actually, who did a great job, who just
3 retired. I know we all wish him well in his
4 retirement, and I have to tell you, William Cassidy has
5 big shoes to fill there, but he's a fine young man, and
6 this is kind of the changing of the guard a little bit,
7 and I wish Will a lot of luck and support in that role
8 that he's going to be taking on. So I move that
9 resolution.

10 COMMISSIONER ROGERS: 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 PETRACCO: Be it resolved by the
22 Board of Commissioners, Township of Nutley, County of
23 Essex, New Jersey, that in accordance with Provisions
24 RS 48:4-59, the following transfers of 2018
25 appropriation reserves be the same and are hereby

1 authorized and approved from Fire O&E, 140,000, to Fire
2 Salary and Wage, 140,000. I move the resolution.

3 COMMISSIONER ROGERS: Second.

4 THE CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

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 COMMISSIONER PETRACCO: Thank you.

15 MAYOR SCARPELLI: Thank you, Commissioner.

16 Whereas, raffle applications have been received from
17 the following organizations: Nutley Music Boosters,
18 License Number 9-19, on-premise merchandise raffle,
19 License 10-19, on-premise 50/50 cash raffle, both to be
20 held Saturday, March 23, 2019; and the
21 Melissa A. Centrella Scholarship Fund, License Number
22 11-19, on-premise merchandise raffle, to be held
23 Saturday, May 4, 2019.

24 Whereas, the applications have been reviewed
25 and approved by the Municipal Clerk and the Police

1 Department.

2 Now, therefore, be it resolved by the Board
3 of Commissioners, Township of Nutley, County of Essex,
4 State of New Jersey, that the aforementioned licenses
5 are approved, and the Municipal Clerk is authorized to
6 issue the raffle license. I move the resolution.

7 COMMISSIONER TUCCI: Second.

8 THE CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye

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 Be it resolved by the Board of Commissioners,
19 Township of Nutley, County of Essex, State of New
20 Jersey, that the Township Clerk is hereby authorized to
21 advertise for sealed bids for CDBG Ernest Street
22 Roadway Improvement Project for the Township of Nutley,
23 to be received on behalf of the Board of Commissioners
24 in Commission Chambers, Township Hall, One Kennedy
25 Drive, Nutley, New Jersey, on Wednesday, March 13, 2019

1 at 11:00 a.m. prevailing time, at which time they will
2 be opened and read. I move the resolution.

3 COMMISSIONER TUCCI: Second.

4 THE CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

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 I'm going to move this resolution. By title,
15 this is Resolution 57-19, a resolution adopting the
16 employee handbook and personnel policies and
17 procedurals manual. I move the resolution.

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

5 THE CLERK: Yes, Mayor. All persons
6 addressing the Board of Commissioners regarding
7 community concerns should approach the microphone and
8 provide their name and address for the record. Unless
9 further time is granted by the board, each person shall
10 limit their address to five minutes.

11 All remarks to the board and its individual
12 members must be addressed to the Mayor. The Mayor may
13 defer citizens' comments to the appropriate member of
14 the board. Dialogue between citizens and others
15 addressing the board shall be allowed unless the Mayor
16 or presiding officer or the majority of the membership
17 of the board shall determine that the interests of the
18 quorum and/or the expeditious conduct of municipal
19 business are being adversely affected by such dialogue.

20 MAYOR SCARPELLI: Anybody wish to address the
21 Board of Commissioners this evening?

22 MS. ROSSI: Tammy Rossi, 28 Colonial Terrace.
23 This is actually more of a public announcement to the
24 citizens of Nutley. There will be an event planned on
25 Tuesday, March 12, 7:00 p.m., at the Nutley

1 Public Library. It is an information session on the
2 New Jersey Open Public Records Act, and I want to thank
3 Commissioner Tucci for agreeing to videotaping it and
4 televising on the Nutley Cable Channel. Thank you very
5 much.

6 COMMISSIONER TUCCI: Thank you.

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

9 MS. BOZZA: Maria Bozza, 209 Highfield Lane.
10 I'm just noticing that you gave a permit on
11 Highfield Lane for another motorcycle run. Why do we
12 have to use public streets for a motorcycle blessing?
13 I'm not against the blessing of motorcycles, but why
14 should it be done on a public street in a residential
15 area?

16 Do you know what a hundred some odd
17 motorcycles sound like when they take off? You're
18 worried about noise pollution? I mean, this is the
19 epitome of noise pollution. Try living across the
20 street from it. I thought that we settled that last
21 year. We discussed it, and I thought they weren't
22 going to be allowed to have another permit --

23 MAYOR SCARPELLI: I don't think --

24 COMMISSIONER PETRACCO: I don't think -- when
25 did this get approved? It went through our office,

1 Sam, or --

2 THE CLERK: Just (indiscernible).

3 COMMISSIONER PETRACCO: So who issued a
4 permit?

5 MS. BOZZA: I'm sorry?

6 COMMISSIONER PETRACCO: Did somebody issue a
7 permit for a motorcycle run? Because I don't remember
8 seeing that.

9 MS. BOZZA: I didn't hear what you said.

10 COMMISSIONER PETRACCO: I said that I don't
11 remember seeing that come across my desk, where there
12 was a motorcycle --

13 MS. BOZZA: Well, it says it here --

14 COMMISSIONER PETRACCO: -- or did you --

15 MS. BOZZA: -- you just voted on it a little
16 while ago.

17 COMMISSIONER TUCCI: Yes, we voted on it
18 tonight.

19 COMMISSIONER PETRACCO: Oh. Oh, I thought
20 you said it was coming across my desk. Yeah, I know
21 that you have an issue with it, obviously, and it is a
22 residential street. You know, the only thing I could
23 really do is --

24 MS. BOZZA: I mean, they charge to have these
25 motorcycles blessed, I think they're \$25 each, and we

1 have to give up a street for them to make money?

2 There's a -- they have a whole bunch of property on
3 their -- in front of the church --

4 COMMISSIONER PETRACCO: I remember --

5 MS. BOZZA: Bless the motorcycles on their
6 property.

7 COMMISSIONER PETRACCO: Put them on whose
8 property?

9 MS. BOZZA: On the church's property instead
10 of in the street so that we have to be inconvenienced.

11 COMMISSIONER PETRACCO: Well, I know that
12 last year when we spoke about this, that, you know, I
13 did talk to Commissioner Tucci about maybe moving it
14 down parks and rec --

15 MS. BOZZA: Yeah.

16 COMMISSIONER PETRACCO: -- and doing
17 something like that, and I have to tell you, I've had a
18 lot on my plate with personal issues, unfortunately,
19 and I guess this did skip by me. But, you know, I will
20 talk to Commissioner Tucci, and if it could be moved,
21 or maybe not this year, maybe next year, we could have
22 that discussion.

23 MS. BOZZA: Maybe you can come and clean up
24 all the (indiscernible).

25 COMMISSIONER PETRACCO: I'm not coming to

1 clean up. I'm not coming to clean up anything, I can
2 promise you that.

3 MS. BOZZA: I don't mean you, but I mean, you
4 know, the town, look at all the cigarette butts that
5 are on our lawn and everywhere else.

6 COMMISSIONER PETRACCO: Listen, I know it's
7 one day, and I know it's an inconvenience, and --

8 MS. BOZZA: Yeah, but it's one day, but it's
9 really a grave inconvenience for the people who live
10 there. And you're worried about the -- you know, the
11 noise in the town? Come and stay there one day and
12 just listen.

13 COMMISSIONER PETRACCO: Well, who's worried
14 about the noise in the town? I don't get --

15 MS. BOZZA: Well, you were talking about the,
16 you know, extra -- from, you know, more apartments and
17 all the noise that it creates, and all the additional,
18 you know, vehicles --

19 COMMISSIONER TUCCI: Noise could in fact be
20 one of the factors, not one of the ones I mentioned,
21 but it could be one of the issues. It could be.

22 MS. BOZZA: I mean, you know, it really is
23 not --

24 COMMISSIONER PETRACCO: I understand, and I
25 know it's --

1 MS. BOZZA: -- not the place to have that.

2 COMMISSIONER PETRACCO: On their part it's
3 one day. It's one day a year. The church has been
4 there for a hundred --

5 MS. BOZZA: Yeah, it's one day for that, and
6 it's one day for something else, and it's --

7 COMMISSIONER PETRACCO: I understand.

8 MS. BOZZA: -- one day for something else --

9 COMMISSIONER PETRACCO: But, you know what, I
10 will -- and I apologize to you, I do have a lot of
11 personal stuff going on in my life right now, but will
12 talk to Commissioner Tucci --

13 COMMISSIONER TUCCI: Excuse me, Commissioner.
14 If our facilities are available, you can absolutely use
15 them. We just have to -- we'll just have to check, and
16 if they're open to that, we would have no problem.

17 COMMISSIONER PETRACCO: So --

18 COMMISSIONER TUCCI: Let me write that down.

19 COMMISSIONER PETRACCO: I'll have Ms. Carella
20 reach out to them tomorrow.

21 MS. BOZZA: Okay.

22 COMMISSIONER PETRACCO: And maybe we can do
23 that.

24 MS. BOZZA: Thank you.

25 COMMISSIONER PETRACCO: Okay.

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

3 MS. SUMMERS: My name is Brayden Summers,
4 27 Stewart Avenue. I'm here today to continue our
5 dialogue in efforts towards eliminating the use of
6 single-use plastic bags and other harmful single-use
7 plastics. The topic and awareness is growing momentum.
8 I still feel strongly that as a town and community, we
9 should commit to doing our part in the use of these
10 harmful products.

11 I had a table at the winter farmer's market,
12 and in no more than 10 minutes' time, I was able to
13 fill up a whole cart full of plastic trash along the
14 river right behind Vincent United Methodist Church.
15 Twenty-four residents signed up to be a part of a
16 residents' forum to educate and eliminate the use of
17 bags as well harmful plastics, and I handed out over 70
18 reusable bags.

19 Residents were coming up to me and sharing
20 their relief and praise that Nutley is having
21 conversations about that -- this topic. The feedback,
22 including comments from my survey, have been mostly
23 positive. A few of the negative comments included
24 complaints about taxes, but I'm not sure this has
25 anything to do with additional taxes, but I defer to

1 you on that topic. Others said it's inconvenient, but
2 I say too bad to inconvenience. The continued harmful
3 effects outweigh inconvenience. One resident was
4 concerned about how they -- how they would clean up
5 after their dog or how they would dispose of their
6 kitty litter if they couldn't get plastic bags from
7 grocery and convenience stores.

8 Well, I don't believe single-use plastic bags
9 were invented with the intent to dispose of pet waste,
10 or if banned, should be used as an excuse to not clean
11 up after them. At the end of the day, although it's
12 being reused, it's still ending up in our landfills and
13 not getting recycled. That's not an argument for
14 reuse. Same stance for those that say that we use --
15 that they reuse them for their trash. The bags are
16 made of harmful microplastics that end up in our food
17 and water rights. All forms of noncompostable
18 packaging should be removed from the waste stream.

19 Some other feedback from opponents include
20 concern about elderly residents. I have to say that my
21 real-life experience is quite the contrary. Actual
22 conversations with those considered elderly were
23 supportive, and I couldn't even give my bags away to
24 them because they already had their own bag, and even
25 said that they had too many. The most likely -- they

1 are most likely shopping for -- they aren't most likely
2 shopping for a family of five or six, and don't need a
3 lot to carry out a few items. One resident stated,
4 unfortunately, this is Nutley, and people here do not
5 like change, and they do not care enough to allow this
6 to happen.

7 I don't want this -- I don't want to believe
8 that, and I hope that you wouldn't want to prove them
9 right. On the other hand, the majority of responses
10 were supportive, so I can safely say to you that we are
11 ready. Nutley is ready to be a bag-it town.

12 Residents did respond with a desire for more
13 promotion, advertising, and education so that they know
14 where and how they can voluntarily recycle. The Truck
15 Stucking (phonetic) Company Community Partnership
16 Program that I mentioned to Commissioner Evans seems to
17 be something that I think could work. I made a call to
18 the program director, and will share that feedback with
19 Commissioner Evans.

20 Nothing is impossible if you have adequate
21 education and promotion. A lot of people aren't even
22 aware that they can drop their clean, unsoiled used
23 plastic bags, back to Shop-Rite, or that Nutley Family
24 Service Bureau needs them for their food distribution.
25 I am sure I could get support from other community

1 based organizations and retailers in Nutley. I have
2 been invited to speak to the Rotary Club on Thursday
3 night to continue to bring awareness and education on
4 this topic.

5 Mayor Scarpelli, I would like to recommend
6 that Green Nutley look into a public screening of the
7 movie Bag It. This is an award winning documentary
8 film that starts with simple questions about what
9 plastics are made from, what happens to plastic bags
10 after they are discarded, and looks beyond plastic bags
11 and discovers that literally everything contains
12 potentially harmful chemical additives.

13 The film exposes the effects of plastic on
14 the environment and humans. The film has received
15 multiple audience choice and best documentary films at
16 film festivals across the country. The East Brunswick
17 Library will be hosting the film on March 6th. I will
18 email you information about the film and the screening
19 tool kit. Now is the time to usher in a new wave of
20 social responsibility. Our crazy for plastics world
21 has caught up with us and we need to take action today,
22 right now.

23 MAYOR SCARPELLI: Brayden, can you give me
24 the name of that movie again?

25 MS. SUMMERS: Bag It.

1 MAYOR SCARPELLI: Bag It?

2 MS. SUMMERS: Yes.

3 MAYOR SCARPELLI: Thank you. Continue your
4 efforts.

5 COMMISSIONER EVANS: Brayden, thank you.
6 You're doing a marvelous job. I'm very impressed by
7 your comments tonight, the structure of them. As you
8 and I spoke, there are opportunities to come up with
9 different ways to reuse a bag that's currently not
10 being recycled or being put to good use, to find other
11 uses for it.

12 As you and I discussed, I'm organizing a
13 meeting with business owners so that we can continue
14 our discussion with them to see if we can come up with
15 something that has bounds, that helps the town take
16 this step forward. But I'm 100 percent behind you, and
17 it's a great job, and I can -- you can -- strongly
18 congratulate you on the work that you're doing.

19 MS. SUMMERS: Thank you.

20 MAYOR SCARPELLI: Thank you, Brayden.
21 Anybody else wish to address the Board of Commissioners
22 this evening? Seeing -- no.

23 MS. CELENTO: Amy Celento, 70 Newman Avenue.
24 At the last meeting, I was unable to attend, but there
25 was an announcement that there was a settlement with

1 the developer, Kenny Mecca. And if I heard correctly
2 in the video, it was mentioned that the settlement
3 information can be obtained by filing an OPRA. And in
4 a prior meeting last year, I asked specifically if the
5 settlement would be made public, and Commissioner Evans
6 said that it would be, so Mayor and Commissioner Evans,
7 do you have any comments on that? I mean, I'm
8 requesting transparency, and I believe other members of
9 the community requested it as well at a prior meeting.

10 MR. GENITEMPO: That really is a -- the need
11 to file an OPRA request is a standard policy we've
12 adopted about every single document, so you can
13 absolutely get it through an OPRA request. You -- I
14 know you know how to do that. It's transparent. I
15 don't know what else you're asking us to do.

16 MS. CELENTO: Okay.

17 MR. GENITEMPO: You could just --

18 MS. CELENTO: I've never filed an OPRA
19 request, and I'm sure I can do it.

20 MR. GENITEMPO: Okay.

21 MS. CELENTO: I'm just saying that I asked
22 specifically at a prior meeting, and it was indicated
23 that once there was a settlement, it absolutely would
24 be made public.

25 MR. GENITEMPO: It is available, and people

1 have requested it and received it, and you can, too.

2 MS. CELENTO: Okay.

3 COMMISSIONER EVANS: And, Amy, when we
4 negotiated, we did negotiate on the terms that the
5 settlement agreement would be available to the public.
6 Sometimes settlement agreements are announced, but the
7 document itself remains confidential. We wouldn't --
8 so to you -- my point to you when I made that
9 statement, I stayed true to that because it's a public
10 document.

11 MS. CELENTO: Okay.

12 COMMISSIONER EVANS: And following the
13 procedure, you can obtain it through OPRA.

14 MS. CELENTO: Okay. Thank you. In terms of
15 the Ciccolini Building, the prior meeting, I think
16 maybe it was in December, there were funds approved, it
17 might have been for Topology, in terms of a study on
18 that property which the town currently owns, for which
19 there was a bond issued to pay for it. So is there a
20 timing? Is there a deadline, an expected delivery date
21 of a report on the Ciccolini, former Ciccolini
22 Building?

23 MAYOR SCARPELLI: Ms. Celento, that's an
24 ongoing study of that property, but I -- we think
25 you're going to see movement probably -- maybe the next

1 meeting in how we're going to move forward with that.

2 MS. CELENTO: Okay. Thank you. It was
3 announced an Essex County Community Development Block
4 Grant of \$156,800 was allocated to Nutley as part of a
5 \$5.5 million allocation from Essex County Community
6 Development Block Grants. So is there a plan for the
7 \$156,800 Community Development Block Grant allocated to
8 the Township of Nutley recently?

9 MAYOR SCARPELLI: I think there's two
10 projects, the roadway project and Commissioner Tucci
11 has a project, too, I think.

12 COMMISSIONER TUCCI: Yeah, the -- an ABA
13 (indiscernible).

14 MS. CELENTO: And that's in what building?

15 COMMISSIONER TUCCI: That's Public Safety --

16 COMMISSIONER PETRACCO: Yes.

17 COMMISSIONER TUCCI: -- yeah, sorry --

18 COMMISSIONER PETRACCO: Yes.

19 COMMISSIONER TUCCI: It is public safety.

20 MS. CELENTO: And that serves the community
21 or does it just serve the department? I'm just
22 curious.

23 COMMISSIONER PETRACCO: It serves both the
24 community and the --

25 MS. CELENTO: Okay. So anybody coming for

1 the court or -- would access that building?

2 COMMISSIONER PETRACCO: Anybody, yeah.

3 MS. CELENTO: Or that bathroom? Thank you so
4 much.

5 COMMISSIONER PETRACCO: Believe it or not, we
6 even have people walk off the streets to use our
7 bathrooms.

8 MS. CELENTO: Okay.

9 COMMISSIONER PETRACCO: Yeah. Yeah.

10 MS. CELENTO: Thank you. The employee
11 handbook that was approved tonight, I guess will that
12 be published, made available in the library, or how
13 will that be -- does that have to be OPRA'd?

14 MR. GENITEMPO: It has to be OPRA'd.

15 MS. CELENTO: Okay. And maybe in advance of
16 the OPRA, can you just indicate, is there an
17 anti-nepotism policy? Is there a conflict of interest
18 policy and screening process, either/or?

19 MR. GENITEMPO: Yes.

20 MS. CELENTO: Either or both?

21 MR. GENITEMPO: Both.

22 MS. CELENTO: Okay. And then annual reviews,
23 is that something that's going to be implemented or
24 that's part of this annual performance reviews?

25 MAYOR SCARPELLI: That's part of the overall

1 plan with our insurance company that we do every year.

2 MS. CELENTO: So that means that performance
3 reviews will be implemented in all departments, not
4 just public safety?

5 MR.GENITEMPO: Well, listen, I mean, the
6 requirement of -- it's not an absolute law requirement
7 to have a performance evaluation. It's practiced that
8 the commissioners are going to -- they run their own
9 departments, and I'm sure that they'll be taking that
10 into consideration. This handbook and policy does
11 address that, yes.

12 MS. CELENTO: Okay. Thank you so much.

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

15 MR. ODRIA: This is just a PSA.
16 Michael Odria, 133 High Street. On February -- at the
17 February 27th Planning Board meeting, the meeting that
18 is open to the public, there is going to be a public
19 hearing for new apartments on (indiscernible) Passaic
20 Avenue. And what I'm about to say is this. Since our
21 boards might be allowing another big outfit coming to
22 our town, and make them money, the tradeoff should be,
23 if this is going to be allowed, again a more -- in my
24 opinion (indiscernible) apartments, the tradeoff should
25 be, if they're allowed to make money in our town to

1 develop this, the tradeoff should be that new
2 homeowners consider that there is a property tax
3 reduction. Because the developers in this town, who
4 come to our town, should not be the only ones making
5 money. That's just my comment.

6 MAYOR SCARPELLI: Thank you, Mr. Odria.
7 Anybody else wish to address the Board of Commissioners
8 this evening? Seeing none, can I have a move to
9 adjourn?

10 COMMISSIONER ROGERS: Before we do, Mayor, I
11 have an issue I want to bring up to this board. This
12 Board of Commissioners, as well as probably every
13 governing body in the state of New Jersey, is going to
14 be challenged with something, and that challenge is
15 going to be the legalization of marijuana. Now, I am
16 absolutely in favor of the use of marijuana for medical
17 purposes, but very opposed to the use of marijuana for
18 recreational purposes, which leads me to this. And,
19 Counselor, this is probably something you will have to
20 get involved in.

21 I'm thinking along the lines that we might
22 have to look at an ordinance that will restrict the
23 sale of marijuana for recreational purposes within a
24 certain distance of a school or of a learning facility.
25 I have very few concerns, just based on my experience

1 in this police department for 38 years, that the sale
2 of marijuana within reach of our children could bring
3 problems to the police department, and parents. So
4 it's just something that I'm asking that we be
5 proactive and think about how we're going to handle
6 this.

7 I don't know, Counselor, if we could legally
8 do this, because it's going to be legal, but I know
9 that there are establishments in Nutley that are
10 already selling, or at least starting, the bongos, the
11 smoking devices and the other paraphernalia, and
12 they're getting ready. But my concern is I know there
13 are stores very close to some of our schools, and --

14 COMMISSIONER PETRACCO: Commissioner --

15 COMMISSIONER ROGERS: -- it might be a
16 problem.

17 COMMISSIONER PETRACCO: -- if I could just
18 comment on that. I was actually at an event where I
19 saw Senator Ronald Rice, who I think is one of the best
20 senators ever, but he's very opposed as well in his
21 neighborhoods that he represents, and I had a long
22 discussion with him, Allan, about getting ahead of
23 this, too. So it's a really good thing that you
24 brought this up because I -- you know, me personally, I
25 don't want to see that in our town, either.

1 If it's for medical purposes, I get that, and
2 I actually know people that are on it, but just to have
3 a free hand in that -- so maybe we could look into that
4 together and see how we get into that.

5 COMMISSIONER EVANS: So just, Allan, if I
6 might add, the -- and in the fall at the league, there
7 was an excellent session regarding legalization of
8 recreational marijuana, and it was at multiple levels.
9 My understanding is that the state will need to act on
10 it first to make it lawful, if they were to choose to
11 do that. But there is an expectation, from what I
12 understand, that once they adopt it, prepare the set of
13 rules and regulations on how it would be administered,
14 that we as a municipality will have the ability then to
15 opt in or opt out on whether or not we would allow it.
16 So I've been following this on the progress of this.

17 I agree with you, you know, marijuana is a
18 gateway drug. It's a -- there's a lot of history
19 around that. In a world where there's so much
20 advertisement out there which is saying stop smoking
21 because it's bad for you, where alcoholism is
22 considered an addictive illness, and now we're looking
23 at something that is addictive as well. So I do think
24 there's a lot to be researched on this. I'm with you,
25 I agree that we need to take a very clear and hard

1 position on this. There is a question that I've
2 already asked Dave Barry, our construction official, to
3 look at in our code, that looking at this paraphernalia
4 and there's one store -- there's an address that was
5 given, I think for Washington Avenue, where someone was
6 advertising that they were going to open up a place.
7 Steve, you shared that?

8 COMMISSIONER ROGERS: Yeah, that was on --
9 that was actually, I believe it was on Franklin Avenue?

10 COMMISSIONER EVANS: Yeah, I can't remember
11 the address.

12 COMMISSIONER ROGERS: Yeah.

13 COMMISSIONER EVANS: But in our code we
14 currently do not have any provision of our code that
15 allows this use.

16 COMMISSIONER ROGERS: And to your point, too,
17 about the use of it, keep in mind that the marijuana
18 brownies, they're going to put this, the CBD oil and
19 other marijuana TCP stuff in gummy bears. Kids eat
20 this stuff. So it's something that, you know, I think
21 we are -- just to be a little proactive, and I'm glad,
22 Commissioner, you're looking at that and --

23 COMMISSIONER EVANS: Yeah. It is a --

24 COMMISSIONER ROGERS: -- it's just a concern
25 I think we have to --

1 COMMISSIONER PETRACCO: And another thing,
2 too, while we're on this safety issue, too, about our
3 children, too, I've been spending a lot of time in New
4 York hospitals and speaking to many doctors on what
5 causes this and that. These vapes that every kid's --
6 not every kid, but a lot of kids are taking, and there
7 hasn't been any really clinical trials or studies on,
8 all that stuff, of what it's causing, but there are
9 some things that are coming out with that to prove that
10 that's not -- you know, a direct answer to not smoke
11 cigarettes, and it's okay to vape. Also, so, you know,
12 I don't know what they're doing in other towns about
13 that, as well, but vaping by children, should we
14 really, really -- you know, we should really think
15 about giving them these vapes because, you know, as
16 I've been in these hospitals, speaking to a lot of
17 these doctors, a lot of stomach issues, and ulcers,
18 they -- I was told, obviously, lung issues because of
19 the smoke. So, you know, it's not a cigarette, but for
20 some reason everybody thinks that, you know, vaping is
21 okay.

22 COMMISSIONER ROGERS: And, Commissioner
23 Petracco, the only reason why I'm bringing this up is I
24 know this is televised, and a lot of people watch this,
25 a lot of parents watch this, and I know that you have a

1 league program, all right, that I understand has been
2 very, very successful, so can you just briefly, because
3 it's important now, because this is an issue that
4 really concerns a lot of residents. Just talk to them,
5 what you're doing in the schools right now, which is
6 kind of ahead of the game. Okay?

7 MAYOR SCARPELLI: Oh, I just want to weigh in
8 a little bit on this marijuana because I was at a
9 presentation by an addiction person, and we'll be the
10 only state in the nation that approves this
11 legislatively and not by vote, which is interesting.
12 Two, in Colorado, the minimum amount of THC in the
13 state facilities is 35 percent. That's a minimum, not
14 a maximum. That's a minimum to drive people from
15 buying on the street, to have them pay the taxes, which
16 leaves that this is a money grab. It's all about money
17 and it's not about the good of our communities, the
18 good of our children, and the good of all the citizens.

19 And I think the legislators really need to
20 look at this in a broad spectrum, to understand what
21 the dosage is going to be, how close to the schools
22 they're going to be, the cost in enforcement, traffic
23 accidents, traffic pullovers, how we measure somebody
24 -- you can measure when someone has alcohol in their
25 blood. You can measure also if they have THC in their

1 blood, but it could be there for up to 30 days, so
2 there's no way of knowing if they were impaired other
3 than sobriety tests, so challenges in court are going
4 to be tremendous amount of -- on our municipal court.

5 So I think there's a lot of costs that are
6 involved that are going to outweigh the taxable issue
7 on the state side. So I hope the legislators are
8 really going to examine this a little bit more closely
9 than they have so far, because I don't see that that's
10 been done.

11 COMMISSIONER EVANS: And to that point,
12 whatever number the state is attaching as a tax, right
13 now they're only considering allowing municipalities to
14 attach a 2 percent tax, which isn't nearly enough to
15 deal with the public affairs health related issues, the
16 additional police work that's required, the court
17 that's required, and everything else that's part of
18 this. So I think there's a lot that needs to be
19 discussed, and again this is a -- I think a good topic
20 to have a public discussion around once we get clear on
21 the direction of where the state is going to go.

22 MAYOR SCARPELLI: We have a motion to
23 adjourn?

24 COMMISSIONER ROGERS: Make that motion to
25 adjourn.

1 COMMISSIONER TUCCI: Second.
2 THE CLERK: Commissioner Rogers?
3 COMMISSIONER ROGERS: Aye.
4 THE CLERK: Commissioner Tucci?
5 COMMISSIONER TUCCI: Aye.
6 THE CLERK: Commissioner Evans?
7 COMMISSIONER EVANS: Aye.
8 THE CLERK: Commissioner Petracco?
9 COMMISSIONER PETRACCO: Aye.
10 THE CLERK: Mayor Scarpelli?
11 MAYOR SCARPELLI: Aye.
12 THE CLERK: The time is 9:16.
13 MAYOR SCARPELLI: Good night, everybody.

14 (End of recording)

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

I, Ilene Watson, court-approved transcriber,
hereby certify that the foregoing is a correct
transcript from the official electronic sound recording
of the proceedings in the above-entitled matter.

ILENE WATSON, AAERT NO. 447 DATE: March 6, 2019
ACCESS TRANSCRIPTS, LLC