

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

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*Transcript of Proceedings*  
*April 16, 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: April 16, 2019

BOARD OF COMMISSIONERS:

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

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 THE CLERK: Okay. Board of Commissioners  
3 public meeting, Tuesday, April 16th, 2019. The time is  
4 7:04. 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 29, 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 will be  
18 with us shortly. Mayor Scarpelli?

19 MAYOR SCARPELLI: Here.

20 COMMISSIONER TUCCI: God bless you.

21 THE CLERK: All present, Mayor, except  
22 Commissioner Petracco.

23 MAYOR SCARPELLI: Thank you, Madam Clerk.  
24 Commissioner Evans, what do you have on the agenda  
25 tonight?

1           COMMISSIONER EVANS: Let me just put my  
2 glasses on so I can actually tell you. I have a  
3 communication just relates I have to share with you.  
4 We did our bond anticipation amount for \$2,036,000, and  
5 we successfully closed that on the 17th of April, at a  
6 net interest rate of 1.84 percent for one year. So  
7 we're maintaining our low interest rate, which will  
8 continue to keep our debt service down. So I just have  
9 to read that into the record.

10           I have reports for the Code Enforcement  
11 Department for the first quarter of '19 as well the  
12 month of March. I have also -- I have an ordinance  
13 which is going to allow us to set aside the money for  
14 the reevaluation. So I have an ordinance to enter  
15 introduction, that's from the Mecca settlement.

16           And then I have a couple of resolutions this  
17 evening. One is for Northwest Financial, which --  
18 because we have bond debts -- bonds outstanding, and  
19 they're just subject to an independent financial audit,  
20 so -- Ann Dudley (phonetic) does that for \$1500, and  
21 that's the same amount year over year.

22           I have a refund, a temporary appropriation  
23 for our debt service, and I -- and a resolution  
24 appointing Appraisal Systems to do the reevaluation of  
25 the town, as part of the Fair and Open Contract. Okay?

1           MAYOR SCARPELLI: Thank you, Commissioner.  
2 Commissioner Rogers?

3           COMMISSIONER ROGERS: Nothing, Mr. Mayor.  
4 Thank you.

5           MAYOR SCARPELLI: Thank you. Thank you for  
6 coming. Commissioner Tucci?

7           COMMISSIONER TUCCI: I have three short ones.  
8 One authorizing the contract with Trane North for two  
9 commercial rooftop air conditioning units for the  
10 Parks Department building, the gym at 44 Park Avenue.  
11 The second one is proclaiming May 4th, 2019, as  
12 Arbor Day, and the third is a change order for  
13 Viridian Environmental Consultants for Owens.

14          MAYOR SCARPELLI: Thank you.

15          COMMISSIONER TUCCI: All right -- Owens, I'm  
16 sorry, Glotzbach. Glotzbach, because when we did the  
17 returf, they wanted another preliminary investigation,  
18 so we had to drill more holes and hope not to hit oil.  
19 And that's a --

20          MAYOR SCARPELLI: Or anything else.

21          COMMISSIONER TUCCI: That's right.

22          MAYOR SCARPELLI: I have some raffle license  
23 applications, I have a change order for Integrity for  
24 our commingled, for their second -- that runs from  
25 July 1st through June 30th, so that's the second half

1 of that -- the change order for AJM Contractors, and  
2 the change order for Topology for \$1900.

3 COMMISSIONER TUCCI: Are they ever going to  
4 finish?

5 MAYOR SCARPELLI: Commissioner?

6 COMMISSIONER TUCCI: Topology? Do we have  
7 anything from them?

8 UNIDENTIFIED: Tonight we'll see some stuff.

9 COMMISSIONER TUCCI: Well, I see a change  
10 order, I didn't see any work product. I mean, I know  
11 this is very detailed, esoteric work, but, Jesus, isn't  
12 the --

13 MAYOR SCARPELLI: Tonight.

14 COMMISSIONER TUCCI: Oh, tonight? Okay. I  
15 hope so.

16 MAYOR SCARPELLI: Commissioner?

17 COMMISSIONER PETRACCO: Good evening, ladies  
18 and gentlemen.

19 COMMISSIONER TUCCI: Welcome, Commissioner.

20 COMMISSIONER PETRACCO: Sorry I'm a little  
21 late. Counsel?

22 MR. GENITEMPO: Commissioner.

23 COMMISSIONER PETRACCO: Did you read my one  
24 resolution or no?

25 MAYOR SCARPELLI: No, we skipped you.

1           COMMISSIONER PETRACCO: Because I have a  
2 resolution.

3           MAYOR SCARPELLI: So you have a resolution  
4 and a report, I think that's all you have.

5           COMMISSIONER PETRACCO: Okay.  
6 (indiscernible) for a --

7           MAYOR SCARPELLI: Leave of absence.

8           COMMISSIONER PETRACCO: Leave of absence,  
9 yeah. That's all I have, then. That's the conference.

10          MAYOR SCARPELLI: Madam Clerk?

11          THE CLERK: We have minutes from March 19th,  
12 and we have three applications. One is for Jim Dandy's  
13 for the Spring Festival, two are from Holy Family. One  
14 is for their annual Italian Festival, and one for -- to  
15 hold a raffle drawing on a Sunday. And that's it.

16          MAYOR SCARPELLI: Counselor?

17          MR. GENITEMPO: We need executive session for  
18 a litigation matter.

19          MAYOR SCARPELLI: That's it?

20          MR. GENITEMPO: Or two.

21          MAYOR SCARPELLI: Or two?

22          MR. GENITEMPO: Depending on how far we go.

23          MAYOR SCARPELLI: All right. Can I have a  
24 motion to --

25          COMMISSIONER TUCCI: Mine's short.

1 MR. GENITEMPO: Commissioner Tucci --

2 COMMISSIONER TUCCI: Are you counting mine in  
3 there?

4 MR. GENITEMPO: Yes.

5 COMMISSIONER TUCCI: Okay.

6 MR. GENITEMPO: Yours is short.

7 COMMISSIONER TUCCI: Because mine's like a  
8 ten second thing.

9 MR. GENITEMPO: Oh, yeah.

10 MAYOR SCARPELLI: Perfect.

11 COMMISSIONER PETRACCO: Mine is a ten second  
12 one, too.

13 MR. GENITEMPO: We can get rid of that one  
14 first.

15 COMMISSIONER TUCCI: How about the change  
16 order, you know.

17 THE CLERK: Are they all litigation?

18 MR. GENITEMPO: Yeah.

19 THE CLERK: Okay.

20 MR. GENITEMPO: We can get rid of that one  
21 today (indiscernible).

22 COMMISSIONER EVANS: I'm sorry. I'm on --  
23 were we supposed to be prepared for litigation  
24 executives? I'm not prepared. I don't have one.

25 MR. GENITEMPO: You should be.

1 COMMISSIONER TUCCI: Uh-oh.

2 MAYOR SCARPELLI: Could I have a motion to go  
3 to executive?

4 COMMISSIONER PETRACCO: Move it.

5 COMMISSIONER TUCCI: You have enough stuff.

6 MAYOR SCARPELLI: Second?

7 COMMISSIONER TUCCI: Second.

8 THE CLERK: One -- okay. You're welcome.

9 Whereas, Section 8 of the Open Public Meeting Act,  
10 Chapter 231, Public Law 1975, permits the exclusion of  
11 public from meeting in certain circumstances.

12 And whereas, the public body is of the  
13 opinion that such circumstances exist.

14 And whereas, the Board of Commissioners of  
15 the Township of Nutley in the County of Essex in the  
16 State of New Jersey desires to proceed to closed  
17 executive session.

18 And now therefore be it resolved by the Board  
19 of Commissioners of the Township of Nutley to move into  
20 closed executive session to discuss litigation. Be it  
21 further resolved that the time when such discussion may  
22 be disclosed to the public shall be when such  
23 disclosure may be made without adversely affecting the  
24 Township of Nutley, pending and/or anticipated legal,  
25 personnel, contractual matters, and other matters

1 within the exceptions provided for by statute.

2 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 7:10.

13 (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.

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ILENE WATSON, AAERT NO. 447      DATE: May 1, 2019  
ACCESS TRANSCRIPTS, LLC

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**In The Matter Of:**

*In RE: Nutley Board of Commissioners*

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*Transcript of Proceedings*

*April 16, 2019*

*Public Session*

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

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

DATE: April 16, 2019

BOARD OF COMMISSIONERS:

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

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

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

4 (Pledge of Allegiance)

5 MAYOR SCARPELLI: Madam Clerk?

6 THE CLERK: Thank you, Mayor. Board of  
7 Commissioners Public Meeting, Tuesday, April 16, 2019.  
8 The time is now 8:11.

9 Pursuant to the requirements of the Open  
10 Public Meeting Act, Chapter 231, Public Law 1975,  
11 notice of this meeting was published in the  
12 November 29th, 2018 issues of the Nutley Sun, the  
13 Herald News, and the Star-Ledger. A copy of this  
14 notice has been posted on the Nutley Town Hall bulletin  
15 board, and a copy is on file in the Municipal Clerk's  
16 office. Commissioner Rogers?

17 COMMISSIONER ROGERS: Here.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Here.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Here.

22 THE CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Here.

24 THE CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Here.

Public Session

3

1 THE CLERK: All present, Mayor.

2 MAYOR SCARPELLI: Minutes, Madam Clerk?

3 THE CLERK: We have minutes for approval from  
4 March 19th, 2019. I need a motion.

5 COMMISSIONER EVANS: Move it.

6 COMMISSIONER TUCCI: Second.

7 THE CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 THE CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 THE CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 THE CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 THE CLERK: That's it for minutes, Mayor.

18 MAYOR SCARPELLI: Communications?

19 Commissioner Evans?

20 COMMISSIONER EVANS: Thank you, Mayor. I  
21 just note for the record that on April 17th, we  
22 completed our short-term bond sale. It's a one-year  
23 note for \$2,036,808, at a net interest rate of  
24 1.84 percent. Thank you, Mayor.

25 MAYOR SCARPELLI: Thank you, Commissioner.

1 Correspondence, Madam Clerk?

2 THE CLERK: Thank you, Mayor. We have three  
3 applications for approval. The first one is Jim  
4 Dandy's has submitted an application for an extension  
5 of premises for the Spring Festival event, which is  
6 scheduled for June 13th, 2019, from 6:00 p.m. to 10:00  
7 p.m.

8 COMMISSIONER EVANS: Move it.

9 COMMISSIONER TUCCI: Second.

10 THE CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 THE CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 THE CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 THE CLERK: Holy Family Church has submitted  
21 an event application requesting permission to hold  
22 their 28th Annual Italian Festival from Thursday,  
23 September 19th through Sunday, September 22nd.

24 COMMISSIONER EVANS: Move it.

25 COMMISSIONER TUCCI: Second.

Public Session

5

1 THE CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 THE CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 THE CLERK: Holy Family has also submitted a  
12 letter requesting permission to hold a raffle drawing  
13 on Sunday, September 22nd, 2019, at 9:00 p.m.

14 COMMISSIONER EVANS: Move it.

15 COMMISSIONER TUCCI: Second.

16 THE CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 THE CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

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

2 MAYOR SCARPELLI: Reports? Commissioner  
3 Evans?

4 COMMISSIONER EVANS: Yes, Mayor. I have two  
5 reports, both for the Code Enforcement Department. One  
6 is for the first quarter of 2019, the other is for the  
7 month of March, 2019.

8 MAYOR SCARPELLI: Thank you. Commissioner  
9 Petracco?

10 COMMISSIONER PETRACCO: I have my monthly  
11 Public Safety report.

12 MAYOR SCARPELLI: Thank you. Bills,  
13 Madam Clerk?

14 THE CLERK: Thank you. Bill list for  
15 April 16th, 2019: Public Affairs, \$87,160.75; Revenue  
16 and Finance, \$3,542,639.32; Public Safety, \$154,003.15;  
17 Public Works, \$452,586.51; Parks and Public Property,  
18 \$104,231.07; Water Utility, \$16,521.61.

19 COMMISSIONER TUCCI: (Indiscernible) the  
20 bills.

21 COMMISSIONER EVANS: You're going to move the  
22 bills?

23 COMMISSIONER TUCCI: Second --

24 THE CLERK: No. I'm sorry. I'm sorry.  
25 Total Payroll, \$816,985.44, for a grand total of

1 \$5,174,127.85.

2 COMMISSIONER EVANS: Okay, now move the  
3 bills.

4 COMMISSIONER TUCCI: Second it again.

5 THE CLERK: Thank you. Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 THE CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 THE CLERK: That's it for bills, Mayor.

16 MAYOR SCARPELLI: Public comment on agenda  
17 items only. Madam Clerk?

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

24 All remarks to the Board and its individual  
25 members must be addressed to the Mayor. The Mayor may

1 defer citizens' comments to the appropriate member of  
2 the Board. Dialogue between citizens and others  
3 addressing the Board shall be allowed, unless the Mayor  
4 or the presiding officer or the majority of the  
5 membership of the Board shall determine that the  
6 interests of the quorum and/or the expeditious conduct  
7 of municipal business are being adversely affected by  
8 such dialogue.

9 MAYOR SCARPELLI: Does anybody wish to  
10 address the Board of Commissioners on the agenda items  
11 only? Seeing none, Board of Commissioner  
12 announcements?

13 COMMISSIONER TUCCI: I have one, Mayor. On  
14 tomorrow evening at seven o'clock, we will have our  
15 annual Flashlight Easter Egg Hunt at Reinheimer Park.  
16 It's a great time everyone should come and experience  
17 at least one time.

18 MAYOR SCARPELLI: Thank you, Commissioner.  
19 Anybody else?

20 COMMISSIONER EVANS: I have multiple -- yes,  
21 Mayor. I have just a reminder that on Wednesday,  
22 April 24th, Thursday, April 25th, and on Tuesday,  
23 April 30th, the Clerk's Office will be open until  
24 eight p.m., to -- because we're in the month of April  
25 for the annual renewal for dog and cat licenses. So

1 we're extending the hours to accommodate as many people  
2 as possible.

3 MAYOR SCARPELLI: Thank you, Commissioner.

4 COMMISSIONER PETRACCO: I'd just like to add  
5 that I know as elected officials we go to many, many  
6 events here in town, and they're all great, but I have  
7 to tell you, Saturday night, I went to the SYA,  
8 Special Young Adults event. It was really, really nice  
9 to see Annie Rotondo (phonetic) there. I got to meet  
10 the new director, Dee, I don't know if any of you has  
11 met her, a lovely woman.

12 And, most importantly, I got to see all the  
13 kids that are there, and I have to tell you, it was  
14 held at the Chandelier. They really, really, are doing  
15 God's work over there. It was incredible, the kids are  
16 unbelievable, and I'd just like to give them all a  
17 shout out and say, terrific job to them. Thank you.

18 MAYOR SCARPELLI: I saw you dancing,  
19 Commissioner.

20 COMMISSIONER PETRACCO: You saw me dancing.  
21 I'm trying to hide that one, but it got out.

22 MAYOR SCARPELLI: I have a -- electronics  
23 recycling will be this Saturday, and the next -- on  
24 April 27th, we'll have compost day. So two events  
25 coming up. Ordinance introductions?

1 Commissioner Evans?

2 COMMISSIONER EVANS: Yes, Mayor, I have one,  
3 3419. This establishes a capital ordinance for the  
4 purpose of the reevaluation of the township. As we had  
5 previously announced, the settlement monies from the  
6 Mecca settlement will be used towards offsetting the  
7 costs of the reevaluate of the town -- reevaluation of  
8 the town. This ordinance establishes our ability to  
9 collect those dollars.

10 I move that this ordinance be passed to a  
11 second reading and advertised in the Nutley Sun,  
12 together with the notice required by law, and that  
13 further consideration of said ordinance for final  
14 passage by the Board of Commissioners be held at its  
15 second reading on May 21st, 2019. So move.

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. Let's move to  
2 resolutions. Commissioner Tucci?

3           COMMISSIONER TUCCI: Yes, thank you, Mayor.

4           Whereas, the Township of Nutley, pursuant to  
5 N.J.S.A. 52:34-6-2:c139, may by resolution and without  
6 advertising for bids purchase goods or services through  
7 the use of the nationally recognized, accepted  
8 cooperative purchasing program that has been developed  
9 utilizing a competitive bidding process by another  
10 contracting unit within the State of New Jersey, or  
11 within any other state when available.

12           And whereas, the Board of Commissioners of  
13 the Township of Nutley passed Resolution Number 31218  
14 on December 18th, 2018, authorizing the purchasing  
15 agent to purchase certain goods or services from an  
16 approved U.S. Communities Government Purchasing  
17 Alliance vendors pursuant to all conditions of the  
18 individual contracts for the 2019 year, commencing  
19 January 1, '19, through December 31st, '19.

20           And whereas, the Municipal Clerk of the  
21 Township of Nutley has advertised the Township's Notice  
22 of Intent to award a contract under the National  
23 Cooperative Purchasing Agreement in the March 29, 2019  
24 issue of the Herald News.

25           And whereas, the Township of Nutley, in

1 particular, Public Parks and Public Property  
2 Department, intends to purchase two Trane commercial  
3 rooftop air conditioning units and related accessories  
4 from Trane North New Jersey, 19 Chapin Road, Pine  
5 Brook, New Jersey, a vendor affiliated with the  
6 OMNIA Partners/U.S. Communities' Government Purchasing  
7 Alliance Cooperative, which is subject to all  
8 conditions applicable to the utilization of a national  
9 buying cooperative.

10           And whereas, the Department of Parks and  
11 Public Property has researched commercial rooftop air  
12 conditioning units and related accessories and have  
13 determined that the Trane rooftop unit model SFHLE20E,  
14 whatever that means, and related accessories is best  
15 suited for the township's needs based on performance,  
16 cost savings, and minimal downtime.

17           And whereas, Trane North New Jersey has  
18 provided a quote for two Trane rooftop units in the  
19 amount of \$88,200.

20           And whereas, funds are available in the  
21 account, capital ordinance number 3408E, Account Number  
22 G-04-159-405, in the amount of \$88,200, and have been  
23 certified by the Chief Financial Officer, said  
24 certification being attached to this resolution.

25           Now, therefore, be it resolved that the

1 Board of Commissioners of the Township of Nutley,  
2 County of Essex, State of New Jersey, that the  
3 purchasing be and she is hereby authorized to purchase  
4 two Trane rooftop units and related accessories in the  
5 amount of \$88,200 from Trane North New Jersey, who is  
6 an approved OMNIA Partners U.S. Communities Government  
7 Purchasing Alliance Cooperative vendor.

8 Before I introduce this I just want everyone  
9 to know that by doing it this way, purchasing the units  
10 ourselves, we will save a minimum of \$15,000 on this.  
11 I move the resolution.

12 COMMISSIONER EVANS: 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 COMMISSIONER TUCCI: Whereas, in 1949, the  
24 Legislature set aside the last Friday of April as  
25 Arbor Day to promote the planting of trees and to

1 encourage the protection of our forests from fires and  
2 pests that destroy the beauty and usefulness of our  
3 woodlands.

4 And whereas, half of New Jersey's total land  
5 area is forested or tree covered.

6 And whereas, trees play an important role in  
7 the ecosystem in which we live, and trees reduce the  
8 erosion of our precious topsoil caused by wind and  
9 water, clean the air we breathe and the water we drink,  
10 produce oxygen, provide habitat for birds and wildlife,  
11 and reduce heating and cooling costs by moderating  
12 temperature.

13 And whereas, trees are a renewable resource,  
14 giving us paper for fine literature, wood for homes,  
15 fuel for fires, and countless other wood products.

16 And whereas, trees provide increased property  
17 value, enhanced economic viability, and pleasing  
18 aesthetic qualities along streets and properties in  
19 municipalities.

20 And whereas, tree planting in yards and farms  
21 and schoolyards and parks and along streets and  
22 highways creates an enduring heritage for the  
23 generations that follow.

24 And whereas, the Township of Nutley has  
25 completed its 32nd year as a member of Tree City, USA.

1           And whereas, I, Commissioner Mauro Tucci,  
2 Director of Parks and Public Property of the Township  
3 of Nutley, do hereby proclaim May 4th, 2019, as  
4 Arbor Day in the community of Nutley and urge all  
5 citizens to support efforts to protect our trees and  
6 woodlands, and to support our town's Urban Forestry  
7 Program. Further, I urge all citizens to plant trees  
8 to gladden hearts, and promote the well-being of  
9 present and future generations. 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: Whereas, the Township of  
22 Nutley entered into a contract with Viridian  
23 Environmental Consultants, Upper Montclair, New Jersey,  
24 for preliminary assessment for Father Glotzbach Field.

25           And whereas, the Director of Parks and

1 Public Property has recommended the following change  
2 order from said contracts:

3 Change Order Number 1: Preliminary Assessment  
4 for Father Glotzbach Field in the amount of \$9,000.

5 And whereas, funds are available from Account  
6 Number G-04-105-404, Capital Ordinance Number 33:44D,  
7 and have been certified by the Chief Financial Officer,  
8 said certification being attached to this resolution.

9 Now, therefore, be it resolved by the  
10 Board of Commissioners in the Township of Nutley,  
11 County of Essex, State of New Jersey, that Change Order  
12 Number 1 in the amount of \$9,000 be and is hereby  
13 approved. I move the resolution.

14 COMMISSIONER EVANS: Second.

15 THE CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 THE CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 THE CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 COMMISSIONER TUCCI: That's all I have,

1 Mayor.

2           MAYOR SCARPELLI: Thank you, Commissioner.  
3 Commissioner Evans?

4           COMMISSIONER EVANS: Thank you, Mayor.  
5 Resolution Number 102-19.

6           Whereas, the Township of Nutley in the County  
7 Of Essex, New Jersey, has previously issued its bond  
8 anticipation notes and other debt obligations in  
9 connection with the issuance of certain bonds, and for  
10 the purposes of assisting underwriters to comply with  
11 Rule 15c-12 under the Security Exchange Act of 1934,  
12 the Township has covenanted and/or entered into one or  
13 more undertakings or agreements to provide continuing  
14 disclosure to the public marketplace.

15           Whereas, the Township is desirous of  
16 retaining a professional firm that specializes in  
17 continuing disclosure of matters to make the necessary  
18 filings at the specific places and specified times as  
19 part of the Township's continuing disclosure  
20 obligations.

21           Whereas, funds are available from Account  
22 9-01-208-205, subject to the adoption of the  
23 2019 budget, and have been certified by the  
24 Chief Financial Officer, said certification is attached  
25 to this resolution.

1           Now, therefore, be it resolved by the Board  
2 of Commissioners of the Township of Nutley in the  
3 County of Essex:

4           One, the Mayor and Township Clerk are hereby  
5 authorized and directed to execute an agreement with  
6 N.W. Financial Group, 2 Hudson Place, Hoboken, for the  
7 services of professional financial audit, for a total  
8 amount not to exceed \$1,500 in accordance with the  
9 proposal dated April 10th, 2019.

10           Two, this contract is awarded without  
11 competitive bidding as a professional service in  
12 accordance with N.J.S.A. 40a11-5(1)(a) of the Local  
13 Public Contracts Law, because the contract is for a  
14 service performed by a person's -- a person authorized  
15 by law to practice a recognized profession that is  
16 regulated by law. Notice of this action shall be  
17 printed once in the Nutley Sun, and the legal newspaper  
18 of the Township of Nutley. So moved.

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 COMMISSIONER EVANS: Whereas, New Jersey  
6 Statute 54:4-3.3 provides certain war veterans who have  
7 suffered serious disability while in service full tax  
8 exemption from their principal residence.

9 Whereas, Michael Walsh was granted full  
10 exemption from payment of property taxes from  
11 July 30th, 2017, and all subsequent years thereafter  
12 from Block 5500, Lot 10, known as 43 Gerard Road, on  
13 August 15th, 2017, through Resolution Number 170-17.

14 Whereas, Mr. Walsh received a homestead  
15 rebate in error for the year 2016, which applied --  
16 which was applied to the second quarter of 2019  
17 property tax record.

18 Now, therefore, be it resolved by the Board  
19 of Commissioners of the Township of Nutley, County of  
20 Essex, State of New Jersey, the Treasurer be and she is  
21 hereby authorized to refund the 2016 Homestead Rebate  
22 in the amount of \$419.19, applied to the second quarter  
23 of 2019 property tax of Mr. Walsh. So move.

24 COMMISSIONER TUCCI: Second.

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.

10 COMMISSIONER EVANS: Whereas, New Jersey  
11 Statute 40A:4-19 provides that where debt service is to  
12 be paid prior to the 2019 -- in 2019 prior to the time  
13 of the final adoption of the 2019 budget,  
14 appropriations should be made for the amount of such  
15 debt service in the manner and time provided therein.

16 Whereas, the date of this resolution is  
17 subsequent to December 20th, 2018.

18 Whereas, debt service will become due during  
19 the first six months of 2019.

20 Now, therefore, be it resolved by the Board  
21 of Commissioners of the Township of Nutley that the  
22 following temporary appropriation be made: interest on  
23 bonds, \$74,066, for Account 9-01-818-254. So moved.

24 COMMISSIONER TUCCI: Second.

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.

10 COMMISSIONER EVANS: Whereas, the Township of  
11 Nutley has been ordered by the Essex County Board of  
12 Taxation and the new -- and the Taxation under the  
13 New Jersey Division of Taxation to conduct a  
14 revaluation of all real property within the  
15 municipality for the year 2021. To perform this  
16 revaluation, the Township has the need to acquire the  
17 services of a revaluation firm as a fair and open  
18 contract, pursuant to the provisions of N.J.S.A. 19:44A  
19 -- 19:44A-20.5 as appropriate -- or 20.4, it's missing  
20 in here.

21 Whereas, January 15th, 2019, the Township  
22 issued a request for proposals.

23 Whereas, the Appraisal Systems of  
24 226 Harrison Town Road, Suite 302 in Glen Rock was the  
25 lowest responsive and qualified bidder, and they have

1 submitted a proposal indicating that they will provide  
2 the requested services for an amount not to exceed  
3 \$487,305. A hundred percent of this cost will be  
4 covered through the monies received as part of the  
5 settlement on the Mecca matter.

6           Whereas, Appraisal Systems has completed and  
7 submitted the business entity disclosure certification  
8 which certifies that said corporation has not made any  
9 reportable contributions to a political or candidate  
10 committee in the Township of Nutley in the previous  
11 year, and that the contract will prohibit the  
12 Appraisal System partners from making any reportable  
13 contributions through the term of the contract.

14           Whereas funds are made available from  
15 Account C-01-905-901, subject to the adoption of the  
16 special emergency Ordinance Number 34-19, which was  
17 read this evening and will be certified by the  
18 Chief Financial Officer.

19           Now, therefore, be it resolved by the Board  
20 of Commissioners of the Township of Nutley, County of  
21 Essex, that a contract bidding is hereby awarded to  
22 Appraisal Systems, Inc., of Glen Rock, New Jersey, in  
23 the form satisfactory to the Township Attorney in an  
24 amount not to exceed \$487,305.

25           Be it further resolved that the Mayor and the

1 Municipal Clerk are hereby authorized to enter into a  
2 contract with Appraisal Systems to conduct the  
3 revaluation of all real property within the Township of  
4 Nutley. The term of this contract extends to the  
5 submission of the 2021 tax list, to the Essex County  
6 Tax Board and provides two years of county tax appeal  
7 defense in the years 2021 and 2022.

8 Be it further resolved that a copy of this  
9 resolution shall -- as well -- shall -- as well as the  
10 contract shall be placed on file with the  
11 Township Clerk, and be transmitted to the Essex County  
12 Board of Taxation. A copy of the contract shall be  
13 submitted to the Division of Taxation for the State of  
14 New Jersey. So move.

15 COMMISSIONER TUCCI: Second.

16 THE CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 THE CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

1 COMMISSIONER EVANS: Thank you, Mayor.

2 MAYOR SCARPELLI: Thank you, Commissioner.

3 Commissioner Petracco?

4 COMMISSIONER PETRACCO: Be it resolved by the  
5 Board of Commissioners, Township of Nutley, County of  
6 Essex, State of New Jersey, that Meredith Donatello, an  
7 employee of the Department of Public Safety, be granted  
8 a medical leave of absence without pay effective  
9 February 1st, 2019, through June 1st, 2019. 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: Thank you.

23 MAYOR SCARPELLI: Thank you, Commissioner.

24 Whereas, raffle applications have been received from

25 the following organizations; Melissa A. Centrella

1 Scholarship Fund, License Number 22-19, on premise  
2 50/50 cash raffle to be held Saturday, May 4th, 2019,  
3 and Special Dragons, License Number 23-19, on premise  
4 merchandise raffle, to be held Tuesday, May 28th, 2019.

5           Whereas, the applications have been reviewed  
6 and approved by the Municipal Clerk and the  
7 Police Department.

8           Now, therefore, be it resolved by the Board  
9 of Commissioners, Township of Nutley, County of Essex,  
10 State of New Jersey, that the aforementioned licenses  
11 are approved. The Municipal Clerk is authorized to  
12 issue the raffle licenses. I move the resolution.

13           COMMISSIONER TUCCI: Second.

14           THE CLERK: Commissioner Rogers?

15           COMMISSIONER ROGERS: Aye.

16           THE CLERK: Commissioner Tucci?

17           COMMISSIONER TUCCI: Aye.

18           THE CLERK: Commissioner Evans?

19           COMMISSIONER EVANS: Aye.

20           THE CLERK: Commissioner Petracco?

21           COMMISSIONER PETRACCO: Aye.

22           THE CLERK: Mayor Scarpelli?

23           MAYOR SCARPELLI: Aye.

24           Whereas, the Township of Nutley advertised  
25 for proposals for the marketing of recyclable materials

1 on March 17th, 2015.

2           Whereas, the requests for proposals for the  
3 marketing of recycled materials were accepted by the  
4 Township Clerk on May 8th, 2015.

5           Whereas, the Township of Nutley reviewed and  
6 analyzed all submitted proposals.

7           Whereas, the proposals received from  
8 Integrity Recycling and Waste Solutions, 111 Route 31,  
9 Suite 223, Flemington, New Jersey, was the most  
10 favorable proposal for the Township of Nutley.

11           Whereas, Integrity Recycling and Waste was  
12 recommended for a three-year contract, award for two  
13 one-year options for contract extensions effective  
14 July 1st, 2015.

15           And whereas, the Township has elected to  
16 exercise the option to extend the contract for  
17 one year, and the term of the contract for one year,  
18 effective July 1st, 2018, through June 30th, 2019.

19           Whereas, the change order Number 1 to the  
20 contract is authorized for an increase to the contract  
21 in the amount of \$30,000.

22           And whereas, funds are available from  
23 Account Number 9-01-423-209 in an amount not to exceed  
24 \$30,000, have been certified by the Chief Financial  
25 Officer, said certification to be attached to this

1 resolution.

2 And whereas, the original contract amount is  
3 being increased in the amount of \$30,000, for a total  
4 adjusted contract of \$60,000.

5 Now, therefore, be it resolved by the Board  
6 of Commissioners, Township of Nutley, County of Essex,  
7 State of New Jersey, that Change Order Number 1 is a  
8 change for the contract previously made by the Township  
9 of Nutley with Integrity Recycling Waste Solutions, and  
10 is hereby authorized and approved. I move the  
11 resolution.

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 Whereas, bids for the 2017 CDBG Roadway  
24 Improvement Project, Princeton Street-Hunt Place-  
25 Bayard Street, were received and opened on Wednesday,

1 February 14th, 2018.

2 And whereas, AJM Contractors, 300 Kuller  
3 Road, Clifton, New Jersey, was the low bidder.

4 Whereas, the township entered into a contract  
5 with AJM Contractors for the amount of \$235,674.30.

6 And whereas, there was a typographical error  
7 and Resolution Number 97-18 was listed the base bid in  
8 the amount of \$146,422.30, the correct base bid is in  
9 the amount of \$146,423.30, for a total contract price  
10 in the amount of \$234 -- 35,675.30.

11 And whereas, Change Order Number 1 to the  
12 contract has been authorized for a decrease in the base  
13 bid amount of \$17,935.25, and a decrease in the  
14 ultimate number one in the amount of \$29,964.39.

15 And whereas, the original contract amount is  
16 being decreased in the amount of \$47,899.64, to be  
17 credited to Account Number G-04-113-401, G-04-110-401,  
18 and to reflect an adjusted contract price of  
19 \$187,775.66.

20 Now, therefore, be it resolved by the Board  
21 of Commissioners, Township of Nutley, County of Essex,  
22 State of New Jersey, that Change Order Number 1 as  
23 attached is a change from the contract previously made  
24 by the township, with a 400 -- \$47,899.64 decrease for  
25 project known as 217 CDBG Roadway Improvement Project,

1 Princeton Street-Hunt Place-Bayard Street, and is  
2 hereby authorized in approval with 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 Whereas, Topology, 60 Union Street, Number N,  
15 Newark, New Jersey, has been awarded a non-fair and  
16 open contract as a professional service as pursuant to  
17 the provisions of N.J.S.A. 19:44A-20.4 or 20.5 as  
18 appropriate to provide professional planning service  
19 for (indiscernible) related to the ongoing  
20 redevelopment of Hoffman/LaRoche and the Ciccolini  
21 properties in the Township of Nutley on June 8th, 2017  
22 by Resolution 133-17

23 And whereas, such service has exceeded the  
24 original contract in the amount of \$50,000.

25 And whereas, Change Order Number 1 was

1 authorized on January 15, 2019 by Resolution Number 15-  
2 19, for an increase in the amount of \$64,000, which  
3 services -- which such services have exceeded the  
4 amount in the original contract and Change Order  
5 Number 1.

6 And whereas Mayor Scarpelli on the behalf of  
7 the Board of Commissioners, recommended the following  
8 change order from said contract: Change Order Number  
9 2, provide professional planning services primarily  
10 related to the ongoing redevelopment of the  
11 Hoffman/LaRoche, Ciccolini properties attached to  
12 Nutley in the amount of \$1,900.

13 Whereas funds are available from  
14 Account Number 8-01-226-205, and certified by the Chief  
15 Financial Officer, said certification to be attached to  
16 this resolution.

17 Now, therefore, be it resolved by the Board  
18 of Commissioners of the Township of Nutley, County of  
19 Essex, State of New Jersey, that Change Order Number 2  
20 in the amount of \$1900 is hereby approved. I move the  
21 resolution.

22 COMMISSIONER TUCCI: Second.

23 THE CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 THE CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye. Just a  
4 clarification, Mayor. I believe that this is -- this  
5 \$1,900 actually relates to LaRoche, not the Ciccolini  
6 property.

7 MAYOR SCARPELLI: I think the contract is for  
8 both. So --

9 COMMISSIONER EVANS: But I think the services  
10 relate --

11 MAYOR SCARPELLI: Correct.

12 COMMISSIONER EVANS: -- only to  
13 Hoffman/LaRoche.

14 MAYOR SCARPELLI: Correct.

15 COMMISSIONER EVANS: All right. Thank you.

16 MAYOR SCARPELLI: Which are reimbursable.

17 COMMISSIONER EVANS: Yes. Absolutely.

18 MAYOR SCARPELLI: And the others won't be.

19 THE CLERK: And Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 THE CLERK: Thank you, Mayor.

22 MAYOR SCARPELLI: That concludes the business  
23 portion of our meeting. Madam Clerk?

24 THE CLERK: Thank you, Mayor. All persons  
25 addressing the Board of Commissioners regarding

1 community concerns should approach the microphone and  
2 provide their name and address for the record. Unless  
3 further time is granted by the Board, each person  
4 should limit their address to five minutes.

5 All remarks to the Board and its individual  
6 members must be addressed to the Mayor. The Mayor may  
7 defer citizens' comments to the appropriate member of  
8 the Board. Dialogue between citizens and others  
9 addressing the Board shall be allowed, unless the Mayor  
10 or presiding officer or the majority of the membership  
11 of the Board shall determine that the interests of the  
12 quorum and/or the expeditious conduct of municipal  
13 business are being adversely affected by such dialogue.

14 MR. MOORE: Rory Moore, 462 Chestnut Street.  
15 Mr. Scarpelli, I have four questions this evening. I  
16 have three for you, and I have one for Mr. Petracco.  
17 But for the three, do you have any updates on the  
18 Ciccolini Building, the Davis Building, or any  
19 information about the pool, the (indiscernible\*  
20 00:27:11) the Nutley Pool?

21 MAYOR SCARPELLI: On the Ciccolini Building,  
22 we referred that to the Planning Board to look at as an  
23 area in need of redevelopment. On the Davis property,  
24 I have no update. Commissioner?

25 COMMISSIONER TUCCI: We are in discussion

1 with the Board of Education, because, Rory, as you  
2 know, we purchased that building for the Board, because  
3 they needed that property in the event that the -- the  
4 school referendum went through. They still have a need  
5 for that property, so we're still in discussion with  
6 them, and ultimately I see us transferring title to  
7 them and getting reimbursed for our expenses.

8 MR. MOORE: We're just going to give the  
9 Board of Ed the Davis property. Is -- am I  
10 understanding that correctly?

11 COMMISSIONER TUCCI: Yeah, the Davis  
12 property.

13 MR. MOORE: The -- with the Ciccolini  
14 Building, you said -- you just announced there was a  
15 Change Order 1 and 2. It seems like we're paying more  
16 money for contracts but nobody's come up with any  
17 ideas. Am I understanding that correctly?

18 MAYOR SCARPELLI: Not at this point,  
19 Mr. Moore, but they will be forthcoming.

20 MR. MOORE: They will be forthcoming.

21 MAYOR SCARPELLI: Absolutely.

22 MR. MOORE: And recently we heard that the --

23 MAYOR SCARPELLI: You had a third question,  
24 didn't you?

25 MR. MOORE: I'm sorry?

1           MAYOR SCARPELLI: Didn't you have a third  
2 question?

3           MR. MOORE: Yes, I did. Did you get --

4           MAYOR SCARPELLI: To discuss the?

5           MR. MOORE: The pool. The Nutley Pool. It's  
6 not opening this year?

7           MAYOR SCARPELLI: Mr. Genitempo, would you  
8 handle that?

9           MR. GENITEMPO: Yes, Mr. Mayor. Mr. Moore,  
10 that's in litigation right now, so we really can't  
11 discuss the details of it. I'm sure you're aware of  
12 the public filings that were already made. But we're  
13 really not at liberty to discuss that right now.

14           MR. MOORE: Thank you. And Mr. Petracco, do  
15 we have any date that we could discuss overnight  
16 parking (indiscernible)?

17           COMMISSIONER PETRACCO: I have to tell you,  
18 you know what, I have to tell you, I've been thinking  
19 about that, too, but -- and I think we should go  
20 through that exercise, although I have to tell you, and  
21 I won't speak for my fellow commissioners and the  
22 mayor, I don't think we have any support to change that  
23 overnight parking ordinance at all here. I could be  
24 wrong, but, you know, if we're going to go through an  
25 exercise when we know that nobody's going to vote to

1 change it, I don't know why we're going through the  
2 exercise.

3 MR. MOORE: Okay.

4 MAYOR SCARPELLI: Anybody else wish to  
5 address the Board of Commissioners this evening?

6 MR. ALESSIO: Yeah, good evening.  
7 Carmine Alessio, 81 East Centre Street. I'm over here  
8 looking at the agenda resolution that Mauro Tucci  
9 presented, 112-19, and I'll just read the first little  
10 paragraph.

11 "In 1949, legislature set aside last Friday  
12 of April as Arbor Day to promote the planting of trees  
13 and encourage the protection of our forests and fires  
14 and pests that destroy the beauty and usefulness of our  
15 woodlands."

16 Okay. In 2002, we do have, in my neck of the  
17 woods, there's construction going on, and things do  
18 change. In 2002, the house next door to me was knocked  
19 down without a permit, okay, and I inquired about it,  
20 and it was true, and eventually, the permit was  
21 ordered, and in the meantime, I had a string of  
22 hemlocks down the east side of my property. Before you  
23 know it, the guys that knocked down the house were with  
24 power pruners chopping up my hemlocks, and if you know  
25 anything about trees, the hemlocks do not get better.

1 They eventually have insect problems, and they die.

2 Now, this is 18 years later. But, taking a  
3 step back, trailers were put on that empty lot abutting  
4 my fence to where I couldn't go on the other side and  
5 actually try to prune them down and take care of them,  
6 because I do have a license for like 30 years, in tree  
7 activity, with the state. Just so you know. And I'm  
8 willing to just like throw that in the garbage, because  
9 I get no respect.

10 Now, the trees died with Sandy, a few of the  
11 branch -- like branches fell over, it's because of what  
12 I just stated the problem is, butchering a neighbor's  
13 tree like mine and creating the problem. Okay. So  
14 we'll live with that. Came to plenty of meetings, no  
15 one did anything about it. No one assisted me in any  
16 kind of like, trying to like, refurbish these trees or  
17 -- as far as I'm concerned, they're no good no more.

18 Now, 2012 comes by. The industrial site  
19 behind me, Benjamin Moore, there's no more industry in  
20 Nutley, you know. Let's leave it at that. Mecca comes  
21 along and builds all of these apartments behind me,  
22 builds a wall. Puts the wall two feet up against my  
23 beautiful white pines, two that I've had for -- since  
24 -- for 20-something years, that were in perfect  
25 condition. Not one thing wrong with them, they were

1     natured by me, and they grew to be lovely white pines.

2             He comes by, puts the wall there, the  
3     branches start falling. Okay? There's things involved  
4     here that if you damage a tree using a bucket loader,  
5     like cutting them up from his side of the property.

6     All right then, I got a police report and all of that.

7             I was told they would be removed. Okay. I  
8     inquired about it before the wall was built. But no,  
9     because Mr. Alessio has -- is opinionated, nothing gets  
10    done. Now it's years later, the limbs are falling  
11    down, it's -- it has flux coming out of it, the two  
12    trees. There's -- it's scaling, there's a problem with  
13    these trees. And they're falling -- if you go to my  
14    property now, you'll see that I just do absolutely  
15    nothing, I just leave them there, because I'm not ready  
16    to sink money into trees that were in perfect  
17    condition. I mean perfect. They were beautiful, okay.

18            It's my understanding that the law is when a  
19    developer comes into town, he's supposed to -- as far  
20    as -- help the neighbor when something like this  
21    occurs. Like if there's rats coming from the -- from a  
22    woodland area, and they infest the neighbor's property,  
23    there's supposed to be some kind of an action to where  
24    this stuff gets handled properly and humanely, which  
25    nothing has ever been done down there, according to

1 what I'm stating over here.

2 Now, in closing this, okay, across the street  
3 right now from me, the park entrance, there's a maple  
4 tree that's been scaling back. It's -- it definitely  
5 has a disease. The limbs are falling on the burning  
6 bush which is below it, and maybe the town wants  
7 Mr. Alessio to look at this stuff, and they get me mad.  
8 But you know what? It doesn't get me mad. This is  
9 what gets me mad. This is like a bunch of baloney,  
10 here. In fact --

11 MAYOR SCARPELLI: Thank you, Mr. Alessio.

12 MR. ALESSIO: -- me, I come here and  
13 complain, and I get the letter in the mail, saying  
14 that, in closing, that the trees are on my property,  
15 it's dangerous to the community, although I did  
16 absolutely nothing to create the damage.

17 So that is your department, Mr. Tucci, that  
18 has done that in the past. Now I'm coming here, and  
19 I'm telling you that the white pines, they're going to  
20 fall down. I wired them up, and they're going to stay  
21 like that. So, you know, that is a bunch of baloney  
22 right there.

23 MAYOR SCARPELLI: Thank you, Mr. Alessio.

24 MR. ALESSIO: I purposely didn't want to --

25 MAYOR SCARPELLI: Your time is up,

1 Mr. Alessio.

2 MR. ALESSIO: -- speak to -- so you -- could  
3 you address this question that I'm asking? Is somebody  
4 going to do something about this stuff?

5 MAYOR SCARPELLI: I didn't hear a question,  
6 to tell you the truth.

7 COMMISSIONER TUCCI: What was your question?

8 MR. ALESSIO: Like fix the trees by the park  
9 entrance. Either straighten them out, cut the limbs --

10 COMMISSIONER TUCCI: Mr. Alessio.

11 Mr. Alessio, with all due respect --

12 MR. ALESSIO: They're falling down.

13 COMMISSIONER TUCCI: -- we fix all the trees  
14 throughout the township. All right? If there's  
15 something wrong with that tree, I'm sure Mr. DeMaio is  
16 aware of it, all right --

17 MR. ALESSIO: But I came here two years ago,  
18 and I said that these trees --

19 COMMISSIONER TUCCI: You said a lot. You say  
20 a lot of things. You say a lot of things at a lot of  
21 meetings, and sometimes it's clear. Sometimes it's not  
22 so clear.

23 MR. ALESSIO: It's not so clear?

24 COMMISSIONER TUCCI: You're asking me about  
25 that tree. I'm answering you, and telling you, we will

1 check it out. And if the tree is hazardous, all right,  
2 or if the tree is dying or dead, we will address it.

3 MR. ALESSIO: Okay. Now, for Mr. Evans, I  
4 can close --

5 MAYOR SCARPELLI: Whoa, whoa, whoa.  
6 Mr. Alessio, that's it.

7 COMMISSIONER TUCCI: Easy, there.

8 MAYOR SCARPELLI: Your time's up.

9 MR. ALESSIO: What's with the white pines?  
10 It's my responsibility to have the damaged trees fall  
11 on my house after they've been damaged by the variances  
12 that have been passed by this town? It's my  
13 responsibility?

14 MAYOR SCARPELLI: Mr. Alessio, I think that's  
15 really an issue between you and your neighbor.

16 MR. ALESSIO: It's not going to be a simple  
17 issue, either, because they're going to fall -- I don't  
18 -- I could care less, I'm wiring them up, and they'll  
19 let them fall, and they'll proceed from there.

20 MAYOR SCARPELLI: Mr. Alessio, I would  
21 suggest you contact your neighbor and see if he can  
22 help you out. That would be my suggestion.

23 MR. ALESSIO: My neighbor?

24 MAYOR SCARPELLI: Your neighbor.

25 MR. ALESSIO: Which neighbor are you talking

1 about? Mr. Mecca? I have already --

2 MAYOR SCARPELLI: Mr. Mecca.

3 MR. ALESSIO: --I sent him letters, but that's  
4 not the agenda for the town. When you do a variant,  
5 you're supposed to help the neighbor when things like  
6 occur as far as problems. It's called an impact  
7 procedure.

8 You're going to ruin these two trees that are  
9 going to damage Mr. Alessio's house, so therefore, when  
10 you present the variance, and there's a hundred percent  
11 proof on that issue that I'm stating right now, they're  
12 -- the developer's supposed to take -- remove the  
13 trees. That's what the law is. Okay?

14 MAYOR SCARPELLI: Thank you, Mr. Alessio.

15 MR. ALESSIO: You're welcome.

16 MAYOR SCARPELLI: Have a great night.

17 Anybody else wish to address the Board of  
18 Commissioners this evening? Seeing none, we're going  
19 to go back into executive session. We will come back  
20 on the record. There will be no action taken. Can I  
21 have a motion to go into executive session to  
22 discuss -- Mr. Genitempo?

23 MR. GENITEMPO: Litigation and contract  
24 negotiation.

25 MAYOR SCARPELLI: Litigation and contract

1 negotiation.

2 COMMISSIONER PETRACCO: Move it.

3 MAYOR SCARPELLI: Need a second.

4 COMMISSIONER TUCCI: Second.

5 COMMISSIONER ROGERS: Second.

6 THE CLERK: Whereas, Section 8 of the Open  
7 Public Meeting Act, Chapter 231, Public Law 1975,  
8 permits the exclusion of the public from a meeting in  
9 certain circumstances.

10 And whereas, the public body is of the  
11 opinion that such circumstances exist.

12 And whereas, the Board of Commissioners of  
13 the Township of Nutley in the County of Essex in the  
14 State of New Jersey desires to proceed to a closed  
15 executive session.

16 Now, therefore, be it resolved by the Board  
17 of Commissioners of the Township of Nutley move into  
18 closed executive session to discuss litigation and  
19 contract negotiations.

20 Be it further resolved that a time when such  
21 discussions may be disclosed to the public shall be  
22 when and such disclosures may be made without adversely  
23 affecting the Township of Nutley, pending and/or  
24 anticipated legal, personnel, contractual matters, and  
25 other matters within the exceptions provided for by

1 statute. Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 THE CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 THE CLERK: The time is 8:50.

12 (Proceedings move to executive session)

13 MAYOR SCARPELLI: Madam Clerk, back on the  
14 record, what time?

15 THE CLERK: The time is now 11:05.

16 COMMISSIONER TUCCI: Later than we wanted.

17 MAYOR SCARPELLI: I file a motion to adjourn.

18 COMMISSIONER TUCCI: So moved.

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?

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COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

THE CLERK: The time is now 11:05--

(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.

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ILENE WATSON, AAERT NO. 447      DATE: May 1, 2019  
ACCESS TRANSCRIPTS, LLC

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