

In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings

May 21, 2019

Conference Session



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Min-U-Script®

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: May 21, 2019

BOARD OF COMMISSIONERS:

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

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 THE CLERK: Board of Commissioners public
3 meeting, Tuesday, May 21st, 2019. The time is now
4 7:02. 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's absent,
14 excused.

15 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, except for
22 Commissioner Tucci. He's absent, excused, this
23 evening.

24 MAYOR SCARPELLI: Commissioner Petracco, what
25 do you have on the agenda?

Conference Session

3

1 COMMISSIONER PETRACCO: I just have a report,
2 I believe.

3 COMMISSIONER ROGERS: Could you pass the --

4 THE CLERK: Sure.

5 COMMISSIONER PETRACCO: No, I don't see
6 anything else.

7 MAYOR SCARPELLI: Can you take Commissioner
8 Tucci's first --

9 COMMISSIONER PETRACCO: Sure.

10 MAYOR SCARPELLI: Commissioner Rogers, could
11 you take Commissioner Tucci's third one?

12 COMMISSIONER ROGERS: Sure.

13 MAYOR SCARPELLI: All right. And on --

14 COMMISSIONER ROGERS: It's a resolution?

15 THE CLERK: Yes.

16 MAYOR SCARPELLI: Yeah, three resolutions.

17 COMMISSIONER ROGERS: Okay. Sure.

18 COMMISSIONER PETRACCO: And you want me to
19 take which ones?

20 THE CLERK: The first two.

21 MAYOR SCARPELLI: The first two.

22 COMMISSIONER PETRACCO: Okay.

23 MAYOR SCARPELLI: Thank you.

24 COMMISSIONER ROGERS: And I'll take Number 3.

25 MAYOR SCARPELLI: Commissioner Rogers? Thank

1 you.

2 COMMISSIONER ROGERS: Okay.

3 COMMISSIONER PETRACCO: You want me to read
4 into the record what he has on his agenda? So the
5 first one is to authorize for a refund for a tree
6 removal for Metz -- for G. Westbrook, 23 Prospect --

7 THE CLERK: Do you have an extra pen?

8 UNIDENTIFIED: Yes.

9 THE CLERK: For Commissioner Rogers.

10 COMMISSIONER PETRACCO: -- and the second one
11 is going to deal with an authorized refund for a tree
12 removal for a Sal Scarpa. And Steven's got the last
13 one. It's authorized for a contract.

14 COMMISSIONER ROGERS: Thank you.

15 MAYOR SCARPELLI: Good. Commissioner Evans?

16 COMMISSIONER EVANS: I have -- let's see, I
17 have a Code Enforcement Department monthly report for
18 the month of April. I have a -- the public hearing on
19 the readout, setting up the capital for the township
20 revaluation, which if you recall is fully funded by the
21 Mecca settlement. So we'll have a public hearing on
22 that, and then I have one, two, three, four, five
23 resolutions. The first two are just refunds related to
24 two individuals that are veterans who are property tax
25 exempt, and then the other -- there's another two

1 refunds of escrow money and overpayment of taxes, and
2 then the temporary emergency appropriation for
3 Municipal Shared Services.

4 MAYOR SCARPELLI: Thank you, Commissioner. I
5 have various reports. I have four resolutions. One's
6 a 50/50 raffle for the Rotary, a proclamation declaring
7 -- a proclamation for National Public Works Week, the
8 19th through the 25th, authorizing award of a contract
9 to Cifelli and Sons for Ernest Street improvements,
10 that's through a CDBG grant, and approval to submit a
11 grant application for Grant Avenue for Section 2, we
12 already received Section 1, which we'll be working on
13 this summer.

14 I also have a introduction of an ordinance on
15 the Phase II-A redevelopment plan. We're going to name
16 an executive to discuss that beforehand. It would just
17 be some changes to the plan, so we're going to have to
18 go over those. And then -- so we'll be going to
19 executive after the meeting, and run back out, and we
20 may take action, so --

21 THE CLERK: After the meeting, Mayor?

22 MAYOR SCARPELLI: Right. Not after the
23 meeting, but after the -- at the end.

24 THE CLERK: At the end. At the end of the
25 meeting. Sure.

1 MAYOR SCARPELLI: Madam Clerk, what do you
2 have?

3 THE CLERK: We have minutes for approval for
4 April 16th, 2019, and we have two applications for
5 extension of premises for the Spring Festival. One is
6 from Bella Luce and the other is Cubanelle. And that's
7 it, Mayor.

8 MAYOR SCARPELLI: Mr. Genitempo?

9 MR. GENITEMPO: I have a couple of matters,
10 but we can do them later. Nothing urgent.

11 MAYOR SCARPELLI: We can -- okay. Let's go
12 off the --

13 MR. GENITEMPO: (Indiscernible).

14 MAYOR SCARPELLI: Let's go out there and get
15 it done.

16 (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: June 6, 2019
ACCESS TRANSCRIPTS, LLC

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In RE: Nutley Board of Commissioners

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2 ONE KENNEDY DRIVE

3 3RD FLOOR COMMISSION CHAMBERS

4 NUTLEY, NEW JERSEY 07110

5
6 *** PUBLIC SESSION ***

7
8 DATE: May 21, 2019

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10 BOARD OF COMMISSIONERS:

11 JOSEPH P. SCARPELLI, MAYOR

12 STEVEN L. ROGERS, COMMISSIONER

13 THOMAS J. EVANS, COMMISSIONER

14 ALPHONSE PETRACCO, COMMISSIONER

15 MAURO G. TUCCI, COMMISSIONER A/E

16 ALSO APPEARING:

17 ALAN GENITEMPO, TOWNSHIP ATTORNEY

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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, May 21st, 2019.
8 The time is now 7:08. Pursuant to the requirements of
9 the Open Public Meeting Act, Chapter 231, Public
10 Law 1975, notice of this meeting was published in the
11 November 29th, 2018 issues of the Nutley Sun, the
12 Herald News, and the Star Ledger. A copy of this
13 notice has been posted on the Nutley Town Hall bulletin
14 board, and a copy is on file in the Municipal Clerk's
15 office.

16 Commissioner Rogers?

17 COMMISSIONER ROGERS: Here.

18 THE CLERK: Commissioner Tucci is absent,
19 excused, this evening.

20 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, except for
2 Commissioner Tucci. He's absent, excused.

3 MAYOR SCARPELLI: Minutes.

4 THE CLERK: We have Board of Commissioner
5 meeting minutes for April 16th, 2019.

6 COMMISSIONER EVANS: I move the minutes.

7 COMMISSIONER PETRACCO: Second.

8 THE CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

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

17 MAYOR SCARPELLI: Communications?

18 THE CLERK: We have two applications for an
19 extension of premise for the Spring Festival for
20 June 13, 2019, from 6 p.m. to 10 p.m. The first one is
21 Bella Luce, and the second one is Cubanelle.

22 COMMISSIONER EVANS: Move it.

23 COMMISSIONER PETRACCO: Second.

24 THE CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

Public Session

4

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

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

8 MAYOR SCARPELLI: Reports, I have the monthly
9 progress reports for the Department of Public Works.

10 Commissioner Evans?

11 COMMISSIONER EVANS: I have the Code
12 Enforcement report for the month of April.

13 MAYOR SCARPELLI: Commissioner Petracco?

14 COMMISSIONER PETRACCO: And I have my monthly
15 report also.

16 MAYOR SCARPELLI: Bills, Madam Clerk?

17 THE CLERK: Yes, Mayor. Bill list for

18 May 21st, 2019: Public Affairs, \$112,689.26;

19 Revenue and Finance, \$2,559,820.07; Public Safety,

20 \$77,925.73; Public Works, \$42,435.42; Parks and Public

21 Property, \$99,546.77; Water Utility, \$20,458.18.

22 Payroll for May 3rd, 2019, the total payroll is

23 \$809,144.65; payroll for May 17th, total payroll for

24 May 17th, 2019, is \$823,175.53, for a grand total of

25 \$4,545,195.91.

1 COMMISSIONER EVANS: Move the bills.

2 COMMISSIONER PETRACCO: Second.

3 THE CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: 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: And that's it for bills.

12 MAYOR SCARPELLI: Public comment on agenda
13 items only. Madam Clerk?

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

22 The Mayor may defer citizens' comments to the
23 appropriate member of the Board. Dialogue between
24 citizens and others addressing the Board shall be
25 allowed unless the Mayor or presiding officer or the

1 majority of the membership of the Board shall determine
2 that the interests of the quorum and/or the expeditious
3 conduct of municipal business are being adversely
4 affected by such dialogue.

5 MR. MOORE: Rory Moore, 462 Chestnut Street.
6 Mr. Scarpelli, I have three questions. I do -- wanted
7 to ask Mr. Tucci, he's not here this evening, so I'll
8 save my question for later on. On your bill list,
9 Mr. Evans, you had the Rutger's class around 235. What
10 was that class for?

11 COMMISSIONER EVANS: The Rutger's class? I
12 don't recall.

13 MR. MOORE: And, Mr. Petracco, on Page 3, I
14 think it is, National Association of Chief of Police.

15 COMMISSIONER PETRACCO: (Indiscernible) but
16 what's the amount for it?

17 MR. MOORE: 1,667.

18 COMMISSIONER PETRACCO: I talked to the Chief
19 this morning about that, actually. That's -- they're
20 from the Chiefs Convention that he attends every year.

21 MR. MOORE: Is there any harm if he doesn't
22 attend that?

23 COMMISSIONER PETRACCO: Well, I -- you know
24 what, truthfully, as a resident, I think that's a great
25 question, and I could understand you asking that

1 because even when I first got involved here, I thought
2 the same way. But the intelligence that these chiefs
3 share, Rory, and just being in the network of what's
4 happening down south, what's happening in the middle of
5 the state, you know, what crimes, what's trending? Is
6 it car break-ins, is it -- you know, things that are --
7 rise higher than that?

8 MR. MOORE: Is that a yes, that he would
9 never have this information other than --

10 COMMISSIONER PETRACCO: Well, I mean, they do
11 it, they do it in -- you know, they're always
12 constantly sharing information, but I just think that
13 it's the relationships that you foster with these other
14 towns, you know, if something's up, to be able to pick
15 up the phone. So, to me, for the thousand dollars --

16 MR. MOORE: Two thousand, really.

17 COMMISSIONER PETRACCO: -- I -- I -- about a
18 thousand, you know, I understand the question, but I
19 think it's really money well spent. I know that the
20 guy is away from his family for the week, too, and it
21 is summertime, and, you know, all that stuff. So, you
22 know, I mean, obviously, also, what you could do
23 tomorrow is you could call him and ask him exactly what
24 they do and what the value to the Township is. I think
25 he would be the best person to call to see, you know,

1 the dialogue that you could have with that.

2 MR. MOORE: Oh, I will. And I have one
3 technical --

4 COMMISSIONER PETRACCO: Let me know how you
5 make out with that.

6 MR. MOORE: -- question --

7 COMMISSIONER PETRACCO: I'd like to hear it.

8 MR. MOORE: Oh, I will.

9 COMMISSIONER PETRACCO: I know you will.

10 MR. MOORE: I do have one technical question,
11 I think it's to Mr. Genitempo. Tonight, Mister -- I
12 think -- I might be out of order, I'm not sure. He's
13 going to introduce an ordinance, but then you're going
14 to have an executive session on possibly changing it?
15 Is that going to change the date for the public
16 hearing?

17 MR. GENITEMPO: I don't know. I won't know
18 until we get to it. We're not -- we haven't gotten to
19 it yet.

20 MR. MOORE: Okay. But it --

21 MR. GENITEMPO: It's not -- it hasn't been
22 introduced yet. We're going to go into executive.

23 MR. MOORE: Yes.

24 MR. GENITEMPO: There's some legal issues
25 involved. If -- depending on what those discussions

1 are, we may come back out and introduce it. If we do,
2 then the public hearing will still be on June 6th. If
3 we don't, there may be a different date. We don't
4 know.

5 MR. MOORE: Well, if you have some changes,
6 whatever that may be --

7 MR. GENITEMPO: We're going to come back out
8 after our executive, and we're going to address it
9 publicly.

10 MR. MOORE: But will the public have time to
11 ask questions?

12 MR. GENITEMPO: Your question -- about the
13 document?

14 MR. MOORE: About the change.

15 MR. GENITEMPO: Well, we're going to have a
16 public hearing at some point in time to --

17 MR. MOORE: Okay.

18 MR. GENITEMPO: -- to go over those. That's
19 when you'll have a chance to discuss it.

20 MR. MOORE: Okay.

21 MR. GENITEMPO: It's only up for introduction
22 today, that's all.

23 MR. MOORE: Well, it's the introduction, but
24 I -- if there was a change made --

25 MR. GENITEMPO: If it's introduced, tomorrow,

1 we will have a draft available at the Clerk's Office.
2 That's why I was confused last time because I thought
3 we were going to introduce it and we ended up not
4 introducing it. So that was my mistake, Mr. Moore.

5 MR. MOORE: Okay.

6 MR. GENITEMPO: But once we introduce it, we
7 put it on file for review. Okay?

8 MAYOR SCARPELLI: Anyone else like to address
9 the Board of Commissioners on the agenda items only?

10 UNIDENTIFIED: I have something to add.

11 MAYOR SCARPELLI: Not on the agenda?

12 UNIDENTIFIED: I don't believe so.

13 MAYOR SCARPELLI: You'll have your chance in
14 about 10 to 15 minutes.

15 UNIDENTIFIED: All right, thank you.

16 MAYOR SCARPELLI: Board of Commissioner
17 announcements. Commissioners?

18 Commissioner, you have an event for Memorial
19 Day? Memorial Day?

20 COMMISSIONER ROGERS: Yeah.

21 MAYOR SCARPELLI: Do you have a couple of
22 events?

23 COMMISSIONER ROGERS: Yeah, I will be at the
24 Oval with you. I don't know if I'll be marching, but
25 I'll be at the Oval with you. We have, also, yeah, we

1 do have -- not on Memorial Day, but this week -- I'll
2 get that to you, Mayor. I'll get --

3 MAYOR SCARPELLI: All right.

4 COMMISSIONER ROGERS: Did you come and get
5 those -- the information?

6 MAYOR SCARPELLI: I believe we did.

7 COMMISSIONER ROGERS: Yeah, okay. Thanks,
8 Mayor, I should have brought it with me, but I've been
9 rather preoccupied.

10 MAYOR SCARPELLI: I know. Commissioner has a
11 couple of events this week. On Thursday, there'll be a
12 showing of the 1918 Nutley movie, with comments by
13 John Demmer and Anthony Buccino. We believe that's the
14 first Memorial Day parade. It'll be at the library,
15 Thursday, seven o'clock. And the Memorial Day Parade,
16 it's our hundredth parade, we'll step off at
17 eleven o'clock. Promises to be a great parade. We
18 will be with the veterans, visiting the memorials in
19 the morning. So I think that schedule was sent out to
20 everybody, but --

21 COMMISSIONER EVANS: I have it now.

22 MAYOR SCARPELLI: -- just check your email,
23 we'll send it out again before Monday. Any other
24 announcements? As we said, the ordinance introduction
25 we're going to hold until later on.

1 Commissioner Evans, public hearing?

2 COMMISSIONER EVANS: Yes. We're going to
3 have a public hearing on our special emergency
4 appropriation, which is for \$550,000. It's an
5 ordinance for a revaluation of the township. It is
6 fully funded. It doesn't require raising of taxpayer
7 dollars. It's being paid for out of the settlement
8 funds from the Mecca matter. So tonight, we just have
9 the public hearing on that.

10 MAYOR SCARPELLI: Anybody wish to be heard on
11 Ordinance Number 3419? Seeing none.

12 COMMISSIONER EVANS: Move to close.

13 COMMISSIONER PETRACCO: Second.

14 THE CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: 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 EVANS: Move the ordinance.

23 COMMISSIONER PETRACCO: Second.

24 THE CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: 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 MAYOR SCARPELLI: Commissioner Petracco, can
8 you take Commissioner Tucci's first two resolutions?

9 COMMISSIONER PETRACCO: Sure.

10 Whereas, the Township of Nutley Ordinance
11 Number 665-22, Preservation of Trees, states that Tree
12 Removal Permits must be obtained for a cost of \$50 per
13 tree.

14 And, whereas, the Township of Nutley
15 Department of Parks and Public Property authorizes a
16 refund for each tree permit submitted upon the planting
17 of the new tree on the said property; replacement's
18 tree size, species, must be approved in advance by the
19 Township Forester.

20 And, whereas, the funds will be available
21 from Account C-01-904-905.

22 And now, therefore, be it resolved by the
23 Board of Commissioners of the Township of Nutley,
24 County of Essex, State of New Jersey, that the Township
25 Treasurer is authorized to refund the tree permit fee

1 collected as per the Shade Tree Preservation Ordinance.

2 I move the resolution.

3 COMMISSIONER ROGERS: Second.

4 THE CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: 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 PETRACCO: Whereas, the Township
13 of Nutley Ordinance Number 665-22, Preservation of
14 Trees states that tree removal permits must be obtained
15 for a cost of \$50 -- am I reading the same one?

16 MAYOR SCARPELLI: It's different, a different
17 address.

18 COMMISSIONER PETRACCO: Okay. This one's a
19 different address.

20 Whereas, the Township of Nutley Department of
21 Parks and Public Property authorizes a refund for each
22 Tree Permit submitted upon planting of the new tree on
23 the said property; replacement size, species, must be
24 approved by the Township Forester.

25 And, whereas, the funds will be available

1 from Account C-01-904-905.

2 And now, therefore, be it resolved by the
3 Board of Commissioners of the Township of Nutley,
4 County of Essex, State of New Jersey, that the Township
5 Treasurer is authorized to refund the Tree Permit Fee
6 collected as per the Shade Tree Preservation Ordinance.

7 I move the resolution.

8 COMMISSIONER ROGERS: Second.

9 THE CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: 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 COMMISSIONER PETRACCO: You want to take this
18 one?

19 MAYOR SCARPELLI: Commissioner Rogers, take
20 the third one?

21 COMMISSIONER ROGERS: Okay. And, Mr. Mayor,
22 I just got the word about one event on Thursday. It's
23 a painting party at Pinot's Palette, 6:00 to 8:30 p.m.
24 Anyone's invited. It's for veterans --

25 MAYOR SCARPELLI: Thank you, Commissioner.

1 COMMISSIONER ROGERS: -- (indiscernible) with
2 their therapy, too. Okay, thank you.

3 Okay. This is a resolution on behalf of
4 Commissioner Tucci.

5 Whereas, sealed bids for electrical services
6 were received by the Township of Nutley on December 28,
7 2018, as appropriate.

8 And, whereas, on January 15, 2019, the Board
9 of Commissioners adopted Resolution 18-19, which
10 awarded a one-year contract for electrical services to
11 Sal Electric Company, Incorporated, 83 Fleet Street,
12 Jersey City, New Jersey, beginning on January 1st,
13 2019.

14 And, whereas, after a successful bidder's
15 challenge and court order dated April 22nd, 2019, the
16 Township of Nutley must rescind Resolution 18-19.

17 And, whereas, TSUJ Corporation, located at
18 P.O. Box 4621, Wayne, New Jersey, has now been
19 determined to be the lowest bidded -- the lowest
20 qualified bidder, and has provided the township with
21 the following labor billing rates per hour for their
22 services: Foreman, \$79; Journeyman, \$75; Apprentice,
23 \$35; Materials Plus, Minimum Service charge, \$0 each.

24 And, whereas, the term of this contract will
25 be for the period of April 22nd, 2019 through

1 December 31st, 2019.

2 And, whereas, the contract is not to exceed
3 \$90,000, and funds are available from Account Number 9-
4 01-508-200 in the amount of \$40,000, subject to the
5 final adoption of the 2019 Municipal Budget, and
6 \$50,000 from Capital Ordinance 3408A, Account Number
7 G-04-159-401, and have been certified by the Chief
8 Financial Officer, said certification being attached to
9 this resolution.

10 Now, therefore, be it resolved that the Board
11 of Commissioners of the Township of Nutley, County of
12 Essex, State of New Jersey, does hereby rescind
13 Resolution 18-19.

14 And be it further resolved that the mayor and
15 the municipal clerk are hereby authorized to enter into
16 a contract for electrical services with TSUJ
17 Corporation located in Wayne, New Jersey, at an hourly
18 -- at the hourly rates stated herein, for a contract
19 period beginning on April 22nd, 2019 through
20 December 31st, 2019. So move.

21 COMMISSIONER PETRACCO: Second.

22 THE CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: 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. Thank you,
5 Commissioner, I'm glad you're here and you're on the
6 mend.

7 COMMISSIONER ROGERS: Thanks very much,
8 Mayor, appreciate it.

9 MAYOR SCARPELLI: Commissioner Evans?

10 COMMISSIONER EVANS: Thank you, Mayor.

11 Whereas, New Jersey Statute 54:4-3.30
12 provides certain war veterans who have suffered serious
13 disability while in service full tax exemption on their
14 principal residence.

15 Whereas, Daniel Fasanelli was granted a full
16 exemption from taxes from February 19th, 2019, which
17 was read into the record on May 7th, through
18 Resolution 128-19.

19 Whereas, Mr. Fasanelli received a homestead
20 rebate in error for the year 2016, which was applied to
21 his second quarter of 2019 tax record.

22 Now, therefore, be it resolved by the Board
23 of Commissioners of the Township of Nutley, State of
24 New Jersey, the treasurer be and she is hereby
25 authorized to refund the 2016 homestead rebate in the

1 amount of \$408.16 applied to the second quarter 2019
2 property tax for Mr. Fasanelli. So move.

3 MAYOR SCARPELLI : Second.

4 THE CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: 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 EVANS: He's not here, guys.

13 COMMISSIONER PETRACCO: You sure?

14 COMMISSIONER EVANS: Whereas, similarly as to
15 the first resolution, it's basically the same for
16 Dennis Cedrone, where he's granted a full exemption on
17 -- through Resolution 129-19 on May 7th. He received a
18 homestead rebate in error. He also had a -- an
19 automatic withdrawal from his escrow account by the
20 bank in error, which both need to be refunded.

21 Now, therefore, be it resolved by the Board
22 of Commissioners in the Township of Nutley, the County
23 of Essex, State of New Jersey, and the treasurer be and
24 she is hereby authorized to refund the 2016 homestead
25 rebate in the amount of \$404.37 in the second quarter.

1 Actually, in the automatic escrow
2 disbursement in the amount of \$2,322.62, which was
3 applied to the second quarter of 2019. So move.

4 MAYOR SCARPELLI: Second.

5 THE CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: 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 EVANS: Be it resolved by the
14 Board of Commissioners of the Township of Nutley,
15 County of Essex, State of New Jersey, that the
16 treasurer be and she is hereby authorized to refund --
17 excuse me, to refund escrow monies for land use
18 applications in the amount of \$8,330 for the accounts
19 listed herein. So move.

20 MAYOR SCARPELLI: Second.

21 THE CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 COMMISSIONER EVANS: Be it resolved by the
5 Board of Commissioners that the treasurer is hereby
6 authorized to refund overpayment of tax charges in the
7 amount of \$1,454.18 for those accounts listed in the
8 resolution. So move.

9 MAYOR SCARPELLI: Second.

10 THE CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: 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 EVANS: Whereas, NJSA 40A:4-20
19 provides that where contracts, commitments, or payments
20 are to be made prior to the final adoption of the 2019
21 budget, an emergency appropriation may lawfully be made
22 for the purposes and the amounts required in the manner
23 and time wherein provided.

24 Whereas, the total emergency temporary
25 resolution adopted in the year 2019, pursuant to the

1 provisions of the Chapter 96, P.L. 1951, including this
2 resolution total \$14,307,577.

3 Now, therefore, be it resolved that in
4 accordance with N.J.S.A. 40A:4-20: One, an emergency
5 temporary appropriation be and the same is hereby made
6 for the total amount of \$26,342. That said emergency
7 temporary appropriations will be provided for in the
8 2019 budget as follows:

9 The Nutley Board of Education-Physician
10 Services, \$3,675; Health Services-Montclair Health
11 Officer, \$22,667; for a total of \$26,342. So move.

12 MAYOR SCARPELLI: Second.

13 THE CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 COMMISSIONER EVANS: Thank you, Mayor.

22 MAYOR SCARPELLI: Thank you, Commissioner.

23 Whereas, raffle applications have been
24 received from the Nutley Rotary -- from the Rotary Club
25 of Nutley, License Number 26-19, off-premise 50/50 cash

1 raffle, to be held Wednesday, September 4th, 2019.

2 Whereas, the applications have been reviewed
3 and approved by the Municipal Clerk and the Police
4 Department.

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

10 COMMISSIONER EVANS: Second.

11 THE CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: 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 Whereas, public works professionals focus on
20 infrastructure, facilities, and services that are of
21 vital importance to sustainable and resilient
22 communities and to the public health, high quality of
23 life, and well-being of the people of the Township of
24 Nutley.

25 Now, therefore, be it resolved by the Board

1 of Commissioners of the Township of Nutley, County of
2 Essex, State of New Jersey, do hereby proclaim the week
3 of May 19th through the 25th as National Public Works
4 Week. I move the resolution.

5 COMMISSIONER EVANS: Second.

6 THE CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: 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, bids for the Ernest Street
15 improvements were received and opened on Wednesday,
16 April 24th, 2019.

17 Whereas, Cifelli and Son General Contracting,
18 81 Franklin Avenue, Nutley New Jersey, was the lowest
19 responsible bidder.

20 Whereas, the base bid for Ernest Street
21 improvements are in the amount of \$177,464.50, for a
22 total bid of \$177,464.50.

23 Whereas, the award of this contract is
24 subject to the availability and appropriation of
25 specific funds from the Essex County Community

1 Development Block Grant, Account Number T-19-909-901,
2 in the amount of \$156,800; Budget Account number
3 G-04-133-401 in the amount of \$55; budget Account
4 G-04-135-401 in the amount of \$3,612.20; and Budget
5 Account Number G-04-130-401 in the amount of
6 \$16,997.30; and subject to the caveat, having been
7 served by the Chief Financial Officer, said
8 certification being attached to this resolution.

9 Now, therefore, be it resolved by the Board
10 of Commissioners, Township of Nutley, County of Essex,
11 State of New Jersey, that a contract be awarded to
12 Cifelli and Sons General Contracting for the total bid
13 in the amount not to exceed \$177,464.50, and that the
14 Mayor and Township Clerk are hereby authorized to enter
15 into and sign said contract for the Township of Nutley,
16 subject to the final approval and funding by the Essex
17 County Community Development Block Grant. I move the
18 resolution.

19 COMMISSIONER EVANS: Second.

20 THE CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 Resolution 145-19, approval to submit a grant
4 application and execute a grant contract with the
5 New Jersey Department of Transportation for the
6 Township of Nutley Grant Avenue improvement project,
7 Section 2, Myrtle Avenue to River Road. I move the
8 resolution.

9 COMMISSIONER EVANS: Second.

10 THE CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: 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. That concludes most
18 of the business portion of this meeting. We're going
19 to open up the meeting to the public.

20 Madam Clerk?

21 THE CLERK: Yes, Mayor. All persons
22 addressing the Board of Commissioners regarding
23 community concerns should approach the microphone and
24 provide their name and address for the record. Unless
25 further time is granted by the Board, each person

1 should limit their address to five minutes. All
2 remarks to the Board and its individual members must be
3 addressed to the mayor.

4 The mayor may defer citizens' comments to the
5 appropriate member of the Board. Dialogue between
6 citizens and those addressing the Board shall be
7 allowed, unless the mayor, the presiding officer, or
8 the majority of the membership of the Board shall
9 determine that the interests of the quorum, and/or the
10 expeditious conduct of municipal business are being
11 adversely affected by such dialogue.

12 MAYOR SCARPELLI: Anyone wish to address the
13 Board of Commissioners this evening?

14 MR. WEINGARTNER: Yes, good evening.
15 William Weingartner, 20 Daily Street. I'm a resident
16 of Nutley since 1985. My question to you, Mayor, is,
17 is there a street sweeping policy in the Township of
18 Nutley? If so, what is it? If not, I would like to
19 make a motion so that there is a street sweeping
20 policy. I understand there's only one street sweeper
21 in the town of Nutley --

22 MAYOR SCARPELLI: That's correct.

23 MR. WEINGARTNER: -- and it goes from one end
24 to the other.

25 MAYOR SCARPELLI: That's correct.

1 MR. WEINGARTNER: And it takes a long time to
2 do a town like Nutley.

3 MAYOR SCARPELLI: It takes about a month.

4 MR. WEINGARTNER: Towns like Belleville have
5 four street sweepers. Three of them are out from March
6 through December, doing the streets on a weekly basis.
7 This time of year, when the leaves and all that stuff
8 falls from the trees, the landscapers don't really
9 clean up a hundred percent, street sweepers should be
10 there, doing that, that job, and I'm asking for a
11 street sweeping policy.

12 MAYOR SCARPELLI: We're going to continue
13 sweeping the way we're sweeping, but if you have a
14 complaint, you give us a call, we'll make sure that we
15 get there, to your street.

16 MR. WEINGARTNER: But there is no street
17 sweeping policy?

18 MAYOR SCARPELLI: We go from one end of town
19 to the other. We do the Franklin Avenue, and the
20 parking lots, three days a week.

21 MR. WEINGARTNER: Well, I can't somehow get
22 this board to address some sort of policy so that it's
23 done all year round, and to get some more street
24 sweepers?

25 MAYOR SCARPELLI: Well, more street sweepers

1 cost more money, cost more manpower, and if you've been
2 paying attention to what we've been doing, we're
3 cutting down on our manpower to save taxpayer money.
4 And the streets are swept. They're relatively clean.
5 If we have any problem areas, we address it. And if
6 you have a problem on Daily Street, you call our
7 office, and we'll make sure that they're there.

8 MR. WEINGARTNER: My other concern is how
9 often do you redo the streets as far as paving? How do
10 I get on that list? Is there a list? And what is the
11 budget this year for paving streets in Nutley? Main
12 streets particularly, like Bloomfield Avenue, I noticed
13 they're doing a little bit today or yesterday,
14 Passaic Avenue, the main streets that there's a lot of
15 potholes.

16 MAYOR SCARPELLI: The -- we budget \$350,000 a
17 year for paving. That's through our capital projects.
18 We also have a Department of Transportation grant.
19 That's -- you heard today, we're applying that for
20 Grant Avenue. We'll be paving Grant Avenue with that.
21 There's also CDBG money, which we've talked about also
22 on tonight's agenda. We'll be doing Ernest Street.

23 That's only certain areas where we can use
24 that money. The projects as they're going on now,
25 that's a public service, where they've dug up the

1 roads, and we're going to get a majority of our roads
2 on the west side of town between Bloomfield Avenue and
3 Harrison Street repaved. So, last year, with public
4 service, on the west side of -- on the east side of
5 town, we've got from Nutley Avenue to the Clifton line,
6 and from Passaic Avenue down, most of those streets
7 repaved.

8 So public service is going to continue that
9 project next year on the east side of town from Grant
10 Avenue to the Belleville line. So they'll be digging
11 up those roads there. So their project is continuing.
12 Spending a lot of money on doing some roads, not
13 knowing where they're going to be next, after next
14 year, and they don't know yet.

15 We've been a little judicious in what we're
16 going to do. We're trying to get those sections of
17 town done, a street here or there that Public Service
18 hasn't dug up, but is in that section, we're trying to
19 get those done. So, we have a priority system where
20 the roads are rated, and we kind of use those
21 priorities for the most part to rate when we're going
22 to do a road.

23 MR. WEINGARTNER: Thank you for that. I
24 wanted to thank Commissioner Evans. Actually, I
25 stopped down here a week ago to get a pothole fixed. I

1 actually paid my taxes, and I saw Commissioner Evans,
2 and I said, how do I get a pothole fixed? I called
3 three times. I went down there and visited, the lady
4 showed me my name on the list, and I was on the first
5 list, and sure enough, the next day, my pothole was
6 fixed.

7 MAYOR SCARPELLI: That's because he --

8 MR. WEINGARTNER: Just so --

9 MAYOR SCARPELLI: -- that's because he texted
10 me.

11 MR. WEINGARTNER: Well, thank you for that.
12 I just had one other thing --

13 MAYOR SCARPELLI: Sure.

14 MR. WEINGARTNER: -- it has nothing to do
15 with much, but I'm wondering if Commissioner Rogers may
16 know the answer to this? I am leaving next Friday
17 night to go to Normandy, France, because my father was
18 a D-Day survivor. And I was wondering if there's any
19 Nutley residents that actually died on D-Day or shortly
20 thereafter, so I could pay my respects at the cemetery.

21 COMMISSIONER ROGERS: I tell you what, I'll
22 find out for you. If you could leave your phone number
23 with the clerk, I'll -- I'm sure she'll give me the
24 phone number, and I'll get somebody on this tomorrow.
25 When are you leaving?

1 MR. WEINGARTNER: We're going to be in
2 Normandy from June 1st until about the 10th.

3 COMMISSIONER ROGERS: All right. So you're
4 not leaving before the 6th --

5 MR. WEINGARTNER: (Indiscernible).

6 MR. WEINGARTNER: We're leaving next Friday
7 evening.

8 COMMISSIONER ROGERS: Okay. I will actually
9 get somebody on that. And was Mayor Chenoweth, was he
10 a Normandy --

11 MAYOR SCARPELLI: I'm not sure, Commissioner.

12 COMMISSIONER ROGERS: -- survivor? Okay.
13 All right, I'll check for you, sir, okay, and we'll get
14 back to you.

15 MR. WEINGARTNER: Thank you, Commissioner.

16 COMMISSIONER ROGERS: Thank you.

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

19 THE CLERK: Thank you.

20 MAYOR SCARPELLI: Thank you.

21 MR. ALESSIO: Carmine Alessio, 81 East
22 Centre Street. I'm looking at Mr. -- Mayor Scarpelli's
23 resolution, 142-19. It refers to whereas, Public Works
24 professionals focused on infrastructure, facilities,
25 services, and other vital importance, sustainable and

1 resilient communities -- to the public health, high
2 quality of life, and well-being of the people and the
3 Township of Nutley, and then it says, whereas, blah,
4 blah, blah, blah, blah, public buildings and other
5 structures and facilities essential for our citizens.

6 And, whereas, it is public interest for the
7 citizens and all the children of the township to gain a
8 whatever. Now, the reason why I'm pointing this out is
9 I've been here numerous times and, you know, I do have
10 a house, and my family has two other houses on East
11 Centre Street. Would you think that this would apply
12 to the empty lot that has a trailer with no wheels and
13 is frequented -- all but -- frequented all day long as
14 a -- like a utility house for contractors to leave all
15 their stuff, tools and that, all over the lot, and use
16 the lot that's on the tax record as being an empty lot
17 for a facility like that? Does that fall under your
18 department, Mr. Mayor?

19 MAYOR SCARPELLI: No, it does not.

20 MR. ALESSIO: Well, it's my understanding
21 that there's like not one specific department that it
22 falls under. Could you tell me --

23 COMMISSIONER EVANS: Mr. Alessio --

24 MR. ALESSIO: -- what other department it
25 might be? Because I have an insight that it's code

1 enforcement, but then again parts of it could be Public
2 Works. Now, you know, is there a specific pinpoint
3 answer to that?

4 COMMISSIONER EVANS: Yes. It's
5 Code Enforcement.

6 MR. ALESSIO: Okay. Like -- I'll address
7 this to you then, Mr. Evans. What's the logic behind
8 having an empty lot next door to a residential house
9 not conforming in the B-4 business zone, which, you
10 know, every 10 years, the zone seems to be changed.
11 Now, if I had to describe the zone, it went from a B-4
12 business, and it's still B-4 business, but yet there's
13 mixed use, maybe a hundred feet from the B-4 business,
14 which I am living in as you could say a non-conforming
15 one family dwelling.

16 Aren't there certain guidelines? I mean, you
17 have to respect a house that's been there since 1919,
18 and not have an empty lot next door to a house like
19 that that's -- has trailers off wheels, trucks all over
20 the place. It's used by the Parks Department for
21 people who frequent the park and play softball. It's
22 like, loaded with cars all summer long. To me, it's a
23 complete catastrophe, and I think that it shouldn't go
24 on for another 20 years. It's already been like that
25 since 2002.

1 Now, my position is, when I bought grandpa's
2 house, that as long as I don't bother anybody, and I'm
3 paying for commercial land, which is a lot higher than
4 residential land, for like maybe 20 years, and I was
5 allowed to bring my -- because I'm in the industrial
6 zone -- to bring my van or, you know, some commercial
7 vehicles on that property.

8 Now, it's one way or the other. I mean, I
9 don't disrupt my neighbors. I have respect, I keep --
10 try to keep my property clean, but it hinders me to
11 keep my property clean when I got a complete disaster
12 right next door to me. I don't think it's fair, like
13 I'm on the books as a house, in the B-4 business zone
14 over there, and you have an empty lot that's used
15 commercially, there's like, 15 trucks on it at any
16 given time.

17 There's debris all over the place. There's a
18 trailer with no wheels. It's used -- I mean like,
19 wouldn't it be nice to bring tax revenue into the town
20 and put like a garage there if that's what the owner
21 would like? To have a garage? Rather than to have it
22 like that? I mean, I have other words to call it, but
23 I don't think it's an appropriate setting to like, you
24 know, permit these words out of my mouth.

25 Now, I've came here numerous times as a

1 citizen and a property -- what would you like me to do
2 as a citizen to keep my property nice? Because I can't
3 put good money where bad money is. It's not feasible
4 or in the cards for anybody to --

5 MAYOR SCARPELLI: Mr. Alessio --

6 MR. ALESSIO: -- be that dumb.

7 MAYOR SCARPELLI: Mr. Alessio, wrap it up,
8 all right?

9 MR. ALESSIO: Yes? Do you have an answer for
10 that?

11 COMMISSIONER EVANS: So Mr. Alessio, a couple
12 of things. You have complained to me before about the
13 property next door to you, and when you did complain, I
14 had sent inspectors there, violation notices were
15 issues. Summons were issued, and the owner ended up in
16 Belleville Municipal Court, and action was taken.

17 It is a valid piece of use that was granted a
18 variance a number of years ago, so it's legally used,
19 all right, according to the terms of the variance that
20 was granted. It's not allowed to have large trucks
21 there, they're not allowed to have landscaping debris
22 and waste there. If they're doing that again, I will
23 send the inspectors --

24 MR. ALESSIO: How about -- excuse me for
25 interrupting. How about like a stationary trailer that

1 sits there like it's being used as a garage?

2 COMMISSIONER EVANS: And I will have the --

3 MR. ALESSIO: Okay, now I keep coming to
4 these --

5 MAYOR SCARPELLI: Mr. Alessio. Mr. Alessio,
6 you ask the question --

7 MR. ALESSIO: I'm trying to --

8 MAYOR SCARPELLI: -- let the commissioner --

9 MR. ALESSIO: -- yeah, but he's going to be --

10 MAYOR SCARPELLI: -- let the commissioner
11 finish his answer --

12 MR. ALESSIO: -- (indiscernible) the issue --

13 MAYOR SCARPELLI: Let the --

14 MR. ALESSIO: He's going to (indiscernible)
15 around the issue.

16 COMMISSIONER EVANS: Mr. Alessio --

17 MAYOR SCARPELLI: Let --

18 MR. ALESSIO: The issue is, is the trailer --

19 MAYOR SCARPELLI: Mr. Alessio, if you're not
20 going to let him finish, then you're going to have to
21 sit down.

22 MR. ALESSIO: Yeah, but he's not hitting on
23 the -- on the right thing.

24 MAYOR SCARPELLI: You haven't given him an
25 opportunity.

1 MR. ALESSIO: Okay. Here's your opportunity.

2 COMMISSIONER EVANS: Thank you, Mayor.

3 So, Mr. Alessio, as I told you before, we
4 have -- there are terms under the variance that was
5 granted that the owner of the property must stick to.
6 If he's violating that, we will notice him again, we
7 will issue a summons, and we will take him to court
8 again.

9 As it relates to the trailer or the --
10 whatever, the storage facility that's on that site, I
11 don't know whether or not that's an allowed use, but I
12 will have the inspectors inspect the property in the
13 morning. So to the extent that there's anything there
14 that doesn't belong there, we will make sure that it's
15 removed.

16 MR. ALESSIO: Now --

17 COMMISSIONER EVANS: I can't -- I cannot tell
18 a private citizen as to what they should develop on
19 their property. That's up to that person.

20 MR. ALESSIO: No. No, you shouldn't be able
21 -- have to -- have to prove it --

22 COMMISSIONER EVANS: I can't insist on
23 somebody's development --

24 MR. ALESSIO: But if you take it a step back
25 initially --

1 MAYOR SCARPELLI: Mr. Alessio --

2 MR. ALESSIO: -- when the house was knocked
3 down --

4 COMMISSIONER EVANS: Mr. Alessio.

5 MR. ALESSIO: -- there's supposed to be a
6 site plan for revitalization. Not to run trucks over
7 it like --

8 COMMISSIONER EVANS: I'm sorry --

9 MR. ALESSIO: -- it's a hell --

10 COMMISSIONER EVANS: -- I'm sorry,
11 Mr. Alessio. The matter was --

12 MR. ALESSIO: -- like hell. That's against
13 the law.

14 COMMISSIONER EVANS: Mr. Alessio, are you
15 going to continue to interrupt me? Is that your
16 intent?

17 MR. ALESSIO: I'm trying not to, but you're
18 not answering my --

19 COMMISSIONER EVANS: I have answered your
20 question --

21 MR. ALESSIO: -- my question specifically.

22 COMMISSIONER EVANS: Let me answer your
23 question --

24 MR. ALESSIO: Does that mean that's the
25 variance is legal? I don't think it's -- I know it's

1 not legal.

2 COMMISSIONER EVANS: I'm going to ask you
3 this one more time.

4 MR. ALESSIO: Okay, here we go.

5 COMMISSIONER EVANS: Are you going to allow
6 me to answer or not?

7 MR. ALESSIO: Yes, I will. I've been
8 allowing you, I just don't agree with what you're
9 telling me. It's not --

10 COMMISSIONER EVANS: Well, actually --

11 MR. ALESSIO: -- it's -- it's not --

12 COMMISSIONER EVANS: -- not -- not being able
13 to get out my comment right now because you're
14 interrupting me.

15 MR. ALESSIO: Okay. Go ahead.

16 COMMISSIONER EVANS: Okay? The simple fact
17 is, the property was granted a variance for its use.
18 To the extent that the owner is complying with the
19 terms of the variance that was granted by the Zoning
20 Board of Adjustment a number of years ago, it's a legal
21 use of the property. To the extent that he is
22 violating that use, it will be inspected again -- once
23 again, tomorrow morning, and if necessary, summonses
24 will be issued. I made that commitment to you already.
25 You know that. I shook your hand. And I told you --

1 MR. ALESSIO: Yes, but nothing's -- it hasn't
2 been accomplished.

3 COMMISSIONER EVANS: I -- now --

4 MR. ALESSIO: Now --

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

6 COMMISSIONER EVANS: -- I beg to differ with
7 you on that. It has been -- if you --

8 MR. ALESSIO: Can I just wrap this up?

9 COMMISSIONER EVANS: -- if he did not comply
10 -- abide by it, we will enforce it again. See, your
11 point is, it's a matter before -- it was a matter
12 before the Board of Adjustment. If he chooses not to
13 put a house on that, or a garage, that is the private
14 owner's right to do that. I can -- no one, this board,
15 cannot insist on telling somebody what you must develop
16 on your property.

17 MAYOR SCARPELLI: Thank you, Mr. Alessio.
18 Anybody wish to address the Board of Commissioners this
19 evening?

20 MR. ALESSIO: Can I close on this?

21 MAYOR SCARPELLI: No. You're done.

22 MR. ALESSIO: It's not fair. You're not --

23 MAYOR SCARPELLI: It is fair. I gave you a
24 lot more leeway than five minutes.

25 MR. ALESSIO: But does -- does a variance,

1 does that mean that that's a legal variance that was
2 issued from day one? I don't think so.

3 COMMISSIONER EVANS: Well, that would be a
4 matter before the Board of Adjustment.

5 MR. ALESSIO: Everything they do is, like,
6 not -- on a level of illegal --

7 MAYOR SCARPELLI: Mr. Alessio, please.

8 MR. ALESSIO: But you know, I understand.
9 You're picking up the pieces where that property's not
10 -- neither residential or commercial. So what is it
11 when it's got like 15 trucks on it, debris all over, a
12 trailer with no wheels on it, what is it called, so I
13 can --

14 MAYOR SCARPELLI: Thank you, Mr. Alessio.

15 Anybody else wish to address the Board of
16 Commissioners this evening?

17 COMMISSIONER EVANS: And I assure you, it
18 will be inspected first thing in the morning tomorrow.

19 MAYOR SCARPELLI: Anybody else wish to
20 address the Board of Commissioners? Seeing none, can I
21 have a motion to close public comment?

22 COMMISSIONER PETRACCO: Moved.

23 COMMISSIONER ROGERS: Second.

24 THE CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: 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. We need a motion to
7 go into executive session --

8 COMMISSIONER ROGERS: Before we do that,
9 Mayor --

10 MAYOR SCARPELLI: Yeah, sure.

11 COMMISSIONER ROGERS: -- I have two things.

12 One is, 30 young people from Nutley were killed at
13 Normandy Beach. Two survived. They subsequently came
14 back to Nutley, and they -- I think one died recently,
15 so 30 of our young men died at Normandy Beach. That's
16 number one.

17 Number two, Mayor, I had the opportunity to
18 learn that your dad was given a great tribute over at
19 the Senior Citizen Housing Area here, and I want to
20 congratulate you on that, I mean, that is an honor to
21 have his picture up there. It's good for -- I know
22 your family's proud of him, but the town's proud of
23 him. It's really nice, and I just want to congratulate
24 you.

25 MAYOR SCARPELLI: Thank you, Commissioner.

1 It was nice to go there to unveil the picture that the
2 board of trustees -- it was a long time coming. He
3 knew about the plaque.

4 COMMISSIONER ROGERS: Wow.

5 MAYOR SCARPELLI: Before he passed away. It
6 was just some production, I guess, with it, the -- in
7 getting it finally put up, but --

8 COMMISSIONER PETRACCO: Who could we blame
9 for that, Mr. Mayor?

10 MAYOR SCARPELLI: I don't know some --

11 COMMISSIONER PETRACCO: Tommy Spizota
12 (phonetic) maybe? Tommy Spizota?

13 COMMISSIONER ROGERS: Sam, it had to be a
14 good feeling for you.

15 MAYOR SCARPELLI: It was a little emotional,
16 to tell you the truth, Commissioner.

17 COMMISSIONER PETRACCO: I'd like to
18 congratulate you too, Joe. That's -- you know, your
19 father and your whole family have done a lot for the
20 township, and to have something that's going to be
21 there forever, that's a family legacy, and that's nice.
22 Congratulations.

23 MAYOR SCARPELLI: I appreciate that,
24 Commissioners.

25 COMMISSIONER EVANS: Commissioner Tucci and I

1 offer the same congratulations.

2 MAYOR SCARPELLI: Thank you. Thank you. So
3 before we -- so we will go into executive session, and
4 then we'll come back out. We may take action,
5 Mr. Genitempo?

6 MR. GENITEMPO: Yes, Mr. Mayor. We have to
7 announce we're going in for a contract negotiation and
8 litigation, and then we may come back out and take
9 official action.

10 MAYOR SCARPELLI: Can I have a motion?

11 COMMISSIONER PETRACCO: Move it.

12 COMMISSIONER ROGERS: Second.

13 THE CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: 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: Whereas, Section 8 of the Open
22 Public Meeting Act, Chapter 231, Public Law 1975,
23 permits the exclusion of the public from meeting in
24 certain circumstances.

25 And, whereas, the public is of the opinion

1 that such circumstances exist.

2 And, whereas, the Board of Commissioners of
3 the Township of Nutley in the County of Essex, State of
4 New Jersey, decides to proceed to a closed executive
5 session.

6 And now, therefore, be it resolved by the
7 Board of Commissioners of the Township of Nutley to
8 move into closed executive session to discuss contract
9 negotiations and litigation.

10 Be it further resolved that at a time when
11 such discussion may be disclosed to the public shall be
12 when that such disclosure may be made without adversely
13 affecting the Township of Nutley, pending and/or
14 anticipated legal, personnel, contractual matters and
15 other matters within the exceptions that are provided
16 for by statute, and the time is now 7:50.

17 MAYOR SCARPELLI: Vote. Roll? No?

18 THE CLERK: We're good. No, we're good.

19 MAYOR SCARPELLI: We're good? We're good?

20 THE CLERK: Yes, Mayor.

21 MAYOR SCARPELLI: All right. Everybody,
22 we'll see you at the hundredth Memorial Day Parade on
23 Monday. Madam Clerk, we're back on the record?

24 THE CLERK: Yes, Mayor, the time is now
25 9:10 p.m.

1 MAYOR SCARPELLI: Do I have a motion to
2 introduce Ordinance Number 34-20? Seeing none, could I
3 have a motion to adjourn?

4 COMMISSIONER ROGERS: Motion to adjourn?

5 COMMISSIONER EVANS: Second.

6 THE CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 THE CLERK: And the time is now 9:11 p.m.

15 MAYOR SCARPELLI: Happy Memorial Day,
16 everybody.

17 (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: June 6, 2019
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