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

Transcript of Proceedings
June 18, 2019
Conference Session

Min-U-Script®
TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

*** CONFERENCE SESSION ***

DATE: June 18, 2019

BOARD OF COMMISSIONERS:

JOSEPH P. SCARPELLI, MAYOR

STEVEN L. ROGERS, COMMISSIONER

MAURO G. TUCCI, COMMISSIONER

THOMAS J. EVANS, COMMISSIONER

ALPHONSE PETRACCO, COMMISSIONER

Also Present:

ANGELO CIFELLI, JR.
(Recording begins)

THE CLERK: Board of Commissioners Public Meeting, Tuesday, June 8th [sic], 2019. The time is now 7:09. Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the November 29, 2018 issues of the Nutley Sun, the Herald-News, and the Star Ledger. A copy of this notice has been posted on the Nutley Town Hall bulletin board, and a copy is on file in the Municipal Clerk's Office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Petracco?

Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

THE CLERK: All present, Mayor.
MAYOR SCARPELLI: Give the commissioner a couple seconds to --

COMMISSIONER PETRACCO: I don't have anything on the agenda. I don't (indiscernible) report.

COMMISSIONER ROGERS: I don't.

(Indiscernible).

MAYOR SCARPELLI: Okay. You have nothing on the agenda, Commissioner?

COMMISSIONER PETRACCO: I don't believe I do.

COMMISSIONER TUCCI: Such a show-off.

MAYOR SCARPELLI: (Indiscernible) seats again. I do have a couple (indiscernible).

All right. Commissioner Evans.

COMMISSIONER EVANS: Thank you, yes. I have Code Enforcement monthly report for May. I have an introduction of a salary ordinance for two positions in the Code Office. One position relates to the fact that we are actually able to bring on an elevator inspector and give him what we were paying, but we'll save about, I'm going to say $10,000.

COMMISSIONER ROGERS: Do you expect him to have a lot of ups and downs?

COMMISSIONER EVANS: Just as long as he doesn't go sideways.

MAYOR SCARPELLI: (Indiscernible) sideways in
saying that.

COMMISSIONER EVANS: And the other --

COMMISSIONER PETRACCO: That was a good one, Commissioner. I must say.

COMMISSIONER EVANS: And the other is my plumbing inspector has retired since I have to recognizing replacement for the plumbing inspectors for the department.

COMMISSIONER PETRACCO: And you had a great one. He is going to be hard to replace, right?

COMMISSIONER EVANS: So -- and I also have resolutions, as well. One resolution is -- relates to the third quarter estimated tax rate, which is $3.605, the rate. That reflects a 2-percent budgetary increase at the municipal level, a actually reduction at the county level, and an increase of -- with the school of 3.3 percent -- 3.2 percent. And it's -- the school increase is actually 4 percent, but it -- because it splits two years, it comes down a little bit, but that's the combination of that.

I have a refund of overpayment of tax charges and a full exemption for a veteran who's 100-percent disabled and three resolutions that relate to the emergency temporary budget. This is the last time we can do an emergency budget by statute. This is our
third one, and what's important about that is we can't finalize our budget until we know our conditional aid. So I would be -- right now, I would basically acknowledge that we'll be doing (indiscernible). Be careful about what you're spending because once you run out of these accounts, the money in your accounts right now, I won't be able to do another temporary budget. We have to kind of tighten our belts.

I also have a list of the capital recommendation for this year.

COMMISSIONER TUCCI: We need to scrutinize those.

COMMISSIONER ROGERS: And -- yes, we do.

COMMISSIONER EVANS: Thank you, Commissioner. I'm glad you're on board with me.

COMMISSIONER TUCCI: Just paying attention.

COMMISSIONER EVANS: All right. So we -- just I need you -- while -- even though the budget isn't final, we can introduce capital, but the amount of capital that's here. It was (indiscernible) a little bit. This seems to be much higher (indiscernible). I need you all to take a look at what you have in capital. And we'll look at it. If there's a need for it, a real need, let's talk about it and we'll see how we'll manage (indiscernible).
All right. That's all I have, Commissioner -
- Mayor.

MAYOR SCARPELLI: Commissioner Rogers.

COMMISSIONER ROGERS: I have nothing, Mayor.

MAYOR SCARPELLI: Commissioner Tucci.

COMMISSIONER TUCCI: Show-off.

All right. I have four resolutions, one

honoring two of our coaches, Michele Giannone and

Carmen Spina, for saving a youngster's life by

administering the Heimlich Maneuver.

MAYOR SCARPELLI: Michele Scarpelli Giannone.

COMMISSIONER TUCCI: Oh, I'm sorry. You're

making me look bad here. No, that's all right. You
don't have to -- point out that she is a Scarpelli.

COMMISSIONER PETRACCO: She did what?

MAYOR SCARPELLI: Saved somebody from

choking.

COMMISSIONER TUCCI: Saved someone -- a

little guy was choking and they -- yeah.

COMMISSIONER TUCCI: Yeah. Administered the

Heimlich Maneuver and saved them. Pretty good.

We have -- also have a resolution authorizing

the submission of a Green Communities Grant for $3,000.

We have a five-year award of contract to Hunter

Technology for support, maintenance, and software
updates, and we -- I also have a resolution to advertise to bid for surplus equipment, to liquidate surplus equipment.

And that's all.

MAYOR SCARPELLI: Thank you, Commissioner.

There's two proclamations on the agenda, one for the Third Half Club, and I believe they're here, and one for Pride Month.

I have some resolutions. One's for Pennoni. This had to do with the Norfolk Southern closing of the railroad, their work on that, which would be reimbursed. Renewal of a liquor license -- liquor licenses. Approval for raffle applications. We had -- originally, last year, we went out to bid or I guess we did it to a cooperative to pave Highfield Lane. They never got that done, so we're rescinding that resolution from last year and then we're going out to award it through the Morris County Cooperative this year. And authorize the Town Clerk to advertise for sealed bids for 2019 Roadway Improvement Project.

That's all I have.

Madam Clerk?

THE CLERK: Yes, Mayor. We have minutes for approval from May, and we have one raffle application for -- from the Friends of Nutley Singers to have a
raffle drawing and another one from the Nutley Survivors to have an annual walk on Friday, October 4th, 2019.

MAYOR SCARPELLI: Okay.

COMMISSIONER PETRACCO: If we can just have a brief executive if we need it.

MAYOR SCARPELLI: And we need one too.

COMMISSIONER PETRACCO: I just need it for contract negotiations.

MAYOR SCARPELLI: Before or after?

COMMISSIONER PETRACCO: Before if we could --

COMMISSIONER ROGERS: Well, it'll be before because I may have to leave early once we're done with --

UNIDENTIFIED: (Indiscernible).

COMMISSIONER ROGERS: -- some of the highlights.

MAYOR SCARPELLI: Mr. Cifelli, you have the need for --

MR. CIFELLI: Litigation (indiscernible).

MAYOR SCARPELLI: All right. So can we have a motion to go into executive.

COMMISSIONER TUCCI: So move.

COMMISSIONER PETRACCO: Second.
The Clerk: Whereas, Section 8 of the Open Public Meeting Act, Chapter 231, Public Law 1975, permits the exclusion of the public for a meeting in certain circumstances; and

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

Whereas the Board of Commissioners of the Township of Nutley in the County of Essex in the State of New Jersey desires to proceed to closed executive session; and

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

Be it further resolved that the time when such discussions may be disclosed to the public shall be when such disclosure may be made without adversely affecting the Township of Nutley, pending and/or anticipating legal, personnel, potential matters and other matters within the exception provided for by statute.

Commissioner Rogers?

Commissioner Rogers: Aye.

The Clerk: Commissioner Tucci?

Commissioner Tucci: Aye.
THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

THE CLERK: The time is 7:18.

(End of recording)

* * * * *
CERTIFICATION

I, Alicia Jarrett, 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.

____________________________________
ALICIA JARRETT, AAERT NO. 428     DATE: July 12, 2019
ACCESS TRANSCRIPTS, LLC
TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

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STEVEN ROGERS, COMMISSIONER  A/E

Also Present:

ANGELO CIFELLI, JR.
Public Session

(Recording begins)

(Pledge of Allegiance)

UNIDENTIFIED: (Indiscernible).

MAYOR SCARPELLI: Madam Clerk?

THE CLERK: Thank you, Mayor. Board of Commissioners public meeting, Tuesday, June 18th, 2019.

The time is now 7:38.

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

Commissioner Rogers is absent, excused.

Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco is absent and excused.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.
THE CLERK: All present, Mayor, except for
Commissioner Rogers and Commissioner Petracco.

MAYOR SCARPELLI: If we could -- Commissioner
Rogers had to leave to go to a matter in New York, and
if we could just have a moment of silence.
Commissioner Petracco's mother is in the hospital, so
if we could just have a moment of silence.

Thank you.

Minutes, Madam Clerk?

THE CLERK: Thank you, Mayor. We have Board
of Commissioner meeting minutes for May 21st, 2019. I
need a motion.

COMMISSIONER EVANS: Move it.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

THE CLERK: And that's it for minutes.

MAYOR SCARPELLI: Communications.

THE CLERK: Thank you, Mayor. The Friends of
Nutley Singers has submitted a letter requesting
permission to hold a raffle drawing on Sunday,
March 8th, 2020, at 3 p.m. at the Nutley High School, 300 Franklin Avenue. We need a motion.

COMMISSIONER EVANS: Move it.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

THE CLERK: Nutley Thriving Survivors has submitted an event application for their Annual Walk to be held on Friday, October 4th, 2019, from 6 p.m. to 9 p.m., beginning and ending at the John H. Walker Middle School. Motion, please.

COMMISSIONER TUCCI: Move it.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

THE CLERK: And that's it for communications, Mayor.
MAYOR SCARPELLI: All right. We have a couple proclamations, and Commissioner, we're going to move your resolution to the front, too.

COMMISSIONER TUCCI: Yes, Mayor. Thank you.

MAYOR SCARPELLI: So the first proclamation is for the Nutley Third Half Club. I was pleased to be at their dinner last week and presented this to them, but they're -- I think some members are here tonight. There they are in the back, so we're going to read this and bring them up, take a picture.

Whereas, the Nutley High School Football Team of 1939 was invited to go to Florida and play for the National High School Football Championship; and

Whereas, a group of Nutley citizens formed a booster club they named The Third Half Club of Nutley, to raise the funds needed to send these student athletes to Florida where they defeated Suwanee High School by a score of 14-0; and

Whereas, the Third Half Club of Nutley has adopted the motto, "Dedicated to the Youth of Nutley"; and

Whereas, since 1939 the objectives and purposes of the Third Half Club of Nutley have been to bring together socially and fraternally, the men and women who are graduates of Nutley High School, parents
of students attending Nutley Schools and all
sports-minded citizens; to provide an incentive for
participation in athletic events; help, aid and assist
worthy students; To pay tribute to the boys and girls
for their participation in the field of athletics and
associated activities; To foster cooperation among
citizens, officials and organizations of the Township
of Nutley for these purposes; and

Whereas, in 2019, the Third Half Club of
Nutley is celebrating 80 years of service to the youth
of the community;

Now therefore be it proclaimed, by the Board
of Commissioners of the Township of Nutley, County of
Essex New Jersey, that Wednesday, June 5th, 2019 be
declared Third Half Club of Nutley Day, and on behalf
of the generations of Nutley children who have
benefitted from their good works, we thank and salute
them for 80 years of continuous service to the
Township.

Gentlemen, congratulations.

Before we take a picture, Mr. Battaglia,
would you like to say something?

MR. BATTAGLIA: (Indiscernible) microphone,
right? I'd just like to think the Commission again for
recognizing the organization. There's not a club
(indiscernible) as the Third Half Club on the East Coast. We're going to find out if it's the whole country (indiscernible) Township of Nutley. (Indiscernible), and I have two important people behind me, Stephen and Jackie Searle (indiscernible). I'm trying to pull myself out of this role, but again, thank you very much, and we really appreciate your support (indiscernible) us every year.

MAYOR SCARPELLI: Well, Sam, you guys do a great job of supporting the kids of Nutley, and we thank you for your service to the community, all the members of there. You know, whether it's the (indiscernible) or, you know, the raising money, we really appreciate all the hard work you guys do.

Commissioner.

COMMISSIONER TUCCI: Yes, I'd like to echo the mayor's remarks. I know you folks have been around a long time. You do a lot of good in a lot of different areas, and I don't think Nutley would be the town that it is without an organization such as yours. So thank you again for everything that you do.

COMMISSIONER EVANS: I can't imagine Nutley without you. I really can't. You guys do such wonderful work. You care about all children. You -- it's about opportunity, it's about fairness, and it's
about, you know, making sure that our young people understand the meaning of athletics, the value in leadership, sportsmanship, and conduct that is so valuable today. Thank you.

(Pause)

MAYOR SCARPELLI: Our next proclamation is for Pride Month.

WHEREAS, the Nutley Board of Commissioners recognizes that the pursuit of equality, respect and inclusion for all individuals is an attainable goal; and

Whereas, all human beings are born free and equal in dignity and rights and that no one should live in fear or face persecution and violence arising from sexual orientation or gender identity; and

Whereas, the Township of Nutley encourages diversity and inclusion within our community; and

Whereas, the Township of Nutley is committed to supporting visibility, dignity, and equality for LGBTQ+ people in our community; and

Whereas, while society at large increasingly supports LGBTQ+ equality, it is essential to acknowledge that the need for education and awareness remains vital to end discrimination, biases, and prejudice; and
Whereas, this nation was founded on the principle that every individual has infinite value and worth and that human rights are protected under our US Constitution; and

Whereas, the Board of Commissioners calls upon the people of this municipality to embrace this principle and work together to foster a warm and hospitable place for all to live; and

Whereas, celebrating Pride Month influences awareness and is an opportunity to engage in dialogue to strengthen alliances and build understanding and acceptance.

Now, therefore be it resolved that the Nutley Board of Commissioners hereby proclaims the month of June 2019 as Lesbian, Gay, Bisexual, Transgender, Queer/Questioning, and Plus (LGBTQ+) "Pride Month" through the Township of Nutley.

Rhonda Frobose, are you here? You want to say a couple words since you brought this to us?

MS. FROBOSE: Mayor Scarpelli, I just -- I really just have a couple words, and it's thank you. Thank you for listening.

Commissioner Tucci, Commissioner Evans, thank you for listening. You listened and you heard, and you heard the people of Nutley. We're here, and we're
proud. We're proud allies. And some of us are
lesbian, gay, bisexual, transgender. Thank you so
much. This means a lot.

MAYOR SCARPELLI: Thank you, Rhonda. Let's
take a picture.

(Pause)

MAYOR SCARPELLI: So we're going to move the
agenda around a little bit and do one of the
resolutions.

Commissioner Tucci.

COMMISSIONER TUCCI: Yes. Thank you, Mayor.

Well, I guess that old saying that good things come in
threes is coming true tonight because this is
absolutely a wonderful resolution that I'm going to
present, and it singles out two folks who, in typical
Nutley style, went above and beyond, all right, and in
this case actually saved a life.

Whereas, a community hero is a role model who
strives mightily and selflessly to give and do for
others and preserves -- and perseveres, rather, when
faced with difficult circumstances; and

Whereas, not all heroes wear a badge or are
trained to handle emergency situations, which is one of
the traits that make this action so honorable; and

Whereas, on the evening of April 24th, 2019,
Coach Carmen Spina and Coach Michele Scarpelli
Giannone's quick actions to perform the Heimlich Maneuver in response to a child choking at a recreational softball game, ultimately saved a life; and

Whereas, youth sports are tremendously beneficial to the children of our community and quality trained coaches and volunteers play an extremely valuable role assisting with safety during these programs; and

Whereas, the Rutger Safety Clinic is mandatory for all Nutley coaches and is a vital tool to ensure that volunteers gain the knowledge they need to protect our children; and

Whereas, coaching is much more than a time commitment, it is a commitment to guide and protect our children, the Department of Parks and Recreation recognizes the dedication and pride our coaches demonstrate on a daily basis;

Now, therefore be it resolved that the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey, join with the citizens of Nutley to honor and salute Coach Michele Scarpelli Giannone and Coach Carmen Spina for their selfless act of heroism as they are honored here
tonight. I very proudly move this resolution.

COMMISSIONER EVANS: Second.

COMMISSIONER TUCCI: This is a resolution.

COMMISSIONER EVANS: It's a -- I did second it.

THE CLERK: Need a motion?

MAYOR SCARPELLI: Get a vote on this Madam Clerk. Madam Clerk, you have to --

THE CLERK: Is there a second?

COMMISSIONER EVANS: Yes, I did.

COMMISSIONER TUCCI: Yes.

THE CLERK: Thank you.

Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

Congratulations.

COMMISSIONER TUCCI: Congratulations and thank you.

MAYOR SCARPELLI: Picture. Let's take a picture, and then if they'd like to say a few words.

Would you like to say a few words?

UNIDENTIFIED: (Indiscernible).
Public Session

1 MAJOR SCARPELLI: Thank you again.
2 Okay. I don't know if everybody wants to
3 stick around for the whole meeting. You're certainly
4 welcome to, but we're going to take, like, a two-minute
5 break if you want to step out.
6 All right. Madam Clerk, what are we up to, reports?
7 THE CLERK: Yes, Mayor. We're up to reports.
8 MAYOR SCARPELLI: Reports.
9 Commissioner Evans.
10 COMMISSIONER EVANS: Yes. I have a Code
11 Enforcement Department report for the month of May.
12 MAYOR SCARPELLI: And Commissioner Petracco
13 has a Public Safety report for the month of May.
14 Bills, Madam Clerk.
15 THE CLERK: Thank you, Mayor.
16 Bill list for June 18, 2019: Public Affairs,
17 $113,690.97; Revenue and Finance, $2,463,167.84; Public
18 Safety, $5,001.97; Public Works, $24,778.09; Parks and
19 Public Property, $157,785.62; Water Utility,
20 $325,877.45; Total Payroll, $831,004.26; for a grand
21 total of $3,921,306.20.
22 COMMISSIONER EVANS: Move the bills.
23 COMMISSIONER TUCCI: Second.
24 THE CLERK: Commissioner Tucci.
COMMISSIONER TUCCI:  Aye.

THE CLERK:  Commissioner Evans.

COMMISSIONER EVANS:  Aye.

THE CLERK:  Mayor Scarpelli.

MAYOR SCARPELLI:  Aye.

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

MAYOR SCARPELLI:  Public comment on agenda items only, Madam Clerk.

THE CLERK:  Thank you, Mayor.

All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the Board, each person shall limit their address to three minutes. All remarks to the Board and its individual members must be addressed to the Mayor. The Mayor may defer citizens' comments to the appropriate member of the Board. Dialogue between citizens and others addressing the Board shall be allowed, unless the Mayor or presiding officer, or the majority of the membership of the Board shall determine that the interests of the quorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

MR. MOORE:  Rory Moore, 462 Chestnut Street.
Mr. Scarpelli, several weeks ago, I questioned an item on the bill list for Chief Strumolo, and Mr. Petracco had suggested I call, which I did, and the chief returned my call. It was for -- he's going away for a week on New Jersey Chiefs Association. He explained to me that the money, which is $1,667, was given to Nutley by the prosecutor. They use that money, as they call "found money" or "seized money" from drug raids. That money is used to help the chiefs and the police use this service.

What I was concerned about, I thought that was good. And he was telling me there was a number of other issues that they pay for, as well. One thing I did note is -- log into your journal entry to say that that money, even though we paid it as a bill, as a Township, it was donated or given to us by the prosecutor. I thought that should be -- should have been reflected in the bill, at least, because the chief said that wasn't the only time that the money came through.

COMMISSIONER EVANS: Thank you.

MR. MOORE: Could we see that reflection that it's being paid for by the prosecutor, you know, through Town drug money? That's how they paid for it.

COMMISSIONER EVANS: In governmental
accounting, revenues and appropriations run parallel. In government accounting, revenues and appropriations run parallel. They don't cross. This is a bill list of monies that are expended. I appreciate your comment. I'll look at it as whether or not we would identify what the source of -- where the money came from, but it's not something that we would normally do or need to do.

MR. MOORE: My only concern was that at least have some kind of a -- even an asterisk to say that it was donated by the prosecutor so that people didn't have to constantly question the bill list. It would be a little better explanation.

COMMISSIONER EVANS: Thank you.

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

Seeing none, let's move on to Board of Commissioner announcements. Commissioners.

COMMISSIONER TUCCI: Just one brief one, Mayor.

Last Friday, which was the rain date for our spring festival was an outrageously successful evening. The weather was gorgeous. We had thousands of people on Franklin Avenue, eating, drinking, singing, and
enjoying the entertainment, and I'd just like to take this opportunity to once again thank everyone that attended and that made it the success that it was, and I'd like to thank all of the commissioners for all their contributions in making this the great event that we all look forward to. So thank you, everyone.

MAYOR SCARPELLI: It was a great night, Commissioner. Great night.

COMMISSIONER EVANS: Congratulations. It was well done.

MAYOR SCARPELLI: Great weather.

COMMISSIONER TUCCI: Oh, beautiful weather.

MAYOR SCARPELLI: Commissioner.

COMMISSIONER EVANS: Yes. (Indiscernible).

Just an announcement related to the Division of Motor Vehicle. We'll have a mobile unit here in Nutley on June 20th. It'll be located down at 44 Park Avenue. Commissioner Tucci graciously agreed to have the truck on municipal property in that area so they have access to a bathroom and services.

This is a pilot program. So if you have a license renewal, plates, license plates to be returned, veteran's designation, organ donor designation, you can actually go on June 20th.

Eleni, I don't remember the time. Do you?
THE CLERK: It's between 10 and 2.

COMMISSIONER EVANS: Between 10 and 2. The services that you would normally have to go to DMV for, they'll be here in Nutley.

THE CLERK: Full DMV. It's a full -- everything.

COMMISSIONER EVANS: Yeah, yeah.

MAYOR SCARPELLI: Thank you, Commissioner.

We had our opening farmer's market on Sunday. It was very successful. It'll be every Sunday from 9 to 2 in the Parking Lot Number 9, which is next to Ciccolini's. We invite everybody to come down and support our local vendors and our farmers.

Ordinance introductions. Commissioner Evans?

COMMISSIONER EVANS: Thank you.

Ordinance Number 3421, this ordinance fixes the salary of certain officers and employees of the Township, effective January 1, 2019. It specifically relates to a change in -- from a past practice. We were hiring an outside consulting agency to do elevator inspections, and we've identified an individual who is certified to do those inspections, and we're bringing that person onto our payroll part time. And in doing so, overall, we'll save about $10,000 this year and the cost of completing elevator inspections, also. We have
recent retirement of our plumbing inspector, and this ordinance reflects the replacement costs of the plumbing sub-code inspector.

So I move that this ordinance be passed to a second reading and advertised in the Nutley Sun, together with the notice required by law and then further consideration of said ordinance, for final passage by the Board of Commissioners to be held at its second reading on July 16th, 2019. So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

Thank you, Commissioner.

Commissioner, Tucci, you on for resolutions?

COMMISSIONER TUCCI: Yes. Thank you, Mayor.

This is a grant agreement between the Township of Nutley and the State of New Jersey by and for the Department of Environmental Protection, Grant Identifier Number FS19-151.

Whereas, the governing body of the Township of Nutley desires to further the public interest by
obtaining a grant from the State of New Jersey in the amount of approximately $3,000 to fund the following project. This is a Green Communities grant.

Therefore, the governing body resolves that Commissioner Mauro Tucci, or the successor to the Office of Parks and Public Property -- I wasn't really crazy about that section of this resolution -- A, to make an application for such a grant; B, if awarded, to execute a grant agreement with the State for a grant in an amount not less than $0 and not more than $3,000; and C, to execute any amendments thereto which do not increase the grantee's obligation.

The Board of Commissioners authorizes and hereby agrees to match 50 percent of the total product amount in compliance with the match requirements of the agreement. The availability to match for such purposes, whether care services or property, is hereby certified. Up to 100 percent of the match will be made up of in-kind services.

The grantee agrees to comply with all applicable federal, state, municipal laws, rules, and regulations in its performance pursuant to the agreement. I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI:  Aye.

THE CLERK:  Commissioner Evans.

COMMISSIONER EVANS:  Aye.

THE CLERK:  Mayor Scarpelli.

MAYOR SCARPELLI:  Aye.

COMMISSIONER TUCCI:  Whereas the Township of Nutley has a need to acquire support and maintenance of the Township Avaya IP phone system; and

Whereas, N.J.S.A. 40A:11-5(t) permits the award of contract without bidding for the supply of any services, which is a public utility subject to the jurisdiction of the BPU; and

Whereas, the proposal from hunter Technologies, 1709 Route 34, Wall Township, New Jersey in the amount of $20,186.64 per year will provide mandatory 24/7/365 emergency support, software maintenance, and upgrades and is recommended by the Township's Information Technology Administrator; and

Whereas, the anticipated term of this contract is for a five-year agreement; and

Whereas, funds are available from Account 9-01-510-237 and have been certified by the chief financial office, said certification being attached to this resolution;

Now, therefore be it resolved by the Board of
Commissioners of the Township of Nutley, County of Essex, State of New Jersey, and that the Mayor and Township Clerk be and there hereby authorize to enter into a contract with Hunter Technologies for the Township's Avaya phone system maintenance.

I move the resolution.

COMMISSIONER EVANS: Gladly, aye. Second.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye. Little slow up on the uptake there.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER TUCCI: Be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for surplus equipment that is no longer in use by the Township.

The equipment/vehicles are listed below from the Department of Parks and Public Property: 1) 1995 Club Car Golf Cart, VIN Number A9534455112; 2) a 2002 Blue Bird Model F134/544, mileage 103,886 mile bus; 3) a 2002 Chevy 2500-HD 4x4 truck with mileage of 83,969.

Be it further resolved that the above
equipment is available for inspection on weekdays between 7 a.m. and 2 p.m.

Be it further resolved that the equipment is to be sold as-is and where-is, and bids are to be received on Wednesday, July 10, 2019 at 11 a.m. prevailing time in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, New Jersey, at which time they will be publicly opened and read.

I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

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

THE COURT: Thank you, Commissioner.

Commissioner Evans.

COMMISSIONER EVANS: Thank you, Mayor.

First off, I have three resolutions, 165, 166, and 167, which are tabled for this evening, and we'll introduce those at the next meeting.

My first resolution relates to establishing
the tax rate -- estimated tax rate for 2019. The rate
is $3.605. The -- that rate reflects a 2-percent
increase in the municipal budget, a 3.2-percent
increase in the school budget, and actually a slight
reduction of the county tax to achieve this rate.

The -- since the State, as you know, is still
working on its budget, we haven't been able to adopt
our budget yet. We need approval from the State on the
amount of our transitional state aid. So it is subject
to change pending the outcome of what we're all
watching very closely at the state level. So having
said that:

Whereas, due to the delay in the approval of
the state aid figures in the 2019 budget, the Essex
County Board of Taxation is unable to certify tax rates
for the year 2019; and

Whereas, without 2019 certified tax rate, the
Tax Collector of the Township of Nutley will be unable
to issue the 2019 tax bills in a timely manner;

Now, therefore be it resolved by the Board of
Commissioners of the Township of Nutley as follows:
The Tax Collector of the Township of Nutley is hereby
authorized and directed to prepare and issue estimated
tax bills for the Township of Nutley for the third
installment of 2019 taxes. The Tax Collector shall
proceed and take such action as permitted and required by Chapter 72, Public Laws, 1994 and N.J.S.A. 54:4-66.2 and 54:4-66.3. The total estimated tax levy for the year 2019 is hereby set at $17,574,806, and the total estimated tax rate is hereby set at 3.605.

So move.

COMMISSIONER TUCCI:  Second.

THE CLERK:  Commissioner Tucci?

COMMISSIONER TUCCI:  Aye.

THE CLERK:  Commissioner Evans.

COMMISSIONER EVANS:  Aye.

THE CLERK:  Mayor Scarpelli.

MAYOR SCARPELLI:  Aye.

COMMISSIONER EVANS:  Be it resolved by the Board of Commissioners of the Township of Nutley, the County fo Essex, that the Treasurer be and she is hereby authorized to refund overpayment of tax charges in the amount of $2,422 for Block 5302, Lot 18.

So move.

COMMISSIONER TUCCI:  Second.

THE CLERK:  Commissioner Tucci?

COMMISSIONER TUCCI:  Aye.

THE CLERK:  Commissioner Evans.

COMMISSIONER EVANS:  Aye.

THE CLERK:  Mayor Scarpelli.
MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Whereas New Jersey Statute 54:4-3.3 provides that war veterans who are honorably discharged from active service in a time of war in any branch of the Armed Services of the United States who have been or shall be declared by the United States Veterans Administration to be totally -- 100-percent totally and permanently disabled connected to their wartime service be granted a full tax exemption of their dwelling and the lot in which it is situated;

And whereas, the following taxpayer has filed an application for allowance of a full exemption with proper supporting documentation, thus making the taxpayer eligible;

Now, therefore be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Mr. Bautista be granted a full exemption from the payment of property taxes from June 4th, 2019 and all subsequent years thereafter on the property identified as Block 2900, Lot 11, also known as 137 High Street;

Be it further resolved that the Treasurer be -- is hereby authorized to refund $834 of the 2019 property taxes.
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So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR SCARPELLI: Thank you, Commissioner.

Whereas, the Township of Nutley has a need to retain professional service for traffic impact study at Highfield Lane and Norfolk Rail Crossing, Pennoni Associates to provide a professional service primarily related to the ongoing redevelopments of Hoffman La-Roche on three redevelopments within the Township of Nutley;

Whereas, the Board of Commissioners has determined that Pennoni Associates, located at 24 Commerce Street, Suite 300, is the best suited to provide these services to the Township of Nutley;

Whereas, funds are available from Account Number 901226205 and will be certified by the chief financial officer, said certification being attached to this resolution, will be reimbursed by escrow accounts
set up by each respective developer of the property;

   And whereas, Pennoni Associates will provide
a professional traffic impact study at a cost not to
exceed $24,500;

   Whereas, the anticipated term of this
contract is for 12 months, from February 1st, 2019
through January 31st, 2020;

   Now, therefore be it resolved by the Board of
Commissioners, Township of Nutley, County of Essex,
State of New Jersey that the mayor is hereby authorized
to enter into a contract with Pennoni Associates as a
professional service in an amount not to exceed
$24,500;

   Be it further resolved that a copy of this
resolution, as well as the contract, shall be placed on
file with the Clerk of the Township of Nutley and a
notice in accordance with the Local Public Contracts
Law of New Jersey and the form attached hereto shall be
published in the Nutley Sun.

   Move resolution.

   COMMISSIONER TUCCI: Second.

   THE CLERK: Commissioner Tucci?

   COMMISSIONER TUCCI: Aye.

   THE CLERK: Commissioner Evans.

   COMMISSIONER EVANS: Aye.
THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

Whereas, the New Jersey Department of the Treasury, Division of Taxation, has provided tax clearance certificates for each establishment listed below for this renewal period;

Whereas, these establishments have been inspected by the Board of Health, fire department, Code Enforcement department, and the police department of the Township of Nutley and are in satisfactory condition;

Now, therefore be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that renewal plenary retail consumption licenses, plenary retail consumption licenses, and club licenses be granted to the following licensees effective July 1st, 2019 through June 30th, 2020;

Be it further resolved that the Municipal Clerk here -- and she is hereby directed and authorized to issue said licenses for the licensing period of July 1st, 2019 through June 30th, 2020, and the list of the following establishments as they are listed below.

I move the resolution.

COMMISSIONER TUCCI: Second.
The Clerk: Commissioner Tucci?

Commissioner Tucci: Aye.

The Clerk: Commissioner Evans.

Commissioner Evans: Aye.

The Clerk: Mayor Scarpelli.

Mayor Scarpelli: Aye.

Whereas, raffle applications have been received from the following organizations: Holy Family Catholic Church, License Number 2719, off-premise 50/50 cash raffle to be held Sunday, September 22nd, 2019; Friends of Nutley Singers, License Number 2819, off-premise 50/50 cash raffle to be held Sunday, March 8, 2020;

Whereas, the applications have been reviewed and approved by the Municipal Clerk and the police departments;

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

I move the resolution.

Commissioner Tucci: Second.

The Clerk: Commissioner Tucci?

Commissioner Tucci: Aye.
1. THE CLERK: Commissioner Evans.

2. COMMISSIONER EVANS: Aye.

3. THE CLERK: Mayor Scarpelli.

4. MAYOR SCARPELLI: Aye.

5. Whereas, Resolution Number 248-18 was adopted at the Board of Commissioners meeting held on November 7th, 2018 for the resurfacing of Highfield Lane from Washington Avenue to River Road by Tilcon New York, 625 Mt. Hope Road, Wharton, New Jersey, pursuant to the Morris County Cooperative;

6. And whereas, funds were available from Account Number G-04-104-401/Ordinance Number 3345A in the amount of $24,504 and had been certified by the chief financial officer;

7. Whereas, proposed resurfacing of Highfield Lane from Washington Avenue to River Road did not commence, it was not completed within the time period allowed under the Morris County Cooperative;

8. Now, therefore be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, that Resolution 248-18 be rescinded and the amount of $24,504 be credited to Account G-04-104-401 in Ordinance Number 3345A.

9. I move the resolution.

10. COMMISSIONER TUCCI: Second.
THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

Whereas, Nutley is a member of the Morris County Cooperative Pricing Council; and

Whereas, the Morris County Co-op awarded a bid for road resurfacing (Contract Number - Cat A - Hot Mix Asphalt, Cat B - Bituminous Concrete in Place, Cat C - Milling of Bituminous Concrete in Place and Cat I - Resurfacing Preparations) to Tilcon New Jersey [sic], 625 Mt. Hope Road, Wharton, New Jersey for the period of July -- January 1st, 2019 to December 31, 2019; and

Whereas, Nutley wishes to resurface Highfield Lane (1/2 width between Washington Avenue/River Road), East White Terrace and Conduit Place in Nutley; and

Whereas, contracts that exceeded the bid threshold are required to be awarded by resolution; and

Whereas, funds are available from Account Number G-04-104-401/Ordinance Number 3345A in the amount of $25,195.59, G-04-127-401/Ordinance Number 3114A in the amount of $12,102.85, G-04-110-401/Ordinance Number 3321A in the amount of $37,561.80
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and G-04-143-401/Ordinance Number 3371 in the
amount of $22,690.06 and have been certified by the
chief financial officer, said certification being
attached to this resolution;

Now, therefore, be it resolved by the Board
of Commissioners of the Township of Nutley, County of
Essex, State of New Jersey, that a contract be awarded
to Tilcon New York, not to exceed $97,550.30 and that
the Mayor and Township Clerk be and they are hereby
authorized to enter into and sign said contract for the
Township of Nutley.

I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

Be it resolved by the Board of Commissioners
of the Township of Nutley, County of Essex, State of
New Jersey, that the Township Clerk is hereby
authorized to advertise for sealed bids for the 2019
Roadway Improvement Project, in the Township of Nutley,
to be received by the Board of Commissioners, in the
I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELII: Aye.

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

THE CLERK: Thank you, Mayor.

All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the Board, each person shall limit their address to five minutes. All remarks to the Board and its individual members must be addressed to the Mayor. The Mayor may defer citizens' comments to the appropriate member of the Board. Dialogue between citizens and others addressing the Board shall be allowed, unless
the Mayor or presiding officer, or the majority of the
membership of the Board shall determine that the
interests of the quorum and/or the expeditious conduct
of municipal business are being adversely affected by
such dialogue.

MR. MOORE: Rory Moore, 462 Chestnut Street.

Mr. Scarpelli, do you have any update on the
master plan at all?

MAYOR SCARPELLI: No, Mr. Moore.

MR. MOORE: Anything?

MAYOR SCARPELLI: It's -- master plan has to
be updated every ten years. I think we're in year
eight and a half, so no, I don't have any update.

MR. MOORE: Eight and a half, there's no
process or --

MAYOR SCARPELLI: We'll have to go out to bid
to get a planner to do the master plan, but we're not
at that point yet, and that's -- the Planning Board
will do that.

MR. MOORE: Thank you.

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

MS. FREY: Laura Frey, 66 North Spring Garden
Ave. I know the crowd has sort of thinned now, but I
just did want to take a few minutes to thank you again
for the Pride proclamation. I think that one of the --
it's a big display that communication and dialogue can
still happen between citizens who care and local
government, so truly, thank you for kind of instilling
that.

And also, thank you for your careful thought
and your full support. I know that this could be a
very small step for some of us and a very big step for
others, and I think that having this public support for
all members of our community is really going to go a
very long way. So thank you again for just continuing
to listen to our multiple perspectives and to being so
open to working together. And again, a lot of us
aren't here anymore, but I think I speak for many of us
when I just formally say thank you.

MAYOR SCARPELLI: Thank you, Laura.

COMMISSIONER TUCCI: Thank you.

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

MR. WALLACE: Ben Wallace, 106 Harper Avenue,
Nutley.

I hate to be redundant and -- but I'm really
making an attempt to put closure on some of the issues
that are plaguing our town. So let me repeat that
about a year ago, I questioned you, Mayor, as to who is
responsible for the streetlights on Franklin Avenue due
to their shoddy condition. Okay. Your response was
simple, Public Service, that's it.

After hearing a couple people with similar
contems over the past year, I decided to re-entertain
the subject. I informed the Mayor that the Nutley
website stated that the director of the DPW was
responsible for these lights. So then, the story
changed, and now it's a joint effort between Public
Service and the Township, whereas the DPW
communications with someone from Public Service pretty
much on a weekly basis as to the work that needs to be
done. So I have documented some of the issues and will
monitor the progress.

For over three years, we have been attempting
to resolve the parking meter problem. So I went
through the whole scenario about us repairing a meter a
day and the amount of meters we have and how long it
would take, probably, like, nine months to repair them,
only to start all over again. Then, you -- then, the
Mayor tried to discredit me by interrupting me and
implying that my info wasn't true.

Well, on April 6th, 2016, the Observer quoted
you were stating exactly what I said.

MAYOR SCARPELLI: Not exactly, Mr. Wallace.
MR. WALLACE: Pretty close to it.

MAYOR SCARPELLI: Not exactly.

MR. WALLACE: Pretty close to it. So your attempt to discredit me has backfired to make you, our Mayor, not credible at all.

MAYOR SCARPELLI: I disagree with you again, Mr. Wallace.

MR. WALLACE: Okay. Well, we can disagree.

But regarding the parking meters, there are other towns in New Jersey that have these meters in effect. There's not just one company out there. There's counties like Long Branch, Toms River. They're successful with their meters. I don't know why you would put all your eggs in one basket and depend on one company. Three years.

So anyway, since we don't have a -- before I move on, I just want to let everybody know that next week, the 25th, it will be 22 years without an updated handbook, 22 years.

But what I wanted to do, I wanted to start a question, but I see that a couple people are missing and I wanted to kick it out to everybody, not just you, because I'm looking for actions, not inactions. So the question that people could think about and for the next time I get to speak is why doesn't Nutley have a human
resource department. Thank you.

    MAYOR SCARPELLI: Thank you, Mr. Wallace.

    Mr. Wallace, as I explained to you last time about the lights, which you choose to put your own spin on, the Public Works has listed on their website that they are responsible for the lights because in their budget, they pay for all the street lighting in the Township. That's why it's the Department of Public Works's responsibility. As far as fixing the lights, we report them to Public Service, and they fix the lights. I don't know why it's hard to understand that.

    And as far as the parking meters, again, last time you were here, I explained that we were going in one direction, and we changed directions. It happens. And we are slowly replacing those meters, the parking meters. So we can keep going through this every week if you'd like, that's fine.

    Anybody else wish to address the Board of Commissioners this evening? Seeing none.

    COMMISSIONER EVANS: Motion to close.

    COMMISSIONER TUCCI: Second.

    THE CLERK: Commissioner Tucci.

    COMMISSIONER TUCCI: Aye.

    THE CLERK: Commissioner Evans.

    COMMISSIONER EVANS: Aye.
Public Session

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

THE CLERK: The time is now 8:24.

MAYOR SCARPELLI: Good night, everybody.

(End of recording)

* * * * *
CERTIFICATION

I, Alicia Jarrett, 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.

______________________________
ALICIA JARRETT, AAERT NO. 428 DATE: July 12, 2019
ACCESS TRANSCRIPTS, LLC