In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings
July 16, 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: July 16, 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:

ALAN GENITEMPO, TOWNSHIP ATTORNEY
Conference Session

(Recording begins)

MAYOR SCARPELLI: All right. Are you ready, Commissioner?

COMMISSIONER PETRACCO: Oh my God, what am I doing here?

MAYOR SCARPELLI: You got a report --

COMMISSIONER PETRACCO: I've got a report, I think that's all I have.

MAYOR SCARPELLI: There you go.

Commissioner Evans?

THE CLERK: Can we -- should we start?

MAYOR SCARPELLI: Oh, yeah, oh, sorry, Madam Clerk.

THE CLERK: I'm sorry.

MAYOR SCARPELLI: I was way ahead of myself.

THE CLERK: I know.

MAYOR SCARPELLI: Go ahead.

THE CLERK: Are you ready? Ready? Board of Commissioners Public Meeting, Tuesday, July 16th, 2019. The time is 7:05. 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?

COMMISSIONER ROGERS: Here.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

THE CLERK: Commissioner Evans? Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

THE CLERK: All present, Mayor.

COMMISSIONER PETRACCO: Does anybody have an extra pen tonight?

UNIDENTIFIED: Sure, Al.

COMMISSIONER PETRACCO: It's not like I come with one anyhow. Do I ever give them back?

UNIDENTIFIED: Tonight, you mean?

COMMISSIONER PETRACCO: Do I ever give them back?

UNIDENTIFIED: It's okay.

MAYOR SCARPELLI: Commissioner, what do you have tonight?
COMMISSIONER PETRACCO: I have a report. Had I known that, I might still be in my pool, but I wanted to be a team player tonight and come support my Board of Commissioners.

MAYOR SCARPELLI: Thank you, Commissioner.

COMMISSIONER TUCCI: There you go.

COMMISSIONER PETRACCO: And Joe (indiscernible) of course.

MAYOR SCARPELLI: Commissioner Evans?

COMMISSIONER EVANS: I have a report. I have -- from the Code Office for the second quarter in the month of June. I also have a public hearing on the salary ordinance adjustment for the elevator inspector and my plumbing inspector, and then I have a need for executive regarding contract negotiations, which maybe we can do that up here.

MAYOR SCARPELLI: Sure, it does --

COMMISSIONER TUCCI: I got a question on that plumbing inspector. You're hiring a part-time salary plumbing inspector, and an hourly? Because you have two, you have one for 40 or 45, and then one for 40,000, or --

COMMISSIONER EVANS: Yeah, just so we have the hourly to cover for when you have to bring somebody in on a per diem, so you have both.
COMMISSIONER TUCCI: They're not all per diem?

COMMISSIONER EVANS: No.

COMMISSIONER TUCCI: They're all part-time salary?

COMMISSIONER EVANS: Well, yes. Well, the way that we're doing it, yeah. It works out better to do it, because this is non-pension --

COMMISSIONER TUCCI: Uh-huh.

COMMISSIONER EVANS: -- no pension, and it's -- it might be these are paid a little bit, but for a standard pension, no.

COMMISSIONER TUCCI: Uh-huh.

COMMISSIONER EVANS: And he works in another town, and we're only paying the co-pay, his share, of the health insurance. So you know what the mechanics are on that, so --

COMMISSIONER TUCCI: Uh-huh.

COMMISSIONER EVANS: And when you look at the rate, and this is basically what they're getting. You know, the money, like around 40 grand, that's what they're getting.

COMMISSIONER TUCCI: So the per diem, 40 grand, (indiscernible).

COMMISSIONER EVANS: Yeah. The elevator --
COMMISSIONER TUCCI: Okay. Screwing -- I'm just curious.

COMMISSIONER EVANS: -- just -- you know, just to be clear --

UNIDENTIFIED: Yeah.

COMMISSIONER EVANS: -- the elevator inspector, we're doing the same with him. No benefits, no pension at all for him, but if you did it through a third party vendor, we were spending generally $10,000 more with a third party than if we hire this guy with a license.

COMMISSIONER TUCCI: And don't you get a percentage of that? The state gets a percentage --

COMMISSIONER EVANS: Right.

COMMISSIONER TUCCI: -- and you get a percentage?

COMMISSIONER EVANS: Right, exactly.

COMMISSIONER TUCCI: Per --

COMMISSIONER EVANS: Exactly. We get a basic --

COMMISSIONER TUCCI: I've got a little bit of recall.

COMMISSIONER EVANS: We save ten grand overall on the cost, and we get eight grand. So, it's a nice -- it works out nicely.

COMMISSIONER ROGERS: Nothing, Mayor, thank you.

MAYOR SCARPELLI: Commissioner Rogers -- Commissioner Tucci?

COMMISSIONER TUCCI: I have no report, unlike these fine gentlemen here, but I do have one resolution rejecting a bid for surplus equipment, because my colleague to my left here, Mr. DeMaio, learned that we can get more money by scrapping this stuff than by actually bidding it.

MAYOR SCARPELLI: Okay.

COMMISSIONER PETRACCO: Wow.

MAYOR SCARPELLI: There you go. All right. I have a Public Works report, and I have several resolutions. One is to renew a liquor license -- actually, two licenses. One for F&S Maintenance, and one for The Huddle, and authorize various raffles, and authorize the treasurer to refund a farmer's market vendor fee who pulled out. And we have the need for executive --

COMMISSIONER EVANS: I need it for contracts.

MAYOR SCARPELLI: -- presentation. For contract negotiations?

MR. GENITEMPO: Negotiations, yes.
COMMISSIONER ROGERS: Just one question.

Commissioner Petracco, The Huddle. Any complaints?

(Indiscernible).

COMMISSIONER PETRACCO: I have to be honest, I haven't heard anything, Steve, over that way in a while, but in fairness to your question, I haven't been around that much, either --

COMMISSIONER ROGERS: Okay.

COMMISSIONER PETRACCO: -- because of the situation at home. But -- why? Is there something on here?

MAYOR SCARPELLI: The Huddle's on.

COMMISSIONER ROGERS: Yeah.

COMMISSIONER PETRACCO: What, for the renewal? I can make a phone call. I'll step out and make a phone call.

MAYOR SCARPELLI: Just one of the residents has been emailing. Not regularly, but whenever there's an incident.

COMMISSIONER ROGERS: I -- yeah, I know, I get the same, the same call.

MAYOR SCARPELLI: The neighbor's a nice guy. Not as frequently, I would say, as in the past, but it's not football season.

COMMISSIONER ROGERS: Yeah.
MAYOR SCARPELLI: So, Madam Clerk, what do you have?

THE CLERK: I have nothing this evening. No minutes and no correspondence.

MAYOR SCARPELLI: Mr. Genitempo?

MR. GENITEMPO: I have nothing, Mayor.

MAYOR SCARPELLI: Let's wait a couple seconds for Commissioner Petracco.

THE CLERK: Should we go into executive?

MAYOR SCARPELLI: No.

THE CLERK: Or did you want to wait?

MAYOR SCARPELLI: No, we'll wait to go into executive afterwards.

THE CLERK: Okay.

COMMISSIONER PETRACCO: Topology's coming?

MAYOR SCARPELLI: Yes.

COMMISSIONER PETRACCO: Is this going to be a long-winded session, telling us nothing, or do we have something substantial?

MAYOR SCARPELLI: I could -- it's hopefully not a long-winded, but substantial presentation.

COMMISSIONER TUCCI: Another presentation?

MAYOR SCARPELLI: Yeah, I think this one's probably going to be very informative.

COMMISSIONER TUCCI: I would hope so, it's
taken long enough.

MR. GENITEMPO: This is the one we've been waiting for.

COMMISSIONER PETRACCO: Okay.

COMMISSIONER EVANS: And the anticipation mounts.

UNIDENTIFIED: Okay.

COMMISSIONER PETRACCO: All right. I'm here. Let me just report that back to them, and I'll talk to you later. Bye. We haven't gotten any complaints, as far as the Chief's aware of, in several months.

MAYOR SCARPELLI: Okay.

COMMISSIONER PETRACCO: Do they renew at different times?

THE CLERK: They don't, but she didn't have tax clearance, so therefore she had gotten an interim application --

COMMISSIONER PETRACCO: Right.

THE CLERK: -- which is, they allow you 30 days at a time, so you fill it out, it's $75 and it's $5 a day, and you have to do that in Trenton. So the reason she got an interim application was not because of the police, health, or code or anything like that. It was on the tax side.

COMMISSIONER PETRACCO: Okay.
THE CLERK: That's what happened to Bella Luce the last -- two weeks ago. So they also did the same thing.

COMMISSIONER ROGERS: And when did the others renew?

COMMISSIONER PETRACCO: She -- if they were to renew with everyone else?

THE CLERK: The June 18th meeting.

COMMISSIONER TUCCI: June 18th?

THE CLERK: Uh-huh.

COMMISSIONER TUCCI: Okay. So it would -- okay.

THE CLERK: Yeah.

MR. GENITEMPO: It's supposed to be before June 30th of every year.

THE CLERK: Right.

MR. GENITEMPO: So they -- anyone that was ready got it done, you guys did it before, and those two lingered afterwards, that they had to take care of a tax issue, so --

MAYOR SCARPELLI: Okay. Anything else? Let's go get it done. Okay?

(End of recording)

* * * * *
CONFERENCE SESSION

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.

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ALICIA JARRETT, AAERT NO. 428 DATE: July 31, 2019
ACCESS TRANSCRIPTS, LLC
Public Session

TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

*** PUBLIC SESSION ***

DATE: July 16, 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:

ALAN GENITEMPO, TOWNSHIP ATTORNEY
Public Session

(Recording begins)

MAYOR SCARPELLI: Everybody please stand for the flag salute.

(Pledge of Allegiance)

MAYOR SCARPELLI: Madam Clerk?

THE CLERK: Thank you, Mayor. Board of Commissioners Public Meeting, Tuesday, July 16th, 2019.
The time is now 7:16. 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?

COMMISSIONER ROGERS: Here.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

THE CLERK: Commissioner Evans?

COMMISSIONER TUCCI: I can't hear you, I'm sorry. Here. I can't hear you.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Here.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

THE CLERK: All present, Mayor.

COMMISSIONER EVANS: Excuse me, Eleni. Your mic somehow went down, so maybe try to pull that closer? I can't --

THE CLERK: Can you hear me?

COMMISSIONER EVANS: Now it's better.

THE CLERK: Okay.

COMMISSIONER TUCCI: Yes, now we can hear you.

THE CLERK: Okay.

MAYOR SCARPELLI: All right. Let's go to reports. I have various monthly reports for the Department of Public Works. Commissioner Evans?

COMMISSIONER EVANS: Thank you, Mayor. I have a report for the Code Enforcement department for the month of June, and for the second quarter.

MAYOR SCARPELLI: Commissioner Petracco?

COMMISSIONER PETRACCO: I also have my report for the Public Safety.

MAYOR SCARPELLI: Bills, Madam Clerk?

THE CLERK: Thank you, Mayor. Bill list for July 16th, 2019. Public Affairs, $103,385.92; Revenue
and Finance, $3,340,102.42; Public Safety, $55,384.67; Public Works, $18,669 and zero cents; Parks and Public Property, $360,502.76; Water Utility, $85,585.87; Total Payroll, $814,823.50; for a grand total of $4,778,454.14.

COMMISSIONER EVANS:  Move the bills.

COMMISSIONER TUCCI:  Second.

THE CLERK:  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:  And that's it for bills.

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

THE CLERK:  Yes, 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.

MAYOR SCARPELLI: Anybody wish to address the
Board of Commissioners on the agenda items only?
Seeing none, let's move to commissioner announcements.
Commissioners, any announce -- Commissioner Tucci?

COMMISSIONER TUCCI: Yes, Mayor, thank you.
Yes. This Thursday, at seven o'clock in the mudhole,
we have a concert in the park featuring Jersey Sound.
Everyone please say a little prayer, or have some good
intentions that the weather cooperates with us and we
don't get that one inch of rain that they're
predicting.

MAYOR SCARPELLI: Thank you, Commissioner.

COMMISSIONER TUCCI: Thank you, Mayor.

MAYOR SCARPELLI: Commissioner Evans?

COMMISSIONER EVANS: Yes. Mine's just a
reminder. October 11th, the mobile unit for the DMV will be back in Nutley down on Park Avenue, as soon as I ask Commissioner Tucci if they can come back, and they will --

COMMISSIONER TUCCI: Certainly.

COMMISSIONER EVANS: -- this time, they're telling us that they'll actually be able to do motor vehicle registrations. Or inspections, excuse me, inspections this time around. So mark the date, October 11th, it's a Friday in October.

MAYOR SCARPELLI: Thank you, Commissioner. I just want to thank the Commissioners and your departments for all your help with the 4th of July. It was a great night. We had over 5,000 people that showed up by the end of the night, and we had a great fireworks display, and a great day before that, so thank you all for your help.

Let's move on to ordinances. Public hearings. Commissioner Evans?

COMMISSIONER EVANS: Thank you. I have a public hearing on an salary ordinance adjustment to add the role of a elevator inspector, as well as to replace my retiring plumbing inspector.

MAYOR SCARPELLI: Anybody wish to be heard on Ordinance Number 3421?
MR. MOORE: Rory Moore, 462 Chestnut Street.
Mr. Evans, I understand that you explained the ordinance in the back very well, but I was just curious, you said that, if I understand it correctly, we're paying for half of -- in -- one of those salaries, health insurance? Is that correct?

COMMISSIONER EVANS: It's actually less.
Less than half.

MR. MOORE: Less than -- then why -- why is everybody else who's hiring independent contractors, they're not paying benefits or health at all, but yet we are?

COMMISSIONER EVANS: Yeah, so we -- by and large, we don't, but when it comes to building inspectors, plumbing inspectors, in order to have someone who has a master's plumbing inspector's shield, a master plumber with a shield, we want to have somebody who's more dedicated to our town, similar to the way our previous plumbing inspector was dedicated to our town, and the arrangement's a little bit different. So this particular plumbing inspector will split his time in two towns, and the other town has made the same arrangement. So it's a very good deal for us, because the salary cost is -- and in fact, when you look at the salary cost, the benefits, and the
pension of the old inspector, overall, we're spending quite a bit less money to do that.

MR. MOORE: The other town -- is -- are we in cahoots with this --

COMMISSIONER EVANS: Cahoots, did you say?

MR. MOORE: Yes, cahoots. You're -- we're paying half of his medical and they're paying half of his medical. But if he has a master plumbing license, technically, they operate as an independent contractor.

COMMISSIONER EVANS: He does not -- he's not operating his business anymore. He's actually doing inspections full-time, and he works in two towns. And his arrangement in the other town is part-time as well as it is in Nutley, and when he goes -- the way it will work out, he will be below the number of hours it's necessary for him to work in that other town, for them to pay his full benefits. So it's just a differential in his co-pay. We're picking up that amount.

MR. MOORE: And is his -- is his contract with this other town, does that mirror ours, so that we don't have to worry about something affecting his other contract, that we're --

COMMISSIONER EVANS: That's right.

MR. MOORE: -- going to wind up paying --

COMMISSIONER EVANS: No --
MR. MOORE: -- the full deal?

COMMISSIONER EVANS: -- yeah, we have no obligation to pay more under medical benefits than we're paying right now.

MR. MOORE: Thank you.

MAYOR SCARPELLI: Does anybody else wish to address the Board of Commissioners on the agenda items only? Or this is -- I'm sorry, this is the public hearing.

THE CLERK: Yes.

MAYOR SCARPELLI: Anybody wish to address this Ordinance Number 3421?

COMMISSIONER EVANS: Close the public hearing.

COMMISSIONER TUCCI: Second.

THE CLERK: 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.
COMMISSIONER EVANS: Move the ordinance.

COMMISSIONER TUCCI: Second.

THE CLERK: 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. Let's move to resolutions. Commissioner Tucci?

COMMISSIONER TUCCI: Thank you, Mayor.

Whereas, the Township of Nutley Department of Parks and Public Property has determined the need to dispose of certain municipal vehicles and equipment that are no longer useful, and that have come to the end of their practical term of services;

Whereas, the Township of Nutley Department of Parks and Public Property has identified the following as not practical to continue in service with the Township, a 1995 Club Car electric golf cart, a 2002 Bluebird model F-134554 bus, with 104,000 miles on it, and a 2002 Chevy 2500 heavy-duty pickup truck;
Whereas, the Township of Nutley has gone out to bid on June 18th, through Resolution 170-19, and has received one offer from Marczak's, Inc., 247 Central Avenue, Metuchen, New Jersey, for $269 total; and

Whereas, the Nutley Department of Parks and Public Property has made the determination to reject the $269 bid for municipal vehicles;

Now therefore be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that we reject the offer in the amount of $269 from Marczak's, Inc., 247 Central Avenue, Metuchen, New Jersey.

I move the resolution, and I would also like to add that we will be receiving more money by scrapping this equipment than we would through this bid.

COMMISSIONER EVANS: Second.

THE CLERK: 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.

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

MAYOR SCARPELLI: Thank you, Commissioner.

Whereas, the Department of Treasury, Division of Taxation, has provided a tax clearance certificate for the establishment listed below for the renewal period; and

Whereas the establishment has been inspected by the Board of Health, Fire Department, Code Enforcement Department, and the Police Department of the Township of Nutley, and is in satisfactory condition;

Whereas, the director of Division of Alcohol Beverage Control has reviewed Special Ruling N.J.S.A. 3312.39, petition submitted by F&S Maintenance, and has considered all the facts and circumstances related to the inactive status of the license, and has determined that the licensee has established good cause in accordance with the statutory requirements to warrant an application for a renewal for license number 071633017010, for the 2019-2020 license term;
Now therefore be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the renewal of the plenary retail consumption license be granted to the following licensee, effective July 1st, 2019, through June 30th, 2020. Establishment name, F&S Maintenance, pocket license, plenary retail consumption license. I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: 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.

Whereas, raffle applications were received from the following organizations; St. Mary's Roman Catholic Church, license number 32-19, off premise 50/50 cash raffle, and license number 33-19, on premise merchandise raffle, both to be held Friday, October 25th, 2019. Holy Family Catholic
Church, license number 34-19, off-premise merchandise raffle, to be held Thursday, September 19th through Sunday, September 22nd, 2019, and the H-A -- HSA Good Shepherd Academy, license number 35-19, on premise merchandise raffle, to be held Wednesday, July 31st, 2019;

Whereas, applications have been reviewed and approved by the Municipal Clerk and the Police Department;

Now therefore be it resolved by the Board of Commissioners, 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 licenses. I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: 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.
Be it resolved by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey, that the Township Treasurer be, and she is hereby authorized to refund $280 to Artisan Tasty Bites and by Caribbean Breeze, 207 Hanover Street, Pemberton, New Jersey, for a refund of payment for Farmer's Market vendor fee. I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: 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.

Whereas, the New Jersey Department of the Treasury, Division of Taxation, has provided a tax clearance certificate for the establishment listed below for the renewal period; and

Whereas, the establishment has been inspected by the Board of Health, Fire Department,
Code Enforcement Department, and Police Department of the Township of Nutley, and is 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 the renewal of plenary retail consumption license be granted to the following licensee, effective July 1st, 2019, through June 30th, 2020;

Be it further resolved that the Municipal Clerk be and she is hereby is directed to authorized to issue said licensee license for license period July 1st, through June 30th, 2020;

Huddles Sports Bar and Grill, 350 Passaic Avenue, plenary retail consumption license. I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Abstain.

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. 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.

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

DR. MURPHY: Good evening, Mayor Scarpelli. I'm Dr. Christina Murphy of 45 Montclair Avenue. I'm here with Rosemary Gabe, who is my committee member/chair. We actually represent the American Foundation for Suicide Prevention, and we are here on behalf of the West Essex Walk, that will be taking
place on October 20th in Verona Park.

    Rosemary happens to be a resident of Verona, and I and our fellow colleagues want to invite everyone here in Nutley to participate, and ask us any questions that you may have on how we can get more people here in Nutley involved in preventing suicides from happening.

    As you know, suicide is a huge problem, not only in our community, but also across communities in New Jersey, and across the country. And we're here to actually educate people who have been touched by this tragedy, as well as to help as many people as possible, prevent this from ever happening again. So we would just love to see Nutley, in the spirit of them helping so many others in other parts of our community, help those that may be suffering as well from suicide.

    MAYOR SCARPELLI: Say a word -- a couple words?

    DR. MURPHY: Well, I actually wrote some cards to address the (indiscernible).

    THE CLERK: Thank you.

    DR. MURPHY: I have been volunteering for about three years with this organization, AFSP focuses on research, education, advocacy, support, and outreach in a lot of communities. It's a great volunteer opportunity that I've become involved in. I'm very
proud to be involved in it. I think it's made a
difference in our community, already. Not only in the
community, but on the -- in the way we have changed
over the course of a couple years, so I would -- we
have -- the walk that we started was originally called
the Verona Park Walk, and we branched out and changed
it to the West Essex Walk, to involve a lot of other
towns in this -- you know, opportunity to make a
difference. So --

MAYOR SCARPELLI: Can you give us the date of
the walk again?

DR. MURPHY: Yeah, it's October 20th.

MAYOR SCARPELLI: So, I can tell you that
three commissioners up here are very involved with
mental health. We understand --

DR. MURPHY: Thank you.

MAYOR SCARPELLI: -- the issue with suicide
prevention and suicide awareness, and we'll see how we
can participate.

DR. MURPHY: Thank you.

MAYOR SCARPELLI: But we thank you for coming
and letting us know about that.

DR. MURPHY: Thank you.

COMMISSIONER ROGERS: Mr. Mayor, may I? I'm
Commissioner Rogers, the Director of the Department of
Public Session

Public Affairs --

DR. MURPHY: Yes.

COMMISSIONER ROGERS: -- and Health. I like what I hear, and I like what I hear because for about a year, and these gentlemen don't even know this, so I'm not going to get too involved into what I'm going to say. For about a year, we've been working on a very significant project that'll really impact what you're talking about, and I'm hoping that the project we're working on will go national, and it'll come right out of Nutley.

So I'm going to ask you to do me a favor. We do have a therapist on staff, working with the county, and Commissioner Tucci, who are instrumental in that, bringing Vince on board. He's talked to a lot of veterans, and I know of two, who were really on the verge of taking their lives, and he was able to prevent that through the therapy that we are now providing them.

But I -- I'm going to ask -- I'm going to get your card, and I'm going to ask Vince or someone on our staff, to give you a call tomorrow, and maybe we could kind of marry up, and include you, in what we're doing. But specifically, do you -- would you work on veterans and their families? That's very important, because
there's been an increase nationally of veterans just
killing themselves.

    DR. MURPHY: Yes.

    COMMISSIONER ROGERS: And so we need help in
that area.

    DR. MURPHY: It is, it's a very important
aspect of the outreach that AFSP works towards. I know
in the town where I live, we -- over the course of
three years, we've offered various educational
programs. There's one program in particular that we
just offered, and this is all through the funds that
we've raised in the Out of the Darkness Walk. Mental
Health First Aid. It's a great program, we just
offered it a couple months ago, and basically,
everybody that took the program was able to become
certified in how to react in a mental health crisis.

    COMMISSIONER ROGERS: Who funds you?

    DR. MURPHY: It's all grassroots. Public
donations.

    COMMISSIONER ROGERS: Oh, so you're a
non-profit?

    DR. MURPHY: It's a non-profit, yeah.

    COMMISSIONER ROGERS: Okay.

    DR. MURPHY: So, the other program that we
ran that I was really proud of was, It's Real College
and Mental Health, and we gave that to the high school seniors that were, you know, going on to college.

COMMISSIONER ROGERS: Okay. That's fine. So it's -- and I ask because one of the components we're looking at is government/business partnerships. Not locally, but what you're doing is something I think is an important component. But I'll have someone call you tomorrow.

DR. MURPHY: Okay.

COMMISSIONER ROGERS: And if I get your card, which I will before I leave, then maybe we can set up and talk. Thank you.

DR. MURPHY: I -- yes, thank you. I really appreciate it.

COMMISSIONER TUCCI: Ladies, if you -- if I might, if there's any way we can help you publicize this, we would be happy to, because like the mayor, I'm also involved with the mental health --

DR. MURPHY: That's a --

COMMISSIONER TUCCI: -- agencies --

DR. MURPHY: -- really great question. And when we -- we've had the towns that we've -- we have West Caldwell, Caldwell, Verona, Cedar Grove, a bunch of towns that we've already contacted, but they put it on their calendar, so I could send, you know, the
information that could get uploaded to your social media.

COMMISSIONER TUCCI: We can put that on our website here locally. I know I can do that in conjunction with --

DR. MURPHY: That's a great way to get the word out.

COMMISSIONER TUCCI: -- the mayor and Commissioner Rogers, and I can also put it on my mental health agency's website --

DR. MURPHY: Uh-huh, okay.

COMMISSIONER TUCCI: -- all right, so we can get the widest reach possible, so people can understand what's going on, when it's happening, and how they can get involved.

DR. MURPHY: Okay.

COMMISSIONER TUCCI: It's a very worthwhile cause, something I'm very passionate about, so thank you for being here.

DR. MURPHY: Thank you.

MAYOR SCARPELLI: Thank you both for coming tonight. Anybody else wish to address the Board of Commissioners?

MR. MOORE: Rory Moore, 462 Chestnut Street.

Mr. Scarpelli, I do have a concern and one issue that
you have on your agenda for this evening. You're going
to vote on 184-19, I believe it is, for the Huddle.
It's my understanding that the State of New Jersey has
a hold against it, and their holding is extended to
August 8th. I don't have all the details for -- but I
respectfully request that this be held until at
least --

MR. GENITEMPO: Mr. Mayor? I can interject.
That was cleared by the State today. We found out
today.

MR. MOORE: That's -- we're clear on that.
MR. GENITEMPO: Yeah.
MR. MOORE: That was my only concern then.
MR. GENITEMPO: Yeah, they were cleared, they
were tax cleared.

MR. MOORE: Okay. And one last thing,
Mr. Evans. I owe you an apology from last time,
because I cited a paper from 44 Freeman, and I cited
the wrong block lot, and you corrected me, and you said
that they do change. When I talked to Mr. Nolan
(phonetic) they said they never change. That was my
misunderstanding, and I do owe you an apology for that.

COMMISSIONER EVANS: I appreciate that, Rory.

MR. MOORE: I have two other things, but I'll
save them for next time. Thank you.
MAYOR SCARPELLI: Go get some rest, Mr. Moore. Anybody else wish to address the Board of Commissioners this evening?

MS. FROBOSE: Rhonda Frobose, 312 East Passaic Avenue, Nutley. Hi --

MAYOR SCARPELLI: Hi, Rhonda.

MS. FROBOSE: -- Mayor Scarpelli. The reason why I came here today, first, I wanted to thank you, Mayor, Dr. Scarpelli, Commissioner Tucci, and Commissioner Evans, for not hesitating to support our residents when I requested that Nutley make a public statement in support of our LGBTQ residents, in honor of June being Pride Month. You didn't hesitate. I have to tell you, that wasn't what I expected. I thought I would come here and ask, and you would say, I'll get back to you. You didn't hesitate. Thank you. It means a lot. I want to let you know that since that happened, and since it was in the news, that you gave the Town of Nutley this proclamation, people have reached out to me that I didn't even know, and I've been here for about 30 years now, and I know a lot of people, even if it's just by name, people that I didn't even know reached out to me, and said, thank you. Which I then said, please thank the Mayor and the Commissioners. So I hope they contacted you, too.
Because they thought they were all alone, and they were afraid. Their children grew up, if they were parents of a gay or a transgender or a bisexual child, moved away, didn't want to stay in Nutley. And these parents were told, don't talk about it. Times are changing. And I think one of the reasons times are changing is because of the internet, and social media, it tends to amplify voices and messages. And prior to the internet, the messages that we heard were primarily negative, because people who did show support did it quietly. And my message is, it's time to not be quiet anymore, because that wasn't working, and you heard, and I want to thank you.

I do want to say that one person said -- and I think this is important, that she was happy for me and my child, as if I did this just for two people in Nutley, me and my child. This is for all of Nutley. All of Nutley, expressing you as leaders, taking the leadership role, and expressing support for the LGBTQ residents of Nutley. It helps not only the LGBTQ residents, and their families, but it, you know, we're all related to, live next door to, work with, on a daily basis, interact with people who are LGBTQ, and we may not even know it.

So when we remove the mystery, we remove the
shame, and discover that we have new friends, and new relationships. And I think this is important, if I just may give you a couple of statistics here. If we're all interested in mental health, as we say that we are, and the high rates of suicide, it also affects, in a very strong way, the LGBTQ community.

According to the Human Rights Campaign's 2019 LGBTQ Youth Report, only 13 percent of youth report hearing positive messages about being LGBTQ in school. This means 87 percent of youth hear either nothing, or negative messages about being LGBTQ. And when LGBTQ topics are not talked about, they're perceived as taboo, something to be ashamed of, and inappropriate. If a child, a student, or an adult identifies as LGBTQ, they feel the shame of not being normal. And this is why we have high rates of suicide, which Nutley is not immune to.

So I want to thank you three commissioners for signing what I think is Nutley -- for Nutley, a historic document, because this is the first acknowledgment from Nutley that Nutley is an inclusive community, and that we're making a commitment to support our LGBTQ residents and their families, and I'd like to ask the two commissioners who didn't sign this proclamation, if they would sign the proclamation.
today. I have a pen.

COMMISSIONER PETRACCO: I'll say this to you, Rhonda, and I know we've been courting each other via email lately, and between a lot of our personal trials, and I have to tell you, I've sat on this board for 12 years. Twelve years. I was the mayor of this town. And I have to tell you, and I know we've discussed this via email a little bit. I know politicians are supposed to have thicker skin, and fight for what they believe in, like you're a mother, and you're fighting for what you believe in. But I have to tell you, the comments that I've read on the internet, that you and I kind of -- no, not that you wrote, but you were in that conversation, true? You never responded?

MS. FROBOSE: I said, do not speculate.

COMMISSIONER PETRACCO: Right.

MS. FROBOSE: Ask Commissioner Petracco.

COMMISSIONER PETRACCO: But I have to tell you, and let me finish, please. I have never been so hurt in my life to sit up here, to get ridiculed from some people. Some people --

MS. FROBOSE: Am I ridiculing you?

COMMISSIONER PETRACCO: -- actually -- some people -- do -- excuse me --

MS. FROBOSE: Are you going to take this out
on the LGBTQ Community?

COMMISIONER PETRACCO: Excuse me?

MS. FROBOSE: Are you going to take out what some people say on the internet --

COMMISIONER PETRACCO: No, no, no --

MS. FROBOSE: -- on the LGBTQ Community?

COMMISIONER PETRACCO: -- I just wanted to make a point, I just -- I just would like to make a point.

MS. FROBOSE: Okay.

COMMISIONER PETRACCO: That -- okay?

Because, you know why, it seems like when you have a business in town, you're easy pickings for every time you might not do something that everybody agrees with. The first thing I see on the internet is, boycott Petracco's Deli. And I have to tell you, it's getting old for me. So --

MS. FROBOSE: Why are you addressing this with me?

COMMISIONER PETRACCO: No, because I saw that your name was on that --

MS. FROBOSE: Let's be clear. I have nothing to do with that statement.

COMMISIONER PETRACCO: Okay. But there was people saying that. So what I wanted to say to you
tonight is this. You know, I almost feel like -- I --
like you said in your email, I was the first person to
come up to you and congratulate you and say, wow, I
really admire your courage. And I didn't say
compassion, like you said in the email, but I'll say it
tonight. But I have to tell you, Rhonda, I have never
felt so upset on an issue of reading about how people
want to affect my family, my living in this town, after
I've done so much for this community. When you walk in
Petracco's Deli, or you walk in Public Safety, we don't
ask any questions. You know what we ask? How can we
help you? That's what we ask.

MS. FROBOSE: Commissioner Petracco, so it's
on the record, just so you know, any time anyone asked
me where you stood, I said, ask Commissioner Petracco.

COMMISSIONER PETRACCO: Okay. And I
appreciate that. So what I want to tell you tonight
is, too, at the last -- the meeting before, when I
walked in, you know my mother's situation. And my
mother would be mortified if her health was discussed
at these meetings. She'd be mortified, because she's a
very private woman.

I told you that night, I didn't have a
problem with it, but I did say to Mayor Scarpelli that
night, you know what, I'm a Roman Catholic, I go to
church, I believe in God, my mother's having troubles, and I just wanted to check with my clergy to make sure that I wasn't violating any of my personal beliefs. But to read that stuff on the internet, I have to tell you, it's very upsetting.

But I'll tell you, Rhonda, tonight, I don't, after checking with my clergy, I don't have a problem signing the proclamation, and I am a person that has never, ever, judged anyone in my life. And if you don't know that, and I believe you do, because we know each other, but if there's people on that internet that don't know who Al Petracco is, everybody is welcome in our community.

MS. FROBOSE: Commissioner Petracco, with what you're saying now, I'm sure that your message will come across very clearly, and you can put a stop to any of that talk with signing on to this proclamation. And I will make sure that you receive an apology from --

COMMISSIONER PETRACCO: Well, I --

MS. FROBOSE: -- anybody who said anything.

COMMISSIONER PETRACCO: -- listen, listen, when we sign up for these jobs, I don't need anybody's apology. But I have to tell you, down the road in the future, you know, there's nobody in their 20s on this board, including myself. If we want quality people to
keep running for these spots, so we keep our town vibrant and moving forward, you know what, we should pay twice before some of the people asking us to protect them, they should protect us and our businesses in town too, because we have children, and we have families as well that we're trying to take care of.

So I'm my own person, Rhonda, as you know. I don't mince my words. But I have to tell you, this one was really -- and I'm not blaming you. Okay? I'm not blaming you, and I'm not blaming anybody, but just, I want it on the record tonight, that you know what? If we don't agree with a topic, and it's one topic out of a thousand, that that makes us bad people, because we believe something different than some -- and it's not what you're -- with some other organizations -- you know, this is a national topic, obviously, but I have to tell you, I can take a lot, but when people want to start attacking your livelihood because you -- you -- because your mother's sick and you had to run out of the meeting? And it happens to be an ex-town worker here, right, that's on that site? It's shameful. And it takes all the punch out of doing something good in front of these children, that we've always put Nutley's kids first, before everybody, and set the example, as role models.
So I'm not upset with you, but I am passionate for this subject. I don't ever want it to be received that somebody's going to bully me into doing something that I don't want to do. I sign papers every day, and I read what I sign, and I know what I'm signing. But to get attacked on the internet -- and I'm not perfect. And sometimes things are said, and maybe they're true, maybe they're not, but this time, everybody's far off base. And it's insulting. And it takes the spirit of this proclamation, of people getting bullied to -- for people bullying me and my family?

My kids have never got involved in one subject, or my wife. My wife has never come to this meeting, or my children. I only came because I knew you were coming tonight, Rhonda, or I'd be with my mother tonight, that's where I would be. And you know what, my kids and my wife wanted to come here, and tell everybody what kind of person Al Petracco really is, because that interception on the internet really is not called for.

MS. FROBOSE: Listen. At the end of the day, I think we want the same thing, and we don't want another person to feel so unwelcomed and shamed that they don't want to get out of bed, or they take their
own life. Am I right? Are we all on the same page about that?

COMMISSIONER PETRACCO: Listen, we're all on the same page. You know what, there's a lot of groups that have mental illness, and, you know, things, and you know, it's a national topic, and I'm not willing to discuss the inclusion part of it, all that stuff. I am willing to sign the proclamation because I believe in the good people in that organization, and in the group. But like I said, some of these comments, even as an elected official, they get old.

MS. FROBOSE: Point taken.

MAYOR SCARPELLI: Thank you, Rhonda. Anybody else wish to address the Board of Commissioners this evening?

MR. COZZARELLI: Good evening, Mayor, everybody. Nicholas Cozzarelli, I live on 114 Myrtle Avenue. I bought the house a few years ago. I'm in the northeast corner, and the railroad runs behind my house. There's a lot that the town owns that is exempt from building, but it's small. I'm just looking for guidance on how I can sort of maybe acquire that, not for building purposes, but kids run through there, there's trash --

MR. GENITEMPO: Mr. Cozzarelli? Excuse me.
You can call me, and we can talk about that. There is a method, a process to do that.

    MR. COZZARELLI: Yeah.

    MR. GENITEMPO: So why don't you -- I'll give you my card, and you can call me tomorrow, and we'll talk about it.

    MR. COZZARELLI: Perfect.

    MR. GENITEMPO: Yeah.

    MR. COZZARELLI: Yeah, so -- that's like --

and I got --

    MR. GENITEMPO: If that's okay with you, Mayor, Mr. Mayor, and I'm sorry.

    MAYOR SCARPELLI: Sure.

    MR. GENITEMPO: But we can talk to you about that for sure.

    MR. COZZARELLI: Awesome. Thank you so much.

    MAYOR SCARPELLI: Thank you.

    MR. GENITEMPO: Just, do you have a map of it? Do you have a --

    MR. COZZARELLI: Yeah. I can --

    MR. GENITEMPO: Okay.

    MR. COZZARELLI: -- and I can get it to you.

    MR. GENITEMPO: Give it to me before you leave.

    MR. COZZARELLI: Perfect, thank you.
MAYOR SCARPELLI: Anybody else wish to address the Board of Commissioners this evening? Seeing none, we need a motion to go into executive session, to discuss, Mr. Genitempo?

MR. GENITEMPO: Contract negotiations.

MAYOR SCARPELLI: Contract negotiations.

MR. GENITEMPO: Contracts, something like that.

MAYOR SCARPELLI: Contracts. Motion?

COMMISSIONER ROGERS: Make that motion.

THE CLERK: We need a second.

COMMISSIONER TUCCI: Second.

THE CLERK: Whereas, Section 8 of the Open Public Meeting Act, Chapter 231, Public Law 1975, permits the exclusion of the public from 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 move into closed executive session to discuss contract
negotiations;

    Be it further resolved that at a time when
such discussions may be disclosed to the public shall
be when and as such disclosures may be made without it
adversely affecting the Township of Nutley, pending
and/or anticipated legal, personnel, contractual
matters, and other matters within the exceptions
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. We will be coming
back to open session to close the meeting. There will
be no action taken at that time.

THE CLERK:  The time is 7:52.

(Pause in recording)

MAYOR SCARPELLI:  Madam Clerk?

THE CLERK:  We need a motion to adjourn.

MAYOR SCARPELLI:  Do we have a motion to
adjourn?

    COMMISSIONER TUCCI: So moved.
    COMMISSIONER EVANS: Second.

    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: And the time is 10:16.
    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 31, 2019
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