

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

Transcript of Proceedings
July 2, 2019
Conference Session



66 W. Mt. Pleasant Avenue
Livingston, NJ 07039
T (973)992-7650 F (973)992-0666
www.rizmanrappaport.com
reporters@rizmanrappaport.com

Min-U-Script® with Word Index

Conference Session

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

*** CONFERENCE SESSION ***

DATE: July 2, 2019

BOARD OF COMMISSIONERS:

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

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR SCARPELLI: Madam Clerk?

3 THE CLERK: Yes, Mayor. Board of
4 Commissioners Public Meeting, Tuesday, July 2nd, 2019.
5 The time is 7:04. Pursuant to the requirements of the
6 Open Public Meeting Act, Chapter 231, Public Law 1975,
7 notice of this meeting was published in the
8 November 29, 2018 issues of the Nutley Sun, the
9 Herald-News, and the Star Ledger. A copy of this
10 notice has been posted on the Nutley Town Hall bulletin
11 board, and a copy is on file in the Municipal Clerk's
12 Office. Commissioner Rogers?

13 COMMISSIONER ROGERS: Here.

14 THE CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Here.

16 THE CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Here.

18 THE CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Here.

20 THE CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Here.

22 THE CLERK: All present, Mayor.

23 MAYOR SCARPELLI: What do you have there,
24 Commissioner?

25 COMMISSIONER PETRACCO: I think I only have a

1 couple resolutions on tonight. Let me get my pair of
2 glasses so I can see. Yeah, I'll just borrow yours,
3 Tom. We have an amended resolution for appropriated
4 funds from account for police dispatchers, crossing
5 guard uniforms and equipment. Then I have an
6 appointment of Jennifer Gardener to Deputy Court
7 Administrator. They help, huh, Tom?

8 COMMISSIONER EVANS: Yeah, they do.

9 COMMISSIONER PETRACCO: Effective June 16th,
10 2019, and I have to say, she's really stepped up and
11 doing a great job there. Authorizing 22 employees to
12 donate sick leave to Linda Buel, an employee of the
13 Department of Public Safety. And just before I read
14 that resolution, this is something that we've kind of
15 done with a lot of rules and regulations to that, and,
16 you know, as far as employees being able to donate some
17 time, but Linda Buel has had some health challenges,
18 and I think it's just extraordinary circumstances, and
19 that's why we're doing it this time. And that's all I
20 have.

21 MAYOR SCARPELLI: Thank you, Commissioner.
22 Commissioner Evans?

23 COMMISSIONER EVANS: Thank you, Mayor. I
24 have -- and I don't have any reports, we do have the
25 normal bills tonight. I do have the three bond

1 ordinance introductions for tonight. One's covering
2 roadways, the other is for the water utility, the other
3 is general operating. I also have a few resolutions.
4 One is a capital budget amendment, in which we have to
5 read tonight as well, given the adjustments. I want to
6 thank you all for re-looking at your capital and
7 lowering it. In total, we're -- we lowered capital
8 \$350,000, so thank you for contributing. I have a
9 refund. I also have the temporary budget authorization
10 for the water utility tonight, a property tax exemption
11 for a disabled war vet, and also, we -- our main
12 banking, we're -- we did an RFP, and we're awarding our
13 main banking services to Investors Bank.

14 COMMISSIONER TUCCI: Yeah, what is that? I
15 don't quite understand that.

16 COMMISSIONER EVANS: Yeah, so when we collect
17 taxes -- the main -- the operating account.

18 COMMISSIONER TUCCI: Okay.

19 COMMISSIONER EVANS: It's just the general
20 operating account, and the money market. What we had
21 for years was at TD, and we've went through an RFP
22 process back in January, went through an interviewing
23 process, processes, and Investors has offered us the
24 best deal, which is the best deal for the taxpayers. A
25 higher rate of interest, no fees, armored car service,

1 and so on, that really benefits. But when you looked
2 at them all together, and you went through all the
3 banks, they were the ones that stood out. So, we're
4 transferring the relationship from TD to Investors. It
5 doesn't affect -- there's multiple accounts, but it
6 just affects --

7 COMMISSIONER TUCCI: Right. Are they picking
8 up the cost of any services, the processing payroll and
9 all that?

10 COMMISSIONER EVANS: All of it.

11 COMMISSIONER TUCCI: So they're all in, so
12 they're doing all that?

13 COMMISSIONER EVANS: They're all in. So --
14 yeah, exactly. The -- you know, you know exactly.

15 COMMISSIONER TUCCI: Uh-huh.

16 COMMISSIONER EVANS: So that main core, that
17 main core, we're getting a better deal.

18 COMMISSIONER TUCCI: Good.

19 COMMISSIONER EVANS: Okay?

20 COMMISSIONER TUCCI: Okay. Nice work.

21 COMMISSIONER EVANS: So, yeah. So that's all
22 I have, Mayor. Also, I just -- I need to read -- you
23 know, we did the -- we had the emergency meeting, and
24 we had the three resolutions for the temporary budget,
25 so we could continue to operate, because we needed to

Conference Session

6

1 pay some bills before this meeting. So I just want to
2 put on the record that we have those resolutions, and
3 that's what we did. That was the only business that
4 was conducted during that meeting, as well. Okay?

5 MAYOR SCARPELLI: Thank you, Commissioner.
6 Commissioner Rogers?

7 COMMISSIONER ROGERS: Thank you, Mayor. I
8 have a resolution to authorize the Municipal Clerk to
9 advertise for sealed bids for a collection of our --
10 removal of our solid waste and vegetative waste,
11 et cetera.

12 MAYOR SCARPELLI: Thank you. Commissioner
13 Tucci?

14 COMMISSIONER TUCCI: I have no agendas this
15 evening, but I do have a Shade Tree Report, and
16 basically I'm here for the good company.

17 MAYOR SCARPELLI: Thank you, sir. Thank you
18 for joining us.

19 COMMISSIONER EVANS: What, no coffee?

20 COMMISSIONER TUCCI: I thought I was bringing
21 the coffee.

22 COMMISSIONER PETRACCO: I'm a tea drinker
23 now.

24 COMMISSIONER TUCCI: Oh.

25 COMMISSIONER PETRACCO: I switched.

1 COMMISSIONER TUCCI: Tea?

2 COMMISSIONER PETRACCO: Calories.

3 MAYOR SCARPELLI: I have an ordinance
4 introduction for the reconstruction of Grant Avenue,
5 which is through a DOT loan -- a DOT grant. I have a
6 couple of resolutions. One is to authorize various
7 raffles. Another is to -- a one-year extension with
8 Integrity Recycling for our recycling vendor. One --
9 another one's call for sealed bids for Grant Avenue,
10 and then authorize a liquor license for GLO, which is
11 Bella Luce. And that, I believe, is all I have.

12 COMMISSIONER EVANS: Mayor, one point that I
13 forgot to mention. I was on the phone this evening,
14 trying to follow up on our state aid. And so while the
15 budget's been passed it'll be a few more weeks yet
16 before they know where they land. The budget adopted
17 didn't grant any new revenue to co-cover the expenses,
18 so we're basically working through the aftermath of all
19 of that, so I haven't gotten -- we also -- as of now,
20 we don't have permission yet to adopt our budget.

21 MAYOR SCARPELLI: Thank you, Commissioner.
22 Madam Clerk?

23 THE CLERK: Yes, Mayor. We have executive
24 session minutes for approval from April till June, and
25 then we have a couple of applications. One is for

1 Saint Mary's for a social affair, Nutley-Belleville
2 Columbus Day Parade wants to have the Columbus Day
3 Parade, and Holy Family Church has submitted an
4 application for a social affair permit. And that's it.
5 Alan? Can we read these three together? The three
6 communications? Or separate --

7 MR. GENITEMPO: Yeah. Just --

8 THE CLERK: -- we can --

9 MR. GENITEMPO: -- say what -- just explain
10 what they are, and you can read one, or just all
11 together.

12 MAYOR SCARPELLI: Counselor?

13 MR. GENITEMPO: I have nothing, Mayor.

14 MAYOR SCARPELLI: Can you update us in public
15 on where we are with Prism?

16 MR. GENITEMPO: Yeah, sure, we can do that
17 without revealing any confidential information. We're
18 still negotiating with them on issues related to
19 traffic impacts and overall development. On our next
20 meeting, we're going to have a presentation executive
21 related to potential buildout of the Nutley side.
22 Other than that, it's been relatively quiet. Do you
23 want to talk about yesterday?

24 We met yesterday with Prism, and with a
25 company that brings in a assisted living facility, that

1 wants to put it on the property south of Kingsland. A
2 190-bed facility. Seems to be very nice and modern.
3 They have a -- they have eight other locations in
4 New Jersey, plus one they just got approved for. So
5 you'll have an opportunity to go view -- there's some
6 -- there's one in Gramercy. There's one in Tenafly.
7 Take a look at it. Just very preliminary, it's a long
8 process, they have to get approval from the state, in
9 addition to your approval, if they -- if we decide to -
10 - if you decide to go that way.

11 COMMISSIONER PETRACCO: How long is the
12 process?

13 MR. GENITEMPO: Probably two years to two and
14 a half to get it finished, because of the -- what
15 happens is, even if we had a redevelopment agreement
16 with them, and you approve the rezoning of it, with the
17 site plan, it gets -- if you approve it, then they have
18 to do construction plans, and submit the construction
19 plans.

20 UNIDENTIFIED: Sorry guys.

21 MR. GENITEMPO: If this was court, we'd
22 confiscate his phone, but -- right, Jeff?

23 COMMISSIONER PETRACCO: Yeah. It's
24 appropriate.

25 MR. GENITEMPO: So what happens is, then it

1 goes to DCA, they have to approve the construction
2 plans. It takes eight to ten months for them to review
3 that. Then if they have changes, they have to go back,
4 and then there's also some DEP issues regarding the
5 stream that they have to deal with.

6 COMMISSIONER EVANS: It sounds similar to
7 like if you're going to build a school, you've got to
8 go back and forth, back and forth, get the approvals.

9 MR. GENITEMPO: Oh, yeah. It's a process.
10 But they're -- you know, they're willing to do it.
11 They like the site, they like Nutley. So, there's a
12 lot to go on, you know, about what kind of deal there
13 may be to be made, what the tax rateables are going to
14 be. But I just met the one person with Diaz.

15 So we'll see. That's just the beginning.
16 We'll present to you some information formally on that.

17 COMMISSIONER TUCCI: And did they ever speak
18 about any extensions with any of the other people that
19 are going to go there? Well, I need a short executive
20 session, if that's better.

21 MR. GENITEMPO: Oh, all right, well, we could
22 do --

23 COMMISSIONER TUCCI: There's a better spot
24 past that.

25 MR. GENITEMPO: -- we can go into more detail

1 there. Okay. We'll do a more detailed -- there.

2 COMMISSIONER TUCCI: Yeah.

3 MR. GENITEMPO: I have -- other than that,
4 there's nothing else.

5 MAYOR SCARPELLI: Motion to go to executive
6 for?

7 COMMISSIONER TUCCI: Contract negotiations,
8 personal.

9 MAYOR SCARPELLI: Madam Clerk?

10 THE CLERK: I need a motion.

11 MAYOR SCARPELLI: Move that, Commissioner
12 Tucci.

13 COMMISSIONER TUCCI: Move it.

14 THE CLERK: Whereas, Section 8 of the Open
15 Public Meeting Act, Chapter 231, Public Law 1975,
16 permits the exclusion of the public from meeting in
17 certain circumstances; and whereas, the public body is
18 of the opinion that such circumstances exist; and
19 whereas, the Board of Commissioners of the Township of
20 Nutley in the County of Essex, State of New Jersey,
21 desires to proceed to closed executive session; and now
22 therefore be it resolved by the Board of Commissioners
23 of the Township of Nutley to move into closed executive
24 session to discuss contract negotiations and personnel
25 matters.

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

8 Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 THE CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 THE CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 THE CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Here. Aye.

16 THE CLERK: Mayor Scarpelli?

17 Aye.

18 THE CLERK: The time is 7:15.

19 (End of recording)

20 * * * * *

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

ILENE WATSON, AAERT NO. 447 DATE: July 23, 2019
ACCESS TRANSCRIPTS, LLC

	APPEARING (1) 1:17	better (3) 5:17;10:20,23	Clerk (19) 2:2,3,14,16,18,20, 22;6:8;7:22,23;8:8; 11:9,10,14;12:10,12, 14,16,18	8:12
§	application (1) 8:4	bids (2) 6:9;7:9	Clerk's (1) 2:11	County (1) 11:20
\$350,000 (1) 4:8	applications (1) 7:25	bills (2) 3:25;6:1	closed (2) 11:21,23	couple (3) 3:1;7:6,25
*	appointment (1) 3:6	BOARD (6) 1:1,10;2:3,11; 11:19,22	co-cover (1) 7:17	Court (2) 3:6;9:21
*** (2) 1:6,6	appropriate (1) 9:24	body (1) 11:17	coffee (2) 6:19,21	covering (1) 4:1
A	appropriated (1) 3:3	bond (1) 3:25	collect (1) 4:16	crossing (1) 3:4
able (1) 3:16	approval (3) 7:24;9:8,9	borrow (1) 3:2	collection (1) 6:9	D
account (3) 3:4;4:17,20	approvals (1) 10:8	bringing (1) 6:20	Columbus (2) 8:2,2	DATE (1) 1:8
accounts (1) 5:5	approve (3) 9:16,17;10:1	brings (1) 8:25	COMMISSION (1) 1:3	Day (2) 8:2,2
Act (2) 2:6;11:15	approved (1) 9:4	budget (5) 4:4,9;5:24;7:16,20	COMMISSIONER (64) 1:12,13,14,15;2:12, 13,14,15,16,17,18,19, 24,25;3:8,9,21,22,23; 4:14,16,18,19;5:7,10, 11,13,15,16,18,19,20, 21;6:5,6,7,12,14,19, 20,22,24,25;7:1,2,12, 21;9:11,23;10:6,17, 23;11:2,7,11,13;12:8, 9,10,11,12,13,14,15	DCA (1) 10:1
addition (1) 9:9	April (1) 7:24	budget's (1) 7:15	COMMISSIONERS (5) 1:1,10;2:4;11:19,22	deal (5) 4:24,24;5:17;10:5, 12
adjustments (1) 4:5	armored (1) 4:25	Buel (2) 3:12,17	communications (1) 8:6	decide (2) 9:9,10
Administrator (1) 3:7	assisted (1) 8:25	build (1) 10:7	company (2) 6:16;8:25	DEP (1) 10:4
adopt (1) 7:20	ATTORNEY (1) 1:18	buildout (1) 8:21	conducted (1) 6:4	Department (1) 3:13
adopted (1) 7:16	authorization (1) 4:9	bulletin (1) 2:10	CONFERENCE (1) 1:6	Deputy (1) 3:6
adversely (1) 12:4	authorize (3) 6:8;7:6,10	business (1) 6:3	CONFIDENTIAL (1) 8:17	desires (1) 11:21
advertise (1) 6:9	Authorizing (1) 3:11	C	construction (3) 9:18,18;10:1	detail (1) 10:25
affair (2) 8:1,4	Avenue (2) 7:4,9	call (1) 7:9	continue (1) 5:25	detailed (1) 11:1
affect (1) 5:5	awarding (1) 4:12	Calories (1) 7:2	Contract (2) 11:7,24	development (1) 8:19
affecting (1) 12:4	Aye (5) 12:9,11,13,15,17	can (7) 3:2;8:5,8,10,14,16; 10:25	contractual (1) 12:5	Diaz (1) 10:14
affects (1) 5:6	B	capital (3) 4:4,6,7	contributing (1) 4:8	disabled (1) 4:11
aftermath (1) 7:18	back (4) 4:22;10:3,8,8	car (1) 4:25	copy (2) 2:9,11	disclosed (1) 12:2
agendas (1) 6:14	Bank (1) 4:13	certain (1) 11:17	core (2) 5:16,17	disclosures (1) 12:3
agreement (1) 9:15	banking (2) 4:12,13	cetera (1) 6:11	cost (1) 5:8	discuss (1) 11:24
aid (1) 7:14	banks (1) 5:3	challenges (1) 3:17	Counselor (1)	discussion (1) 12:2
ALAN (2) 1:18;8:5	basically (2) 6:16;7:18	CHAMBERS (1) 1:3		dispatchers (1) 3:4
ALPHONSE (1) 1:13	beginning (1) 10:15	changes (1) 10:3		donate (2) 3:12,16
amended (1) 3:3	begins (1) 2:1	Chapter (2) 2:6;11:15		done (1) 3:15
amendment (1) 4:4	Bella (1) 7:11	Church (1) 8:3		DOT (2) 7:5,5
and/or (1) 12:5	benefits (1) 5:1	circumstances (3) 3:18;11:17,18		drinker (1) 6:22
anticipated (1) 12:5	best (2) 4:24,24			DRIVE (1) 1:2

during (1) 6:4	8:3	Hall (1) 2:10	KENNEDY (1) 1:2	1:11;2:2,3,20,21,22, 23;3:21,23;5:22;6:5, 7,12,17;7:3,12,21,23; 8:12,13,14;11:5,9,11; 12:16
E	far (1) 3:16	happens (2) 9:15,25	kind (2) 3:14;10:12	Meeting (9) 2:4,6,7;5:23;6:1,4; 8:20;11:15,16
Effective (1) 3:9	fees (1) 4:25	health (1) 3:17	Kingsland (1) 9:1	mention (1) 7:13
eight (2) 9:3;10:2	few (2) 4:3;7:15	help (1) 3:7	L	met (2) 8:24;10:14
else (1) 11:4	file (1) 2:11	Herald-News (1) 2:9	land (1) 7:16	minutes (1) 7:24
emergency (1) 5:23	finished (1) 9:14	higher (1) 4:25	Law (2) 2:6;11:15	modern (1) 9:2
employee (1) 3:12	FLOOR (1) 1:3	Holy (1) 8:3	leave (1) 3:12	money (1) 4:20
employees (2) 3:11,16	follow (1) 7:14	huh (1) 3:7	Ledger (1) 2:9	months (1) 10:2
End (1) 12:19	forgot (1) 7:13	I	legal (1) 12:5	more (3) 7:15;10:25;11:1
equipment (1) 3:5	formally (1) 10:16	impacts (1) 8:19	license (1) 7:10	Motion (2) 11:5,10
Essex (1) 11:20	forth (2) 10:8,8	information (2) 8:17;10:16	Linda (2) 3:12,17	Move (3) 11:11,13,23
et (1) 6:11	funds (1) 3:4	Integrity (1) 7:8	liquor (1) 7:10	multiple (1) 5:5
EVANS (18) 1:12;2:16,17;3:8, 22,23;4:16,19;5:10, 13,16,19,21;6:19; 7:12;10:6;12:12,13	further (1) 12:1	interest (1) 4:25	living (1) 8:25	Municipal (2) 2:11;6:8
even (1) 9:15	G	interviewing (1) 4:22	loan (1) 7:5	N
evening (2) 6:15;7:13	Gardener (1) 3:6	into (2) 10:25;11:23	locations (1) 9:3	need (3) 5:22;10:19;11:10
exactly (2) 5:14,14	general (2) 4:3,19	introduction (1) 7:4	long (2) 9:7,11	needed (1) 5:25
exceptions (1) 12:6	GENITEMPO (12) 1:18;8:7,9,13,16; 9:13,21,25;10:9,21, 25;11:3	introductions (1) 4:1	look (1) 9:7	negotiating (1) 8:18
exclusion (1) 11:16	gets (1) 9:17	Investors (3) 4:13,23;5:4	looked (1) 5:1	negotiations (2) 11:7,24
executive (6) 7:23;8:20;10:19; 11:5,21,23	given (1) 4:5	issues (3) 2:8;8:18;10:4	lot (2) 3:15;10:12	NEW (4) 1:4;7:17;9:4;11:20
exemption (1) 4:10	glasses (1) 3:2	J	lowered (1) 4:7	next (1) 8:19
exist (1) 11:18	GLO (1) 7:10	January (1) 4:22	lowering (1) 4:7	Nice (2) 5:20;9:2
expenses (1) 7:17	goes (1) 10:1	Jeff (1) 9:22	Luce (1) 7:11	normal (1) 3:25
explain (1) 8:9	Good (2) 5:18;6:16	Jennifer (1) 3:6	M	notice (2) 2:7,10
extension (1) 7:7	Gramercy (1) 9:6	JERSEY (3) 1:4;9:4;11:20	Madam (3) 2:2;7:22;11:9	November (1) 2:8
extensions (1) 10:18	Grant (4) 7:4,5,9,17	job (1) 3:11	main (5) 4:11,13,17;5:16,17	NUTLEY (9) 1:1,4;2:8,10;8:21; 10:11;11:20,23;12:4
extraordinary (1) 3:18	great (1) 3:11	joining (1) 6:18	market (1) 4:20	Nutley-Belleville (1) 8:1
F	guard (1) 3:5	JOSEPH (1) 1:11	Mary's (1) 8:1	O
facility (2) 8:25;9:2	guys (1) 9:20	July (2) 1:8;2:4	matters (3) 11:25;12:6,6	offered (1) 4:23
Family (1)	H	June (2) 3:9;7:24	MAURO (1) 1:15	
	half (1) 9:14	K	may (3) 10:13;12:2,3	
			MAYOR (25)	

<p>Office (1) 2:12 ONE (11) 1:2;4:4;7:6,8,12,25; 8:10;9:4,6,6;10:14 ones (1) 5:3 One's (2) 4:1;7:9 one-year (1) 7:7 only (2) 2:25;6:3 Open (2) 2:6;11:14 operate (1) 5:25 operating (3) 4:3,17,20 opinion (1) 11:18 opportunity (1) 9:5 ordinance (2) 4:1;7:3 out (1) 5:3 overall (1) 8:19</p>	<p>23;12:14,15 phone (2) 7:13;9:22 phonetic (1) 10:15 picking (1) 5:7 plan (1) 9:17 plans (3) 9:18,19;10:2 plus (1) 9:4 point (1) 7:12 police (1) 3:4 posted (1) 2:10 potential (1) 8:21 preliminary (1) 9:7 present (2) 2:22;10:16 presentation (1) 8:20 Prism (2) 8:15,24 Probably (1) 9:13 proceed (1) 11:21 process (5) 4:22,23;9:8,12;10:9 processes (1) 4:23 processing (1) 5:8 property (2) 4:10;9:1 provided (1) 12:7 Public (10) 2:4,6,6;3:13;8:14; 11:15,15,16,17;12:2 published (1) 2:7 Pursuant (1) 2:5 put (2) 6:2;9:1</p>	<p>7:7 rate (1) 4:25 rateables (1) 10:13 read (5) 3:13;4:5;5:22;8:5, 10 really (2) 3:10;5:1 reconstruction (1) 7:4 record (1) 6:2 Recording (2) 2:1;12:19 Recycling (2) 7:8,8 redevelopment (1) 9:15 refund (1) 4:9 regarding (1) 10:4 regulations (1) 3:15 related (2) 8:18,21 relationship (1) 5:4 relatively (1) 8:22 re-looking (1) 4:6 removal (1) 6:10 Report (1) 6:15 reports (1) 3:24 requirements (1) 2:5 resolution (3) 3:3,14;6:8 resolutions (5) 3:1;4:3;5:24;6:2; 7:6 resolved (2) 11:22;12:1 revealing (1) 8:17 revenue (1) 7:17 review (1) 10:2 rezoning (1) 9:16 RFP (2) 4:12,21 Right (3) 5:7;9:22;10:21 roadways (1) 4:2</p>	<p>ROGERS (7) 1:14;2:12,13;6:6,7; 12:8,9 rules (1) 3:15</p> <p style="text-align: center;">S</p> <p>Safety (1) 3:13 Saint (1) 8:1 SCARPELLI (17) 1:11;2:2,20,21,23; 3:21;6:5,12,17;7:3, 21;8:12,14;11:5,9,11; 12:16 school (1) 10:7 sealed (2) 6:9;7:9 Section (1) 11:14 Seems (1) 9:2 separate (1) 8:6 service (1) 4:25 services (2) 4:13;5:8 SESSION (5) 1:6;7:24;10:20; 11:21,24 Shade (1) 6:15 shall (1) 12:3 short (1) 10:19 sick (1) 3:12 side (1) 8:21 similar (1) 10:6 site (2) 9:17;10:11 social (2) 8:1,4 solid (1) 6:10 Sorry (1) 9:20 sounds (1) 10:6 south (1) 9:1 speak (1) 10:17 spot (1) 10:23 Star (1)</p>	<p>2:9 state (3) 7:14;9:8;11:20 statute (1) 12:7 stepped (1) 3:10 STEVEN (1) 1:14 still (1) 8:18 stood (1) 5:3 stream (1) 10:5 submit (1) 9:18 submitted (1) 8:3 Sun (1) 2:8 sure (1) 8:16 switched (1) 6:25</p>
P				T
<p>pair (1) 3:1 Parade (2) 8:2,3 passed (1) 7:15 past (1) 10:24 pay (1) 6:1 payroll (1) 5:8 pending (1) 12:4 people (1) 10:18 permission (1) 7:20 permit (1) 8:4 permits (1) 11:16 person (1) 10:14 personal (1) 11:8 personnel (2) 11:24;12:5 PETRACCO (12) 1:13;2:18,19,25; 3:9;6:22,25;7:2;9:11,</p>	<p>Q</p> <p>quiet (1) 8:22 quite (1) 4:15</p> <p style="text-align: center;">R</p> <p>raffles (1)</p>			<p>talk (1) 8:23 tax (2) 4:10;10:13 taxes (1) 4:17 taxpayers (1) 4:24 TD (2) 4:21;5:4 tea (2) 6:22;7:1 temporary (2) 4:9;5:24 ten (1) 10:2 Tenafly (1) 9:6 therefore (1) 11:22 THOMAS (1) 1:12 thought (1) 6:20 three (4) 3:25;5:24;8:5,5 till (1) 7:24 together (3) 5:2;8:5,11 Tom (2) 3:3,7 tonight (5) 3:1,25;4:1,5,10 total (1)</p>

<p>4:7 Town (1) 2:10 TOWNSHIP (5) 1:1,18;11:19,23; 12:4 traffic (1) 8:19 transferring (1) 5:4 Tree (1) 6:15 trying (1) 7:14 TUCCI (23) 1:15;2:14,15;4:14, 18;5:7,11,15,18,20; 6:13,14,20,24;7:1; 10:17,23;11:2,7,12, 13;12:10,11 Tuesday (1) 2:4 two (2) 9:13,13</p>	<p>weeks (1) 7:15 Whereas (3) 11:14,17,19 willing (1) 10:10 within (1) 12:6 without (2) 8:17;12:3 work (1) 5:20 working (1) 7:18</p>	<p>12:18</p>		
<p>U</p>	<p>07110 (1) 1:4</p>	<p>8</p>	<p>8 (1) 11:14</p>	
<p>UNIDENTIFIED (1) 9:20 uniforms (1) 3:5 up (3) 3:10;5:8;7:14 update (1) 8:14 utility (2) 4:2,10</p>	<p>1</p> <p>16th (1) 3:9 190-bed (1) 9:2 1975 (2) 2:6;11:15</p>	<p>0</p>		
<p>V</p> <p>various (1) 7:6 vegetative (1) 6:10 vendor (1) 7:8 vet (1) 4:11 view (1) 9:5</p>	<p>2 (1) 1:8 2018 (1) 2:8 2019 (3) 1:8;2:4;3:10 22 (1) 3:11 231 (2) 2:6;11:15 29 (1) 2:8 2nd (1) 2:4</p>	<p>2</p>		
<p>W</p> <p>wants (2) 8:2;9:1 war (1) 4:11 waste (2) 6:10,10 water (2) 4:2,10 way (1) 9:10</p>	<p>3</p> <p>3RD (1) 1:3</p> <p>7</p> <p>7:04 (1) 2:5 7:15 (1)</p>			

In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings

July 2, 2019

Public Session



66 W. Mt. Pleasant Avenue
Livingston, NJ 07039
T (973)992-7650 F (973)992-0666
www.rizmanrappaport.com
reporters@rizmanrappaport.com

Min-U-Script®

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

*** PUBLIC SESSION ***

DATE: July 2, 2019

BOARD OF COMMISSIONERS:

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

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

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

4 (Pledge of Allegiance)

5 MAYOR SCARPELLI: Madam Clerk?

6 THE CLERK: Thank you, Mayor. Board of
7 Commissioners Public Meeting, Tuesday, July 2nd, 2019.
8 The time is 7:53. Pursuant to the requirement of the
9 Open Public Meeting Act, Chapter 231, Public Law 1975,
10 notice of this meeting was published in the
11 November 29th, 2018 issues of the Nutley Sun, the
12 Herald-News, and the Star-Ledger. A copy of this
13 notice has been posted on the Nutley Town Hall bulletin
14 board, and a copy is on file in the Municipal Clerk's
15 Office. Commissioner Rogers?

16 COMMISSIONER ROGERS: Here.

17 THE CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Here.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Here.

21 THE CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Here.

23 THE CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Here.

25 THE CLERK: All present, Mayor.

1 MAYOR SCARPELLI: Minutes, Madam Clerk?

2 THE CLERK: Thank you, Mayor. We have
3 executive session minutes for April 16, 2019, for
4 sessions 1 and 2; May 7th, 2019, for sessions 1 and 2;
5 May 13th, 2019; May 21st, 2019; June 6th, 2019; and
6 June 18th, 2019.

7 COMMISSIONER TUCCI: Move them.

8 COMMISSIONER EVANS: Second.

9 THE CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 THE CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

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

20 MAYOR SCARPELLI: Communications?

21 THE CLERK: Thank you, Mayor. We have three
22 this evening. The first one is Saint Mary's Church has
23 submitted an application for a social affair permit for
24 their Oktoberfest on Friday, September 27, 2019, from
25 6 p.m. to 12 a.m. at Monsignor Owens' Place. The

Public Session

4

1 second one is the Nutley/Belleville Columbus Day Parade
2 Committee has submitted an event application to hold
3 their 37th Annual Columbus Day Parade along
4 Franklin Avenue on Sunday, October 13, 2019. And the
5 third one is Holy Family Church has submitted an
6 application for a social affair permit, and is also
7 requesting to hold a Sunday raffle during their
8 28th Annual Italian Festival, to be held on
9 Thursday, September 19, through Sunday, September 22nd,
10 at 28 Brookline Avenue. I need a motion, please.

11 COMMISSIONER EVANS: Move it.

12 COMMISSIONER TUCCI: Second.

13 THE CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 THE CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 THE CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 THE CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 THE CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

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

24 MAYOR SCARPELLI: Reports? Commissioner

25 Tucci?

1 COMMISSIONER TUCCI: Yes, thank you, Mayor.

2 I have a Shade Tree Report for the month of June.

3 MAYOR SCARPELLI: Bills, Madam Clerk?

4 THE CLERK: Yes, Mayor, thank you. Bill list
5 for July 2nd, 2019: Public Affairs, \$125,112.92;
6 Revenue and Finance, \$2,489,953.80; Public Safety,
7 \$123,919.03; Public Works, \$91,286.27; Parks and Public
8 Property, \$583,059.49; Total Payroll, \$831,298.86; for
9 a grand total of \$4,333,856.08.

10 COMMISSIONER EVANS: Move the bills.

11 COMMISSIONER TUCCI: Second.

12 THE CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 THE CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 THE CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 THE CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 THE CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 THE CLERK: That's it for bills.

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

25 THE CLERK: Thank you, Mayor. All persons

1 addressing the Board of Commissioners regarding
2 community concerns should approach the microphone and
3 provide their name and address for the record. Unless
4 further time is granted by the Board, each person shall
5 limit their address to three minutes.

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

15 MR. MOORE: Rory Moore, 462 Chestnut Street.
16 Mr. Scarpelli, I only have two questions this evening.
17 Mr. Evans, in the middle of the first page, Pennoni,
18 \$20,000. What was that for?

19 COMMISSIONER EVANS: That's the one to
20 Pennoni?

21 MR. MOORE: Yes.

22 COMMISSIONER EVANS: In here?

23 MR. MOORE: It's right in the middle of the
24 page.

25 COMMISSIONER EVANS: Yes, but it's Pennoni,

1 right? Correct?

2 MR. MOORE: Yeah.

3 COMMISSIONER EVANS: Yeah. The -- that was
4 for a study that they did on Highfield Lane related to
5 a railroad crossing.

6 MR. MOORE: I'm -- I didn't hear you --

7 COMMISSIONER EVANS: Related to a railroad
8 crossing on Highfield Lane.

9 MR. MOORE: Okay, thank you. And Mr. Tucci?

10 COMMISSIONER TUCCI: Yes.

11 MR. MOORE: I remember some time ago we
12 talked about the phone bills, we did, and the mobile
13 phones, and I remember you said that you were going to
14 address that. But looking at it right now, the phone
15 -- they still seem very, very high. Has there been any
16 positive movement on lowering the phone bill?

17 COMMISSIONER TUCCI: Well, I believe the
18 services are being (indiscernible) they're being paid
19 the services -- sorry about that. I believe the amount
20 that we pay for the monthly service was drastically
21 reduced, and we are now offering all of our employees,
22 I guess it's iPhone 7s, which cost us 99 cents and --

23 COMMISSIONER EVANS: 8.

24 COMMISSIONER TUCCI: I'm sorry?

25 COMMISSIONER EVANS: 8.

1 COMMISSIONER TUCCI: 8?

2 MR. MOORE: I thought it was 8.

3 COMMISSIONER EVANS: iPhone 8s.

4 COMMISSIONER TUCCI: iPhone 8s, I'm sorry,
5 thank you.

6 MR. MOORE: Yeah, you said -- originally, you
7 had said iPhone 8s.

8 COMMISSIONER TUCCI: Right, right.

9 MR. MOORE: Everybody was supposed to get --

10 COMMISSIONER TUCCI: I stand corrected,
11 iPhone 8s.

12 MR. MOORE: Yeah, no, no.

13 COMMISSIONER TUCCI: But it was a while ago.
14 So yes, we are making substantial progress there, and I
15 -- Frank, what was the amount? Was it \$48 a month that
16 it was -- 40?

17 MR. DEMAIO: \$40 a month.

18 COMMISSIONER TUCCI: Right, \$40 a month per
19 user which is --

20 MR. MOORE: Per phone.

21 COMMISSIONER TUCCI: Per phone. Which is --

22 MR. MOORE: Isn't that --

23 COMMISSIONER TUCCI: -- quite substantial.

24 MR. MOORE: -- if that's the rate, isn't that
25 still a little high? Because, you know, we're looking

1 at \$2,000. That's a lot of money. 40 divided by --

2 COMMISSIONER TUCCI: That's town wide.

3 That's not -- when you do the math, that's not high.

4 MR. MOORE: It's still pretty high.

5 COMMISSIONER TUCCI: Well, \$40, I wish my
6 personal account was \$40 a month, that's -- because
7 it's substantially more than that, for -- I'd be happy
8 to go over it with you if you'd like to take a look at
9 it.

10 MR. MOORE: Pardon me?

11 COMMISSIONER TUCCI: We would be happy to go
12 over it with you if you would like to take a look at
13 it.

14 MR. MOORE: Yes, I would. I would love to.

15 COMMISSIONER TUCCI: Be our pleasure.

16 MR. MOORE: Thank you.

17 COMMISSIONER TUCCI: You're welcome.

18 MAYOR SCARPELLI: Anybody else wish to
19 address the Board of Commissioners on the agenda items
20 only? Seeing none, let's go to commissioner
21 announcements.

22 COMMISSIONER TUCCI: I have one announcement,
23 and I'll make this announcement again. On July 18th at
24 seven o'clock, we're having our first Concert in the
25 Park, and the performance -- the performers will be

1 Jersey Sound. Thank you, Mayor.

2 MAYOR SCARPELLI: Thank you. Commissioner
3 Evans?

4 COMMISSIONER EVANS: Yes, Mayor. I have two.
5 One is, the latter part of June we had a Division of
6 Motor Vehicle here in the new mobile truck program. We
7 were a pilot location. The turnout with residents
8 going there was fantastic. There was -- it started, it
9 was from 10 to 2, and people lined up before they were
10 opened, and they were still there after two o'clock.

11 In order to do this, one, is, the Clerk, who
12 deals with DMV a lot, identified the program and worked
13 to bring it to all of our attention, and, you know, Al,
14 thank you for providing Joe Gallano (phonetic) to be
15 out there all day. He was great, to be -- and I told
16 him this, he was great with all the people, you know,
17 just helping to keep them organized, making -- he was
18 even helping them to understand what services that were
19 going on that day, which he didn't have to do, but it
20 was great. Mauro, you know, from your standpoint of
21 your team working with Frank to get the location set
22 up, all right, on short -- this was all on short
23 notice, right.

24 COMMISSIONER TUCCI: Yes.

25 COMMISSIONER EVANS: And so, you know, the

1 reason I'm raising it is, is that, you know, often we
2 take a bow for things that get done. In this
3 particular case, you know, I want to take a bow for the
4 employees that we have in town for working together and
5 making sure that this went smoothly, because I think
6 everybody went above and beyond.

7 COMMISSIONER TUCCI: I couldn't agree more.

8 COMMISSIONER EVANS: The other thing I have
9 is that we did have an emergency meeting in June for
10 the sole purpose of voting on temporary budget
11 authorizations for our debt service and for our
12 operating account. Those were resolutions that were
13 identified as 165-19, 166-19, and -- it's stuck
14 together. And 167-19. They are items that are done in
15 the normal course. Because we're not able to adopt our
16 budget yet, we're working under temporary
17 authorizations, so cash had to be expended before the
18 meeting tonight. So I just wanted to bring those into
19 the record, that that -- they were unanimously voted on
20 by all of the commissioners, and that was the only
21 business that was conducted at that meeting. Thank
22 you.

23 MAYOR SCARPELLI: Thank you. Commissioners,
24 any other announcements? Just, announced tomorrow, I
25 mean, Thursday, 4th of July, the Board having our

1 fireworks in the Oval. I'd like to thank the
2 Commissioners and their departments for all their help
3 in helping organize, and the weather looks like it's
4 going to be good, which wasn't at the beginning of the
5 week, so we'll have a good night to have the --
6 celebrate our nation's birthday. Let's move to one
7 resolution. Commissioner?

8 COMMISSIONER PETRACCO: Thank you, Mayor.
9 We're going to take this one resolution out of order,
10 and actually, when I was shuffling through it, this is
11 our appointment of Deputy Court Administrator
12 Jennifer Gardner. I thought this resolution was going
13 to be a little longer, because I know her personally,
14 and she's such a good person, and she's been very well
15 received by our court -- our courts in Nutley here, and
16 I'd just like to acknowledge our Court Administrator,
17 Adriana Russo, is here tonight supporting us, too.

18 But I want to say congratulations on Ann
19 Rizzo's retirement. She spent many years here, and she
20 did an excellent job. We're very excited to have Jenn
21 here now to fill those shoes, which are big shoes, but
22 so far it's been going great. So --

23 Be it resolved by the Board of Commissioners,
24 Township of Nutley, County of Essex, State of New
25 Jersey, that Jennifer Garner be appointed Deputy Court

1 Administrator of the Nutley Municipal Court in the
2 Township of Nutley, effective June 6th, 2019. I move
3 the resolution.

4 COMMISSIONER ROGERS: Before I second it,
5 Jennifer, I want you to know that we deeply appreciate
6 the work you've done here, and I cannot escape the fact
7 that Mike is with you, your husband, who I had the
8 honor of working with in the Nutley Police Department
9 for many years. So as a family, you've brought so much
10 to this town. God bless you, and it's my pleasure to
11 second it.

12 THE CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 THE CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Yes, before I vote, I
16 also have a comment. I was fortunate enough to be part
17 of the review committee with the County Court
18 Administrator, Mr. Restaino, to actually interview all
19 of the folks, all right, who applied for this position.
20 And I am very happy and very proud to say that while
21 all of the candidates were highly qualified, our own
22 homegrown Nutley candidate was head and shoulders above
23 all of them. I am very proud and very happy to vote
24 aye.

25 THE CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Yes. This is wonderful.
2 It's a bit bittersweet, because I had to give up a
3 great employee to go across the street to work for
4 Public Safety. Jenn, you did great work while you were
5 at Revenue and Finance, I'm just thrilled that you are
6 still progressing, and much success. I vote aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Again,
9 congratulations. Welcome aboard. I just -- I can
10 speak volumes of the Nutley Court System, what everyone
11 does there. Being my good friend Joe Vallano
12 (phonetic) over there, got a -- a little pat on the
13 back before -- for doing the motor vehicle thing, I'd
14 like acknowledge my friendship with him, and say that,
15 even in the court system, having Joe there as well
16 makes the court system move along a lot faster, because
17 he's very compassionate to the people that are going
18 there. So, Jenn, congratulations again, welcome
19 aboard, you're doing a great job. Aye.

20 THE CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Jenn, congratulations. I
22 know you're going to do a great job. I miss sitting
23 next to you over there, but you'll do a great job here.
24 I vote aye.

25 (Pause)

1 MAYOR SCARPELLI: Let's move on to ordinance
2 introductions.

3 Ordinance Number 3422, ordinance providing
4 the reconstruction of the roadway on Grant Avenue in
5 the Township of Nutley in the County of Essex, New
6 Jersey, appropriating \$424,193 therefore from grant
7 monies received from the New Jersey Department of
8 Transportation for the costs thereof.

9 This is for the reconstruction of Grant
10 Avenue. I move that this ordinance be passed to a
11 second reading, advertised in the Nutley Sun, together
12 with the notice required by law, and that further
13 consideration of said ordinance for a final passage by
14 the Board of Commissioners be held at its second
15 reading on August 6th, 2019. I move the ordinance.

16 COMMISSIONER TUCCI: Second.

17 THE CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 THE CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 THE CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye. Commissioner Evans?

2 COMMISSIONER EVANS: Thank you, Mayor. I
3 have the three capital ordinances for improvements in
4 the township. The first is for roadway improvements.
5 This is Number 3423, bond ordinance providing for the
6 reconstruction of various roadways and sidewalks in the
7 Township of Nutley, County of Essex, State of New
8 Jersey, appropriating \$384,125, therefore authorizing
9 the issuance of \$365,750 in bonds or notes of the
10 Township for financing part of the costs thereof. I
11 move that this ordinance be passed to a second meeting,
12 and advertised in the Nutley Sun together with the
13 notice required by law, and that further consideration
14 of said ordinance for a final passage by the Board of
15 Commissioners be held at its second meeting on
16 August 6th, 2019. So moved.

17 COMMISSIONER TUCCI: Second.

18 THE CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 THE CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 COMMISSIONER EVANS: 3424 is for improvements
4 related to the Water Utility, a bond ordinance
5 appropriating \$257,250, and authorizing the issuance of
6 \$244,390 in bonds or notes on the Township for various
7 Water Utility improvements or purposes authorized to be
8 undertaken by the Township of Nutley in the County of
9 Essex, State of New Jersey. I move that this ordinance
10 be passed to its second reading, and advertised in the
11 Nutley Sun, together with the notice required by law,
12 and that further consideration of said ordinance for
13 final passage by the Board of Commissioners be held at
14 its second reading on August 6th, 2019. So move.

15 COMMISSIONER TUCCI: Second.

16 THE CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 THE CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

1 COMMISSIONER EVANS: The last bond ordinance
2 is the general capital, broader -- which relates
3 overall to the township. This bond ordinance,
4 appropriating \$1,905,750, and authorizing the issuance
5 of \$1,810,650 in bonds or notes of the township for
6 various improvements or purposes authorized, to be
7 undertaken by the Township of Nutley, in the County of
8 Essex, State of New Jersey. I move that this ordinance
9 be passed to a second reading and advertised in the
10 Nutley Sun, together with a notice required by law, and
11 that further consideration of said ordinance for final
12 passage by the Board of Commissioners be held at its
13 second meeting on August 6th, 2019. So moved.

14 COMMISSIONER TUCCI: Second.

15 THE CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 THE CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 THE CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 THE CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 THE CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 COMMISSIONER EVANS: Thank you, Mayor.

1 MAYOR SCARPELLI: Commissioner Rogers?

2 COMMISSIONER ROGERS: Resolution Number
3 173-19. Whereas, due to the time requirement of 60
4 days in bid advertising, the Board of Commissioners of
5 the Township of Nutley, County of Essex, State of
6 New Jersey, it is necessary for the Township Clerk to
7 advertise for sealed bids on July 11th, 2019, in the
8 Newark Star-Ledger and the Nutley Sun for collection,
9 removal, and disposal -- excuse me -- of solid waste,
10 bulk waste, veggie waste, leaves and grass clippings;
11 and,

12 Whereas, it is the desire of the Board of
13 Commissioners of the Township of Nutley, County of
14 Essex, State of New Jersey, to authorize and ratify the
15 actions of the Township Clerk in advertising for said
16 bids;

17 Now, therefore, be it resolved by the Board
18 of Commissioners of the Township of Nutley, County of
19 Essex, State of New Jersey, that the actions of the
20 Township Clerk in so advertising for sealed bids for
21 collection, removal, and disposal of solid waste, bulk
22 waste, veggie waste, leaves and grass clippings, on
23 July 11, 2019, as aforesaid, be and are hereby
24 authorized and ratified;

25 And be it further resolved that, as

1 advertised said bids as may be received in accordance
2 with said advertisement shall be publicly opened and
3 read on September 11, 2019, in the Commission Chambers,
4 Township Hall, Kennedy Drive, at 11 a.m. prevailing
5 time. So move.

6 COMMISSIONER PETRACCO: Second.

7 THE CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 THE CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 THE CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 THE CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye. Thank you,
17 Commissioner.

18 COMMISSIONER ROGERS: You're welcome.

19 MAYOR SCARPELLI: Commissioner Evans?

20 COMMISSIONER EVANS: Thank you, Mayor.

21 Be -- whereas, the Planning Board received an
22 escrow deposit in the amount of \$4,000 from
23 Acme Properties for a property located at 212
24 Hancox Avenue in Nutley, and the escrow fee of \$4,000
25 was collected and deposited in account T-15911974; and

1 Whereas, the Planning Board has reviewed and
2 determined that the balance of the escrow account of
3 \$905 is due to Acme Properties;

4 Now, therefore, be it resolved by the Board
5 of Commissioners of the Township of Nutley, County of
6 Essex, State of New Jersey, that the Township
7 Treasurer, be and she is authorized to refund escrow
8 fees in the amount of \$905 to Acme Properties, LLC. So
9 move.

10 COMMISSIONER TUCCI: Second.

11 THE CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye.

13 THE CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 COMMISSIONER EVANS: Whereas, N.J.S.A.

22 40A:4-20 provides that where contracts, commitments, or
23 payments are to be made prior to the final adoption of
24 the 2019 Water Utility budget, emergency appropriations
25 may be lawfully made for the purposes and amounts

1 required in the manner and time therein provided;

2 Whereas, the total emergency temporary
3 resolution adopted in the year 2019 pursuant to the
4 provisions of Chapter 96 P.L. 1951, including this
5 resolution total \$2,310,316;

6 Now, therefore, be it resolved that in
7 accordance with N.J.S.A. 40A:4-20, the emergency
8 temporary appropriations being the same are hereby
9 made, for the total amount of \$1,155,158;

10 That said emergency appropriations will be
11 provided for the 2019 Water Utility budget for the
12 accounts that are listed herein. So move.

13 COMMISSIONER TUCCI: Second.

14 THE CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 THE CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 COMMISSIONER EVANS: Whereas, New Jersey
25 State Statute 54:4-33.30 provides war veterans who were

1 honorably discharged from active service in a time of
2 war in any branch of the Armed Services of the
3 United States who have been, or shall be declared by
4 the United States Veterans Administration to be 100
5 percent totally, permanently disabled in connection
6 with their wartime service a full tax exemption of
7 their dwelling, and the lot on which it is situated;
8 and

9 Whereas, the following taxpayer has filed an
10 application for the allowance of the full exemption,
11 with proper supporting documentation, thus making the
12 taxpayer eligible;

13 Now, therefore, be it resolved by the Board
14 of Commissioners of the Township of Nutley, County of
15 Essex, State of New Jersey, that John Kruk be granted
16 full exemption from payment of property taxes from
17 June 11th, 2019 and all subsequent years thereafter, on
18 the property identified as Block 2900, Lot 17, also
19 known as 621 Prospect Street;

20 Be it further resolved that the treasurer is
21 hereby authorized to refund \$695.97 for 2019 property
22 taxes. So move.

23 COMMISSIONER TUCCI: Second.

24 THE CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 THE CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 THE CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 THE CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 COMMISSIONER EVANS: Whereas, the Township of
10 Nutley advertised for proposals for banking services on
11 December 27th, 2018; and

12 Whereas, the request for proposals were for
13 banking services were accepted by the Township Clerk on
14 January 9th, 2019;

15 Whereas, the Township of Nutley reviewed and
16 analyzed all submitted proposals;

17 Whereas, the proposals received -- proposal
18 received from Investors Bank, 101 JFK Parkway,
19 Short Hills, was the most favorable proposal for the
20 Township of Nutley;

21 Whereas, Investor Bank was recommended for a
22 one-year contract award, with two one-year options for
23 contract extensions;

24 Whereas, the Township has selected to
25 exercise the terms of the contract for one year,

1 effective July 1, 2019, through June 30th, 2020;

2 Whereas, funds will not be expended by the
3 Township for the performance of this contract.

4 Now, therefore, be it resolved by the Board
5 of Commissioners of the Township of Nutley that the
6 contract be awarded to Investors Bank, and is hereby
7 authorized and approved. So move.

8 COMMISSIONER TUCCI: Second.

9 THE CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 THE CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 COMMISSIONER EVANS: Almost done. My last
20 resolution.

21 Whereas, the capital budget for the year 2019
22 was introduced on the second day of April, 2019;

23 Whereas, it is the desire to amend said
24 approved capital budget section;

25 Now, therefore, be it resolved by the Board

1 of Commissioners of the Township of Nutley, of the
2 County of Essex, State of New Jersey, that the
3 following amendments be to the approved capital budget
4 section, be made for the accounts in the amounts that
5 are listed herein. So move.

6 COMMISSIONER TUCCI: Second.

7 THE CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 THE CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 THE CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 THE CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye. Thank you,

17 Commissioner. Commissioner Petracco?

18 COMMISSIONER PETRACCO: Yes.

19 Whereas, Resolution Number 123-19 for sealed
20 bids for finishing and delivering police dispatch and
21 of crossing guard uniforms and equipment was approved
22 on May 7th, 2019, by the Board of Commissioners;

23 Whereas, the resolution Number 123-19 stated
24 the funds for the crossing guards allowance were
25 available in appropriation titled 9-01-308-200, which

1 is -- was incorrect; and

2 Whereas, the correct appropriation for these
3 funds, in the amount of \$12,500 are available in the
4 appropriation that is entitled 9-01-310-200;

5 Now, therefore, be it resolved by the Board
6 of Commissioners, Township of Nutley, County of Essex,
7 New Jersey, that the appropriation for crossing guards
8 allowance in Resolution Number 123-19 be changed from
9 9-01-308-200 to 9-01-310-200. I move the resolution.

10 COMMISSIONER ROGERS: Second.

11 THE CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye.

13 THE CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Aye.

15 THE CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 COMMISSIONER PETRACCO: Whereas, Linda Buel,
22 who is an employee of the Township of Nutley, the
23 Department of Public Safety; and

24 Whereas, Linda Buel has exhausted all of her
25 available sick leave and other time due; and

1 Whereas, 22 employees of the Department of
2 Public Safety are desirous of transferring one of each
3 of their accumulated sick leave for a total of 22 days,
4 being transferred to Linda Buel; and

5 Whereas, under the circumstances presided
6 hereon, and in view of Linda Buel's medical situation,
7 and her service to the Department of Public Safety, the
8 Board of Commissioners are desirous of accommodating
9 this request;

10 Now, therefore, be it resolved by the Board
11 of Commissioners of the Township of Nutley, in the
12 County of Essex, New Jersey, that the following
13 employees are permitted to transfer days to Linda Buel.
14 I move the resolution.

15 COMMISSIONER ROGERS: Second.

16 THE CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 THE CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 THE CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

1 COMMISSIONER PETRACCO: That's all I have.

2 MAYOR SCARPELLI: Thank you, Commissioner.

3 Whereas, raffle applications have been
4 received from the following organizations: Saint
5 Mary's Roman Catholic Church, license number 29-19 on-
6 premise merchandise raffle, to be held Friday,
7 September 27th, 2019; Saint Mary's Roman Catholic
8 Church, license number 30-19, on-premise 50/50 cash
9 raffle, to be held Friday, September 27th, 2019; and
10 Holy Family Church, license number 31-19, carnival
11 games and money wheel from Thursday, September 19th,
12 through Sunday, September 22nd, 2019;

13 Whereas, the applications have been reviewed
14 and approved by the Municipal Clerk and the police
15 department;

16 Now, therefore, be it resolved by the Board
17 of Commissioners of the Township of Nutley, County of
18 Essex, State of New Jersey, that the aforementioned
19 licenses are approved, and the Municipal Clerk is
20 authorized to issue the raffle license. I move the
21 resolution.

22 COMMISSIONER TUCCI: Second.

23 THE CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 THE CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 Whereas, the Township of Nutley advertised
9 for proposals for the marketing of recyclable materials
10 on March 17, 2015; and

11 Whereas, the request for proposals for the
12 marketing of recycling materials were accepted by the
13 Township Clerk on May 8th, 2015; and

14 Whereas, the Township of Nutley reviewed and
15 analyzed all submitted proposals; and

16 Whereas, the proposal received from
17 Integrity Recycling Waste Solutions, 111 Route 31,
18 Suite 223, Flemington, New Jersey, was the most
19 favorable proposal for the Township of Nutley; and

20 Whereas, Integrity Recycling Waste Solutions
21 was recommended for a three-year contract, with two
22 one-year options for contract extensions, effective on
23 July 1st, 2015; and

24 Whereas, the Township has selected to
25 exercise the option to extend contract for the final

1 one-year contract extension, and the terms of the
2 contract are for one year, effective July 1st, 2019
3 through June 30th, 2020; and

4 Whereas, funds are available from July 1st,
5 2019 through December 31st, 2019, from account number
6 9-01423209, in the amount not to exceed \$30,000; and
7 from January 1st, 2020, through June 30th, 2020, from
8 account number 001423209, in the amount not to exceed
9 \$30,000, subject to adoption in the municipal budget
10 for a total contract not to exceed \$60,000, and have
11 been served by the Chief Financial Officer, said
12 certification being attached to this resolution;

13 Now, therefore, be it resolved by the Board
14 of Commissioners, Township of Nutley, County of Essex,
15 State of New Jersey, that the contract be awarded to
16 Integrity Recycling Waste Solutions, not to exceed
17 \$60,000, and it is hereby authorized and approved. I
18 move the resolution.

19 COMMISSIONER TUCCI: Second.

20 THE CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 THE CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 THE CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 COMMISSIONER PETRACCO: You can't talk today.

6 I can't hear her today.

7 MAYOR SCARPELLI: Be it resolved by the Board
8 of Commissioners, Township of Nutley, County of Essex,
9 State of New Jersey, that the Township Clerk is hereby
10 authorized to advertise for sealed bids for the NJDOT
11 Grant Avenue Roadway Improvement Project in the
12 Township of Nutley to be received on behalf of the
13 Board of Commissioners in Commission Chambers,
14 Township Hall, 1 Kennedy Drive, Nutley, New Jersey, on
15 Wednesday, July 31st, 2019, at 11 a.m. prevailing time,
16 at which time they will be opened and read. I move the
17 resolution.

18 COMMISSIONER TUCCI: Second.

19 THE CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 THE CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

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

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

12 Now, therefore, be it resolved by the Board
13 of Commissioners of the Township of Nutley, County of
14 Essex, State of New Jersey, that the renewal of plenary
15 retail consumption license be granted to the following
16 licensee, effective July 1st, 2019, through June 30th,
17 2020;

18 Be it further resolved that the
19 Municipal Clerk be, and she is hereby directed and
20 authorized to issue said license, for the licensing
21 period of July 1st, 2019, through June 30th, 2020;
22 GLO Group, trading as Bella Luce, 507 Franklin Avenue,
23 plenary retail consumption license, with broad package
24 powers. I move the resolution.

25 COMMISSIONER TUCCI: Second.

1 THE CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 THE CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye. That concludes the
11 business portion of our meeting. Madam Clerk?

12 THE CLERK: Thank you, Mayor. All persons
13 addressing the Board of Commissioners regarding
14 community concerns should approach the microphone and
15 provide their name and address for the record. Unless
16 further time is granted by the Board, each person
17 should limit their address to five minutes. All
18 remarks to the Board and its individual members must be
19 addressed to the Mayor. The Mayor may defer citizens'
20 comments to the appropriate member of the Board.
21 Dialogue between citizens and others addressing the
22 Board shall be allowed, unless the Mayor or presiding
23 officer, or the majority of the membership of the Board
24 shall determine that the interests of the quorum,
25 and/or the expeditious conduct and municipal business

1 are being adversely affected by such dialogue.

2 MR. MOORE: Rory Moore, 462 Chestnut Street.
3 Mr. Scarpelli, I wanted to speak to Mr. Evans, but I do
4 want to ask you a question. At a caucus meeting, I
5 understood that there was no executive sessions? But
6 you were in an executive sessions What was that for?

7 COMMISSIONER TUCCI: Personnel and contract
8 negotiations.

9 MR. MOORE: I was a little confused, because
10 everybody said -- anything in executive, everybody says
11 no, but then there was something -- contracts and
12 personnel?

13 COMMISSIONER TUCCI: Contract negotiations
14 and personnel. Yes.

15 MR. MOORE: What contracts did we negotiate?

16 COMMISSIONER TUCCI: It -- contracts relative
17 to the ON3, the redevelopment.

18 MR. MOORE: Okay. Mr. Evans, I would like to
19 discuss two recent OPRA responses I received, and I
20 find them rather annoying, and I'd like to discuss
21 them. You hired a new employee who is a relative of
22 the Township Clerk. And you put her downstairs in
23 Code Enforcement. Actually, my question is for
24 Code Enforcement. But you now have two Clerk 1s, two
25 Engineer Assistants, Construction Inspector, and

1 Code Enforcement. What was the purpose of putting her
2 downstairs? Did you need more people down there?

3 MR. GENITEMPO: Mr. Moore -- do you have a
4 comment, Commissioner?

5 MR. MOORE: Yes, I do.

6 MR. GENITEMPO: I wouldn't comment,
7 particularly on an individual employee.

8 COMMISSIONER EVANS: I'm not about to.

9 MR. MOORE: I can't hear. I can't hear.

10 MR. GENITEMPO: I would not want the
11 commissioner to comment on an individual employee.

12 MR. MOORE: I'm not asking about the
13 employee, I'm asking --

14 MR. GENITEMPO: Yes, you -- well, you are --

15 MR. MOORE: -- why the position was filled
16 down there in Code Enforcement.

17 MR. GENITEMPO: Are you asking him what was
18 the need in Code Enforcement?

19 MR. MOORE: Yes.

20 MR. GENITEMPO: That's your question to the
21 commissioner?

22 MR. MOORE: Yes. Right now. That's the
23 first question. What was the need of putting yet
24 another Clerk-2 in Code Enforcement? You have one.
25 You have two engineering assistants. You have a

1 construction inspector, and a code enforcer.

2 COMMISSIONER EVANS: Mr. Moore? One, I want
3 to make it very clear, I will not talk about any
4 employee, all right, with you or anybody in this forum.
5 It's not fair to that employee, who is a good working
6 employee of the township. My reasons for placing a
7 person in the code office is simply is that I
8 transferred a member from the code office to the
9 purchasing department, given the retirement of an
10 individual, and I had a vacancy that I needed to fill.

11 MR. MOORE: Okay. So you need these two
12 people down there?

13 COMMISSIONER EVANS: I'm sorry, what do you
14 mean, down there? Code Office is on the second floor.

15 MR. MOORE: In Code enforcement, I apologize,
16 down in code enforcement?

17 COMMISSIONER EVANS: Yes. Every one of them.
18 Yes. Absolutely.

19 MR. MOORE: Because on the second response I
20 received, I asked for a variance in code permits for a
21 property on 44 Freedman. I won't use the person's
22 name, who is an employee. And after I went through the
23 permits, I want to know why you have two Clerk-1s, two
24 engineer assistants, and you can't even fill out a
25 proper permit. So why do you have all these people

1 down there, if you can't even fill them out?

2 COMMISSIONER EVANS: Thank you for your
3 comment.

4 MR. MOORE: It's not a comment. I want to
5 know. Really. They're down here, they're very clear.
6 You sent this to me in an open response. The one
7 permit, \$25, or \$40.

8 COMMISSIONER TUCCI: Uh-huh.

9 MR. MOORE: The reason that caught my eye,
10 see, Sarah Schuster (phonetic) had to have -- had to
11 replace a retaining wall, and Pat Intindola
12 quoted her a permit price of a thousand
13 dollars. Yet this particular employee, who works in
14 Code Enforcement, only had to pay \$25. The other
15 permit was \$30.

16 MR. GENITEMPO: Mr. Moore, let me just say
17 one thing. You're waving around documents that no one
18 has an opportunity to see. I'm not going to look at
19 them now because you have a question. You submit OPRA
20 requests every week. We comply. If you have a
21 specific issue, I'm sure the commissioner would be
22 happy to talk to you about it. But to wave documents
23 around and ask why, applications are filled out by
24 homeowners and by applicants, not always by the
25 Code Department. So it's really not a fair question of

1 anyone up here to start waving documents and ask why
2 they were filled out this way.

3 MR. MOORE: No, they're not.

4 MR. GENITEMPO: Well, that's your position,
5 but I'm telling you that's --

6 MR. MOORE: It's -- it's the permit --

7 MR. GENITEMPO: -- it's not an appropriate --

8 MR. MOORE: Look at that.

9 MR. GENITEMPO: -- it's not an appropriate
10 question to ask a commissioner when you're waving
11 documents around, after the numerous OPRA requests that
12 you make, and you receive every document you've
13 requested that you're allowed to get under law.

14 MR. MOORE: I didn't get the variance yet,
15 but that's asked for.

16 MR. GENITEMPO: Well, you can ask for
17 whatever you want --

18 MR. MOORE: I did. I did.

19 MR. GENITEMPO: -- and I'm sure you'll get
20 it, Mr. Moore.

21 MR. MOORE: Now my question is, seriously, I
22 remember when you said, when you introduced the budget,
23 and this is what bothers me. You said that -- it was
24 3.67, I believe, was the rate. If I'm correct.

25 COMMISSIONER EVANS: The increase was 3.86.

1 MR. MOORE: It was 3.67. But you said that
2 had that been the night to vote on the budget, you
3 would never have voted on it.

4 COMMISSIONER EVANS: Correct.

5 MR. MOORE: For that. But yet we're putting
6 more people into a department that can't even fill out
7 a form.

8 MR. GENITEMPO: Mr. Moore, you've made your
9 comments --

10 COMMISSIONER EVANS: Sir -- so Mr. Moore, I
11 do not agree with your characterization of that
12 department that does great work. There's hardworking
13 people up there, and I don't agree with your
14 characterization. As far as your comment regarding the
15 budget introduction, and I would not vote on that, the
16 third quarter tax bills went out, and the municipal
17 increase is not 3.86 percent. The municipal increase
18 is 2 percent.

19 MR. MOORE: That's good. I'm really -- I'm
20 glad you did that.

21 COMMISSIONER EVANS: We did that. So thank
22 you. Thank you for acknowledging that we did something
23 good.

24 MR. MOORE: Actually, you did. Two percent.
25 You did just almost as good as the Board of Ed.

1 COMMISSIONER EVANS: They didn't do it. They
2 didn't achieve that. They were at actually 4 percent,
3 actually, in the end.

4 MR. MOORE: See, my question, and I'll
5 conclude. You want people to believe that this is a
6 great department. Yet in an OPRA response I received
7 about the Meka complaint, you had a code
8 official go over there to do the framing inspection,
9 and couldn't even see the second bedroom in four
10 apartments. You couldn't get even a blueprint. We --
11 what you -- do you see what other people might see?
12 Could you acknowledge that?

13 COMMISSIONER EVANS: I would agree with you
14 that someone in that department did not do something
15 that they were supposed to do, which I've already
16 publicly acknowledged. I won't go any further on that.
17 And sometimes, the department does a great job, but
18 sometimes they make mistakes, and they're not perfect.
19 But your overall characterization basically of
20 condemning the department I don't agree with.

21 MAYOR SCARPELLI: Thank you, Mr. Moore.
22 Anybody else wish to address the Board of Commissioners
23 this evening?

24 MS. SOMERS: Braden Somers, 27 Stewart Ave.
25 On April 2nd, 2019, Clean Ocean Action released their

1 2018 Beach Sweep support, highlighting the 12 most
2 commonly collected items, labeled as the Dirty Dozen,
3 and detailing the breakdown of the debris collected.
4 To no surprise, and the reason I'm here again, the
5 Dirty Dozen did not disappoint. It was consistent with
6 previous years, containing harmful plastics dominating
7 the list. 93 percent of the Dirty Dozen debris is
8 plastic debris, including bags and foam plastic.

9 Marine debris is a human caused, human solved
10 issue. Twenty-two municipalities in New Jersey
11 individually now have effective bans in place, and a
12 banned county. Another three or four will be effective
13 by January, 2020. On June 25th, I attended Montclair's
14 town council meeting, where they introduced their ban
15 prohibiting single-use plastic bags with a great deal
16 of support from their residents and business owners.
17 They also plan to introduce separate bans on other
18 plastics.

19 Bridgewood, Maplewood, South Orange, and
20 Asbury Park each have pending ordinances. I am the
21 future of Nutley, as a citizen and an entrepreneur. I
22 ask my municipal leaders to follow these examples and
23 show your commitment to reversing this human-caused
24 problem. Now is the time to usher in a new wave of
25 social responsibility, and take the steps to make sure

1 that my generation will not have to continue to suffer
2 from this crazy plastic world that seems to have caught
3 up with us.

4 It is time for my municipal leaders to
5 introduce its own ordinance, whether to be multi-
6 faceted or hybrid, or a single-use plastic bag ban.
7 Plastic-Free July is a global movement. I encourage
8 you to sign up for the challenge at
9 PlasticfreeJuly.org. Be part of the solution to
10 plastic pollution. We need to take action today, right
11 now. Thank you.

12 MAYOR SCARPELLI: Thank you, Brayden.

13 (Applause)

14 COMMISSIONER EVANS: Mayor, may I make a
15 comment? May I comment?

16 MAYOR SCARPELLI: Sure, Commissioner.

17 COMMISSIONER EVANS: Braden, thank you for
18 raising that again. You and I haven't talked in a
19 little while, and maybe we should, because I can help
20 you with that. Just so you know, I have been working
21 consistently with the Nutley Shop-Rite on a plan that
22 would ban those bags, and I have been reaching out to
23 several residents. You might be aware of Jersey City,
24 which just introduced a ban on them.

25 The challenge is a wonderful one to take on,

1 because it certainly improves the environment, because
2 it is a necessity to do that. How we do it is part of
3 the work that I'm in the middle of right now, and that
4 I will have an ordinance later this year for the
5 commissioners to address. There's quite a few things
6 that have been written.

7 The most important thing is to understand,
8 there are requirements, for example, where you still
9 need to use plastic, for example, because -- if you're
10 involved with raw meat, and several things that require
11 special handling, because of the nature of what that
12 is.

13 So I'm looking at that, and so -- and how you
14 would actually look at -- how you would craft an
15 ordinance. And what's more is that I think that in a
16 lot of places, these ordinances have basically just
17 simply said, oh, we're banning it, and it puts a burden
18 on the taxpayers to figure out what they're going to do
19 and how they're going to address that.

20 So I think the commissioners and I have some
21 more conversations around how we want to approach that,
22 and maybe do something a little bit more -- a little
23 bit different in Nutley that might be more appealing,
24 because at the end of the day we want people to stop
25 using these plastic bags. Hopefully, we'll expand it

1 to include plastic straws, styrofoam, and other things
2 that are contaminants, but we also need the solution.
3 So we'll start, you know, on bags, but there's more to
4 come. So stay tuned. Maybe you and I should just link
5 up, and I can share more with you about what I've been
6 doing.

7 MAYOR SCARPELLI: Thank you, Commissioner.
8 Anybody else wish to address the Board of Commissioners
9 this evening?

10 MS. BOZZA: Bozza, 209 Highfield Lane. I
11 don't know what the town philosophy is, but we walk
12 every day. And it's --

13 MAYOR SCARPELLI: Could you speak up,
14 Ms. Bozza?

15 MS. BOZZA: -- yeah. We walk every day along
16 Washington Avenue by Viola's. And there's a caravan of
17 cars there with people -- with men, I should say.
18 They're eating, we even saw some of them changing
19 clothes. They're obviously waiting for jobs. I don't
20 know if that's really a nice picture for Nutley, you
21 know, and also, it's not very nice to observe as you're
22 walking, going out for a walk.

23 MAYOR SCARPELLI: That's a -- that's -- I
24 haven't heard that before, so, Commissioner Petracco?

25 MS. BOZZA: I don't never feel --

1 MAYOR SCARPELLI: Is that a -- there's people
2 changing clothes --

3 COMMISSIONER PETRACCO: I have heard about
4 so-called day workers that have been down that way. Me
5 personally, I applaud anybody that wants to go to work,
6 but as part --

7 MS. BOZZA: I can't hear you.

8 COMMISSIONER PETRACCO: I said, me,
9 personally, I applaud anybody that wants to go to work
10 for a living.

11 MS. BOZZA: Yeah, but that's --

12 COMMISSIONER PETRACCO: However, I'm -- let
13 me finish. But if they're getting changed in cars and
14 eating and all that stuff, and leaving papers around,
15 we could -- you know, we'll send a car to patrol that
16 area and see --

17 MS. BOZZA: And besides from that, I didn't
18 know Washington Avenue was an employment agency.

19 COMMISSIONER PETRACCO: Well, you know what,
20 it's a public street --

21 MS. BOZZA: Yes, but --

22 COMMISSIONER PETRACCO: -- it's a public
23 street and people are allowed to stay on the public
24 streets.

25 MS. BOZZA: Yes, I understand it's a public

1 street.

2 COMMISSIONER PETRACCO: You know, it's still
3 America here in Nutley, too.

4 MS. BOZZA: You can't wait there for jobs,
5 you know, I mean, that's --

6 COMMISSIONER PETRACCO: What's that?

7 MS. BOZZA: You can't wait there for jobs, I
8 would think --

9 COMMISSIONER PETRACCO: Why can't they?

10 MS. BOZZA: -- that's not appropriate.

11 COMMISSIONER PETRACCO: Why can't they?

12 MS. BOZZA: Why can't they?

13 COMMISSIONER PETRACCO: Yeah. Why can't
14 they?

15 MS. BOZZA: Well, I don't think it gives
16 Nutley a very nice picture, for one thing. You know,
17 and secondly, that's not the --

18 COMMISSIONER PETRACCO: What's the difference
19 if people are --

20 MS. BOZZA: Because that's not the
21 appropriate place to look for a job, on Washington
22 Avenue when kids are walking by, and people are walking
23 by?

24 COMMISSIONER PETRACCO: Yeah, but my point
25 is, is what law can we -- what law could we use to

1 enforce something like that? So in other words, if
2 there --

3 MS. BOZZA: Because they --

4 COMMISSIONER PETRACCO: -- if there's a bunch
5 of kids hanging in front of the high school, that's
6 okay, but if there's people that are hanging in front
7 of Viola Brothers, maybe to get a job and put food on
8 their family's table, that's not allowable?

9 MS. BOZZA: So in other words, it's perfectly
10 okay if I park my car there and had a picnic all day,
11 that would be okay?

12 COMMISSIONER PETRACCO: No, not a picnic.
13 I'm saying, if they're breaking any laws --

14 MS. BOZZA: Well?

15 COMMISSIONER PETRACCO: -- we'll enforce them,
16 but it's not --

17 MS. BOZZA: You said they can wait for jobs,
18 so why can't I have a picnic?

19 COMMISSIONER PETRACCO: -- there's not
20 inclined to stand on a sidewalk.

21 MS. BOZZA: I pay taxes, they don't.

22 COMMISSIONER PETRACCO: So do I. What does
23 that have to do with it?

24 MS. BOZZA: Well, they obviously don't live
25 in Nutley, because they wouldn't be changing in the

1 car.

2 COMMISSIONER PETRACCO: So in other words, if
3 you don't live in Nutley, you can't walk through here,
4 you can't stand on a sidewalk?

5 MS. BOZZA: No, I'm not saying walking,
6 you're misconstruing what I'm saying. I'm just --

7 COMMISSIONER PETRACCO: Well, I have to be
8 honest with you, my own opinion, I'll talk to the Chief
9 about this issue, as far as the littering and the
10 loitering and that kind of thing. Although I don't
11 think loitering is even on the books anymore, I think
12 they've taken that. It's -- you know, I can let them
13 make patrols, I mean, nobody can have a picnic on the
14 sidewalk, but, like I said, if they're hanging out
15 there or whatever, you know, if they're not breaking
16 the law, that's public property. As far as I know.

17 MS. BOZZA: So I guess that's your philosophy
18 then, so now I know --

19 COMMISSIONER PETRACCO: My philosophy is
20 anybody that --

21 MS. BOZZA: Okay, thank you.

22 COMMISSIONER PETRACCO: My philosophy is
23 anybody that is looking to go to work, I applaud that.

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

1 Seeing none?

2 THE CLERK: I need a motion.

3 COMMISSIONER PETRACCO: Move to adjourn.

4 COMMISSIONER ROGERS: Second.

5 THE CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 THE CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 THE CLERK: The time is 8:39.

16 MAYOR SCARPELLI: Happy 4th of July,
17 everybody.

18 THE CLERK: Thank you.

19 (End of recording)

20 * * * * *

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

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

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

ILENE WATSON, AAERT NO. 447 DATE: July 23, 2019
ACCESS TRANSCRIPTS, LLC