

**In The Matter Of:**

*In RE: Nutley Board of Commissioners*

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*Transcript of Proceedings*

*August 6, 2019*

*Conference Session*

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*Min-U-Script®*

Conference Session

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

\*\*\* CONFERENCE SESSION \*\*\*

DATE: August 6, 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

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(Recording begins)

MAYOR SCARPELLI: Madam Clerk?

THE CLERK: Thank you, Mayor. Board of Commissioners Public Meeting, Tuesday, August 6th, 2019. The time is 7:06. 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: Here.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

THE CLERK: All present, Mayor.

MAYOR SCARPELLI: Commissioner, what do you

1 have on the agenda?

2 COMMISSIONER PETRACCO: I have an ordinance  
3 of introduction for this (indiscernible) parking that  
4 we did with commuter parking. And I think that's -- we  
5 have to do this, and make it permanent now.

6 Eleni, I know you (indiscernible) -- I know  
7 that --

8 THE CLERK: Yes. I forgot.

9 COMMISSIONER PETRACCO: (Indiscernible) the  
10 six-month period we went over the pilot, or --

11 THE CLERK: Yes.

12 COMMISSIONER PETRACCO: That's how -- that's  
13 -- this is part of how to do this?

14 THE CLERK: I don't know if you normally have  
15 to do that, but I'm sorry, go ahead and say --

16 UNIDENTIFIED: It was a trial basis, so since  
17 (indiscernible) --

18 COMMISSIONER PETRACCO: Crossing?  
19 (indiscernible).

20 UNIDENTIFIED: -- yeah, and become --

21 COMMISSIONER PETRACCO: So now we're going to  
22 provide -- so by voting yes on this, we're making this  
23 permanent. I am open to recommendations, I mean, I  
24 don't know, I haven't walked through the crowd tonight.  
25 Do we have a big crowd opposing any of this? Do we

1 think that they're not here, it's -- giving much more  
2 opinion getting but (indiscernible). Although  
3 nothing's perfect, as we all know.

4 MAYOR SCARPELLI: Commissioner, it can get  
5 switched to the -- like, talk together?

6 COMMISSIONER PETRACCO: Like what avenue  
7 (indiscernible). I think (indiscernible) actual parts,  
8 yes. I think the approach to Nutley Avenue, because we  
9 all know some people from Nutley Avenue, does it seem  
10 to be upsetting to them? Because -- as much as it was  
11 upsetting everybody else? You know, I haven't had too  
12 much public outcry, although I have assumed there's  
13 public concerns that won't have time to disappear, so  
14 I'm hoping that it's (indiscernible). Also what I  
15 didn't know, that is (indiscernible) --

16 UNIDENTIFIED: Is the (indiscernible) there  
17 or --

18 COMMISSIONER PETRACCO: They have to be in  
19 the parking (indiscernible) so you know, a lot of  
20 places, you know what happened to that one woman that  
21 was coming, that one with the -- permission just to  
22 park on Conduit, at all, at that time, I wasn't  
23 worried, I (indiscernible) in the -- and the crowd  
24 chuckled over it. But so --

25 UNIDENTIFIED: Safe crosswalk?

1           COMMISSIONER EVANS: So, you know, the  
2 meeting's coming and (indiscernible). So it would be  
3 good to (indiscernible) and a kind of program that I  
4 have in mind for everybody, that way (indiscernible).

5           COMMISSIONER PETRACCO: Yeah.

6           COMMISSIONER EVANS: Do you have it done yet?  
7 So I'd be appreciative if we can kind of  
8 (indiscernible) through that step --

9           COMMISSIONER PETRACCO: What word? Debrief?

10          COMMISSIONER EVANS: Debrief, yeah. You do a  
11 pilot, you're measuring the speculation of the  
12 community and you get the town's (indiscernible) in the  
13 back, and now we're going to (indiscernible). You just  
14 haven't had that formal session, so --

15          COMMISSIONER PETRACCO: Okay. I have --

16          COMMISSIONER EVANS: -- the clerical --

17          COMMISSIONER PETRACCO: -- no problem with  
18 paperwork, but pretty much what I just said is I have,  
19 you know, that it's -- what it is, it is, and I haven't  
20 really heard any public outcry. There has been some  
21 people on this side of town, by -- over by the deli, my  
22 store, that has come to me and asked us to, you know,  
23 start getting, we're getting to a Howard Park  
24 eventually that was on -- so I mean (indiscernible)  
25 future (indiscernible), so forth. (Indiscernible).

1 UNIDENTIFIED: (Indiscernible)?

2 COMMISSIONER PETRACCO: Yeah. So I thought  
3 that the building that was on LaRoche property where  
4 then that would be, I believe something that would hurt  
5 them more than help them, so I still leave on  
6 (indiscernible) again, I'm going to -- if you want to  
7 talk more about it, you guys want to -- do a little  
8 investigation, and talk some more out, I'm not in no  
9 hurry to do it, and it's working fine as it is. The  
10 only thing that I did discover is, like I said, the one  
11 woman with the -- on the (indiscernible) that asked for  
12 the permit, that if you lived on that side of town, you  
13 park over there, and like, those are -- if you're  
14 driving across town, then you can go to a parking lot.

15 UNIDENTIFIED: There's your speech.

16 COMMISSIONER PETRACCO: I really don't want  
17 to start this Pandora's Box of, you know, parking  
18 myself, and I've had many --

19 COMMISSIONER EVANS: And that's what it is --

20 COMMISSIONER PETRACCO: -- and I've --

21 COMMISSIONER EVANS: -- with everything.

22 COMMISSIONER PETRACCO: Yeah. So what --

23 MAYOR SCARPELLI: There's no harm in doing --  
24 (insidcernible).

25 COMMISSIONER PETRACCO: Exactly, there's no

1 -- yeah. Okay, so -- but --

2 COMMISSIONER EVANS: (Indiscernible)

3 COMMISSIONER PETRACCO: -- but we believe --

4 MAYOR SCARPELLI: We're working on it.

5 COMMISSIONER EVANS: No. No, no. That's

6 fine.

7 COMMISSIONER PETRACCO: Okay. Then I just  
8 have a couple resolutions. Just as abandoned personal  
9 property, and one version to sell abandoned property to  
10 (indiscernible) and that's all I have.

11 MAYOR SCARPELLI: Thank you, Commissioner.

12 Commissioner Evans?

13 COMMISSIONER EVANS: Yes, I have public  
14 hearing, my three capital ordinances, it would be  
15 (indiscernible) and I have three that are  
16 appropriation, to recognize a grant and use that  
17 (indiscernible). Another made from (indiscernible) and  
18 our contribution.

19 MAYOR SCARPELLI: (Indiscernible).

20 COMMISSIONER EVANS: (Indiscernible).

21 COMMISSIONER TUCCI: The question about them  
22 all.

23 COMMISSIONER EVANS: Well, that says  
24 (indiscernible).

25 MAYOR SCARPELLI: Commissioner Rogers?



1           COMMISSIONER ROGERS: I have one resolution  
2 on the commission of shared services (indiscernible)  
3 with the town physician and the board of education.

4           MAYOR SCARPELLI: Commissioner Tucci?

5           COMMISSIONER TUCCI: I have a Shade Tree  
6 Report for --

7           MAYOR SCARPELLI: The park?

8           COMMISSIONER TUCCI: -- the lot, and I have  
9 -- I just have a housekeeping resolution, about this  
10 equipment, without there being an actual  
11 (indiscernible). We'll actually get more money by  
12 scrapping it, and we had to identify who the scrapper  
13 was, so we had to --

14           UNIDENTIFIED: (Indiscernible).

15           MAYOR SCARPELLI: I have a public hearing on  
16 an ordinance for the reconstruction of Grant Avenue,  
17 accepting a grant for \$424,000 and change from the  
18 Department of Transportation. I have a couple of  
19 resolutions authorizing various raffle licenses,  
20 awarding a contract to AJM for Van Winkle and  
21 Hopper Avenue's repaving, and awarding a professional  
22 service contract to Sam Schwartz, who we have Lugio --  
23 Nuglio?

24           MR. NUGLIO: It's really Nuglio, it's July,  
25 but --

1           MAYOR SCARPELLI: Nulio, without the G.

2       Sorry.

3           MR. NUGLIO: You know, it got messed up along  
4       the way. Thank you.

5           MAYOR SCARPELLI: Let's hear from Sam  
6       Schwartz and his reputation and his offer.

7           COMMISSIONER TUCCI: (Indiscernible) Sam  
8       Schwartz?

9           MR. NUGLIO: They don't go together, that's  
10      true.

11          UNIDENTIFIED: Do you see what I'm saying?

12          MAYOR SCARPELLI: Madam Clerk, do you have  
13      anything?

14          THE CLERK: Yes, Mayor, we have meeting  
15      minutes for approval, and two event applications. One  
16      for the Old Canal Inn, and one for McCann Memorial Run  
17      from Krank Gym. Can I read them together?

18          MAYOR SCARPELLI: Yeah.

19          THE CLERK: Can we vote on it all together?  
20      Okay.

21          MAYOR SCARPELLI: Counselor?

22          MR. GENITEMPO: I have nothing.

23          MAYOR SCARPELLI: Would you make the  
24      introduction?

25          MR. GENITEMPO: Sure. I'd like to introduce

1 you -- I'd have to ask him. As part of our continuing  
2 dialogue with bids on ON3 (indiscernible) to the  
3 traffic study on (indiscernible) so, there was a  
4 recommendation of counsel to hire a company to come and  
5 do our own traffic study, which ultimately, we're going  
6 to put the park over to Prism, that's part of the new  
7 development cost. Lou's company was recommended to us  
8 by Dave Lustberg of Arterial, who you all met in the  
9 times. They've had a lot of experiences with this  
10 company, and so they reached out to Lou, and provided a  
11 proposal which I forwarded to everyone about a week and  
12 a half ago, with their proposal, and so I thought it'd  
13 be good to bring Lou in and introduce himself, and you  
14 can ask any questions that you might have, and it's on  
15 the agenda for tonight to hire Lou's company, called  
16 Sam Schwartz, to do a full traffic study of the entire  
17 LaRoche development, and the other intersections  
18 surrounding the area, to get a good idea of what  
19 traffic impacts there may be for a full buildout of the  
20 site.

21 So with that, Lou, I'll turn it over to you,  
22 and (indiscernible).

23 MR. NUGLIO: So that's right, I actually have  
24 worked with Dave Lustberg over the last 18 years at a  
25 different company. We -- both of us were at different

1 companies back then.

2           So Sam Schwartz, we're a private consulting  
3 firm. We're about 140 people. We're basically out of  
4 New York City. Jersey City, we have offices in  
5 Chicago, Tampa, D.C., and L.A. Sam Schwartz is still  
6 around and working. He's 72 years old, and he dubbed  
7 the phrase, "gridlock." So it's Gridlock Sam. So.  
8 With that, our company basically does traffic and  
9 transportation planning and engineering. We have -- I  
10 personally have been doing this for the last 31 years.  
11 Most of my experience is both on the public side, and  
12 doing this type of work for municipalities, and review  
13 work, and also on the private side for applicants. I  
14 guess ones that are similar to this, I've done on the  
15 private side for the Rockefeller Group out in  
16 Florham Park, where the Jets' facility is, and that  
17 general development plan, but on the developer's side.

18           And then most recently, in Pelham, New York,  
19 we did a similar -- Pelham and in Newcastle, Chappaqua,  
20 New York, we -- we've done a similar type of review of  
21 what the entire project is, what the impact would be to  
22 the roadway network specifically in and around the  
23 site, and a little bit further out, and we've also come  
24 up with recommendations as far as fair share  
25 contribution for different roadway improvements at

1 different intersections.

2           So our proposal really goes through looking  
3 at the master plan, obviously, but then looking at all  
4 of the data that has been developed so far for the  
5 site, any of the traffic information that we can get  
6 our hands on. Also, conducting traffic accounts. We  
7 talked about utilizing big data in the sense that, you  
8 know, everyone has information on their cell phone  
9 right now. If you look at Google Maps, it tells you  
10 where to go and when and how fast you can get to  
11 different places. We basically mine that data so that  
12 we can understand where people are driving from and to,  
13 and so we marry that with the actual data that we get  
14 in the field.

15           So data collection, we'll look at the actual  
16 project, and then we'll come up with recommendations as  
17 far as what the intersections can handle, what they're  
18 designed for, and whether or not we feel that that is  
19 acceptable, or if there is additional measures and  
20 costs that are associated with it. And we'll have a  
21 final report, and most likely make a presentation.

22           COMMISSIONER EVANS: Just a clarification.  
23 (Indiscernible).

24           MR. NUGLIO: Yes, we certainly will do that.

25           COMMISSIONER EVANS: Okay.

1           COMMISSIONER TUCCI: Or not.

2           MR. NUGLIO: Or not peaceful. Absolutely.

3 But I am not afraid of saying either way, based on, you  
4 know, what -- sometimes we're in the middle of -- it  
5 can go one way or another, but, you know, you have to  
6 look at the pros and cons of every aspect of the  
7 recommendation. Sometimes it doesn't work. And I've  
8 had experiences with roundabouts that on paper looked  
9 good, but in reality, don't work. So we've had those  
10 experiences on both of them.

11           MR. GENITEMPO: So why don't you just give a  
12 little of the timeframe that you're expecting  
13 (indiscernible).

14           MR. NUGLIO: You know, I don't -- I think we  
15 had something like a six-month period. I don't  
16 remember the -- you know, you have --

17           MR. GENITEMPO: Well, we wanted to wait until  
18 September, because, one --

19           MR. NUGLIO: Yes.

20           MR. GENITEMPO: -- because everybody's back  
21 in school.

22           MR. NUGLIO: Yes. First thing is that we  
23 will -- we can start mining some of the data from the  
24 big data companies like Waze and Google, so that we  
25 could start to get that information, and then also look

1 at all of the data that's been linked in and the  
2 reports that have been done, but the best time is  
3 really the middle of September, to actually collect  
4 traffic information, and then we'll marry that  
5 information together. So, you know, we really wouldn't  
6 get started full speed until the middle, towards the  
7 end of September, because once we have the data  
8 (indiscernible).

9 COMMISSIONER EVANS: One of the things that's  
10 happening middle to late (indiscernible) data point?

11 MR. NUGLIO: Right.

12 COMMISSIONER EVANS: (Indiscernible).

13 MR. NUGLIO: Right. And so it's similar to  
14 what we're still involved with in -- at Chappaqua,  
15 New York, every time the developer wanted to open  
16 something, the first thing that they wanted to open was  
17 a Whole Foods, but they wanted to open it in late  
18 December, and all of their roadway improvements were  
19 not in place yet. And so they wanted to test, can we  
20 really do that, or can we let them do that, and will  
21 that become a problem? And so we worked with them.  
22 They were able to open it in December without a major  
23 issue, but as most developers, they came back in  
24 January and wanted to open up a Total Fitness Gym, and  
25 at that point, we said no, because the roadway network

1 wouldn't be able to handle additional traffic beyond  
2 the Whole Foods that they had. So we'd probably take  
3 that similar type of approach and recommendations to  
4 your --

5 MR. GENITEMPO: The only difference here is  
6 that we're going to ask your company, what would be the  
7 worst case scenario in traffic? So everything that we  
8 ask adds on to the overall plan, our (indiscernible).

9 MR. NUGLIO: Uh-huh.

10 MR. GENITEMPO: You know, they're already  
11 building on the site, working off of that, so you know  
12 exactly (indiscernible). We can't do it from the  
13 standpoint (indiscernible) of money, were in there for  
14 the original buildings.

15 MR. NUGLIO: Right.

16 MR. GENITEMPO: At least, we charge them for  
17 maybe (indiscernible) grow-out of the entire site, get  
18 these buildings up there, and then whatever -- it'd be  
19 a mistake if they do, but it means --

20 COMMISSIONER ROGERS: Right, and then we'll  
21 be able to back out --

22 MR. GENITEMPO: -- you'll know --

23 COMMISSIONER ROGERS: -- exactly that line of  
24 traffic at --

25 MR. NUGLIO: That's right.



1           MAYOR SCARPELLI: Then we'll know more  
2 (indiscernible).

3           MR. GENITEMPO: Right. Exactly what  
4 negotiation has to take place now, for our  
5 intersections and our roads and we can't wait until the  
6 next project comes along.

7           MR. NUGLIO: And some of that is working  
8 backwards, right? You know, if you had all of these  
9 improvements in place, well, that gets you X amount of  
10 development, depending on seeds or square footage, and  
11 so that may lower the amount of development that you  
12 really can fit in this site, based on just the traffic  
13 and the intersections around it.

14          MAYOR SCARPELLI: Questions? Thank you for  
15 coming in.

16          MR. NUGLIO: Great. Thank you very much.

17          MR. GENITEMPO: We'll be in touch.

18 (Indiscernible).

19          MR. NUGLIO: Yep. Yep.

20          MR. GENITEMPO: (Indiscernible).

21          MAYOR SCARPELLI: Thank you. Do we have a  
22 motion to go to executive session at this time?

23          UNIDENTIFIED: (Indiscernible).

24          THE CLERK: Whereas Section 8 --

25          MR. GENITEMPO: And litigation.

1 THE CLERK: And litigation?

2 MR. GENITEMPO: Yes. (Indiscernible).

3 THE CLERK: : Whereas, Section 8 of the Open  
4 Public Meeting Act, Chapter 231, Public Law 1975,  
5 permits the exclusion of the public from meeting in  
6 certain circumstances; and

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

9 Whereas, the Board of Commissioners of the  
10 Township of Nutley in the County of Essex, State of New  
11 Jersey, desires to proceed to closed executive session.

12 And now therefore be it resolved by the Board  
13 of Commissioners of the Township of Nutley to move into  
14 closed executive session to discuss contract  
15 negotiations and litigation. Be it further resolved  
16 that at the time of such discussion may be disclosed to  
17 the public, it shall be, when such disclosures may be  
18 made without adversely affecting the Township of  
19 Nutley, pending and/or anticipated legal, personnel,  
20 contractual matters, and other matters within the  
21 exceptions provided for by statute.

22 Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 THE CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 THE CLERK: Commissioner Evans?  
2 COMMISSIONER EVANS: Aye.  
3 THE CLERK: Commissioner Petracco?  
4 COMMISSIONER PETRACCO: Aye.  
5 THE CLERK: Mayor Scarpelli?  
6 MAYOR SCARPELLI: Aye.  
7 THE CLERK: The time is 7:23.

8 (End of recording)

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

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, and to the best of my ability.

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ALICIA JARRETT, AAERT NO. 428      DATE: August 20, 2019  
ACCESS TRANSCRIPTS, LLC

**In The Matter Of:**

*In RE: Nutley Board of Commissioners*

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*August 6, 2019*

*Public Session*

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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS  
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\*\*\* PUBLIC SESSION \*\*\*

DATE: August 6, 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

1 (Recording begins)

2 (Pledge of Allegiance)

3 MAYOR SCARPELLI: Madam Clerk?

4 THE CLERK: Thank you, Mayor. Board of  
5 Commissioners Public Meeting, Tuesday, August 6th,  
6 2019. The time is 8:03. Pursuant to the requirements  
7 of the Open Public Meeting Act, Chapter 231,  
8 Public Law 1975, notice of this meeting was published  
9 in the November 29, 2018 issues of the Nutley Sun, the  
10 Herald-News, and the Star Ledger. A copy of this  
11 notice has been posted on the Nutley Town Hall  
12 bulletin board, and a copy is on file in the  
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14 Commissioner Rogers?

15 COMMISSIONER ROGERS: Here.

16 THE CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Here.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Here.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Here.

22 THE CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Here.

24 THE CLERK: All present, Mayor.

25 MAYOR SCARPELLI: Can we just have a moment

1 of silence for the two mass shootings that we had this  
2 past week?

3 (Pause)

4 MAYOR SCARPELLI: Thank you.

5 COMMISSIONER EVANS: Mayor, just as an  
6 additional thought. In recognition of the nature of  
7 gun violence and the hardship that it creates, and to  
8 show our compassion and sympathies for the tragedies  
9 that have occurred, I would ask that we lower our flag  
10 to half-mast, half its mast here, in order to recognize  
11 this tragedy.

12 COMMISSIONER TUCCI: I think that's an  
13 excellent idea.

14 MAYOR SCARPELLI: We're all agreed on that,  
15 yes? Thank you, Commissioner.

16 Minutes, Madam Clerk?

17 THE CLERK: Yes, Mayor. We have Board of  
18 Commissioner meeting minutes for June 18th, 2019, and  
19 July 2nd, 2019.

20 COMMISSIONER EVANS: Move the minutes.

21 COMMISSIONER TUCCI: Second.

22 THE CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Here.

24 THE CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.



Public Session

4

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Here.

5 THE CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye. Communications?

7 THE CLERK: Yes, Mayor, we have two  
8 communications for this evening. The first one is the  
9 Old Canal Inn has submitted an application for an  
10 extension of premises for their event to be held on  
11 Saturday, September 21st, 2019, from 12:00 p.m. to  
12 6:00 p.m., located at 2 East Passaic Avenue in Nutley.  
13 And the second one is McCann Memorial Run has submitted  
14 an event application for a fundraiser run for  
15 Sunday, September 22nd, 2019, from 9 a.m. to 12 p.m.,  
16 starting and finishing at Krank Systems, 88 Park  
17 Avenue. I need a motion, please.

18 COMMISSIONER TUCCI: Move it.

19 COMMISSIONER EVANS: 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. Reports?

5 Commissioner Tucci?

6 COMMISSIONER TUCCI: Yes, Mayor. I have a  
7 Shade Tree Report for the month of July, 2019.

8 MAYOR SCARPELLI: Bills, Madam Clerk?

9 THE CLERK: Thank you, Mayor. Bill list for  
10 August 6th, 2019. Public Affairs, \$96,363.98; Revenue  
11 and Finance, \$7,084,633.34; Public Safety, \$60,025.35;  
12 Public Works, \$491,086.11; Parks and Public Property,  
13 \$623,640.08; Water Utility, \$99,456.10. Total Payroll,  
14 \$851,439.15, for a grand total of \$9,306,044.11.

15 COMMISSIONER EVANS: Move the bills.

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.

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

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

5           THE CLERK:  All persons addressing the  
6 Board of Commissioners regarding community concerns  
7 should approach the microphone and provide their name  
8 and address for the record.  Unless further time is  
9 granted by the board, each person shall limit their  
10 address to three minutes.  All remarks to the board and  
11 its individual members must be addressed to the mayor.  
12 The mayor may defer citizens' comments to the  
13 appropriate member of the board.  Dialogue between  
14 citizens and others addressing the board shall be  
15 allowed, unless the mayor or presiding officer, or the  
16 majority of the membership of the board shall determine  
17 that the interests of the quorum, and/or the  
18 expeditious conduct of municipal business are being  
19 adversely affected by such dialogue.

20           MAYOR SCARPELLI:  Anybody wish to address the  
21 Board of Commissioners on the agenda items only?  
22 Seeing none, let's move on to Board of Commissioner  
23 announcements.  Announcements, Commissioners?

24           COMMISSIONER TUCCI:  Yes, I have a couple,  
25 Mayor.  Last night, we had a wonderful reception,

1 because for the first time ever, our 13-year-old  
2 intermediate Little Leaguers won both the state and  
3 Eastern Regional Championship. They then went on to  
4 California, where obviously the competition got a bit  
5 stiffer, but they conducted themselves in a way that we  
6 should all be very proud of. They're a fine bunch of  
7 young men, and the coaches did an excellent job with  
8 them. The parent support was there right from day one,  
9 the first day they started practicing, and it was just  
10 a very proud moment for the Township of Nutley, and all  
11 of these individuals in particular, and we gave them a  
12 wonderful Nutley welcome. I'd like to thank  
13 Commissioner Petracco. We sent our parks busses to the  
14 airport to pick them up, and he also sent a police  
15 escort. So I thank you for that, and I thank all of  
16 the commissioners for all of their support for these  
17 youngsters and the coaches, and we will have them here  
18 to do a formal presentation.

19 COMMISSIONER EVANS: Next week.

20 COMMISSIONER TUCCI: My second announcement  
21 of the evening is on the -- August 13th, we will have  
22 our rescheduled Concert in the Park. We will have  
23 Jersey Sound. This is the one that was rescheduled  
24 from July 24th, and that will start at seven o'clock.  
25 Thank you, Mayor.

1           MAYOR SCARPELLI: Thank you, Commissioner.

2           COMMISSIONER EVANS: Mayor, I need to make a  
3 comment regarding transitional aid. As of today, many  
4 of you may have read in the paper that the state has  
5 quarantined the spend around certain areas of the  
6 recently adopted budget, pending a review of the  
7 revenue, potential revenue streams that could be  
8 generated this year. Included in their quarantine is  
9 the entire transitional aid pool for the year, which  
10 Nutley is part of. So we are in a holding pattern, and  
11 we're continuing to talk with the state regarding the  
12 resolution of the event -- the review that they're  
13 doing in terms of what's necessary by them, in order to  
14 be able to release the transitional aid pool.

15           This is significant for us, because we cannot  
16 adopt our budget without getting the approval from the  
17 state, because our budget includes three and a half  
18 million dollars of transitional aid. So the basis of  
19 our tax bills for the third quarter assumes that that  
20 three and a half million dollars is collectable from  
21 the state. The state is going through their process,  
22 and it's uncertain right now of the timing of when  
23 that's going to be resolved. So as of now, we are not  
24 able to adopt our budget for 2019. We aren't able to  
25 certify -- the county cannot certify the tax rate until

1 this is resolved. And as of today, I'm just not clear  
2 as to the timetable of whether or not this will be a  
3 couple days or a couple months before it's resolved.

4 So we are in touch with all of our state  
5 representatives, the governor's office, the DCA, and  
6 even county freeholders to make sure that everyone  
7 understands the situation that Nutley's in, regarding  
8 Hoffman/LaRoche. However, executive order of the  
9 governor stands, and while this is pending, there's no  
10 action on the transitional aid.

11 MAYOR SCARPELLI: Thank you, Commissioner.

12 Any other announcements? Commissioner, you  
13 wanted to talk about Ordinance Number 3426?

14 COMMISSIONER PETRACCO: Thank you. I'm  
15 actually gonna table. That is with our pilot program  
16 that we've been working on with the commuter parking on  
17 a lot of the side streets in Nutley, especially on the  
18 south side of town. We're just going to do a little  
19 more research before we make the final, but this  
20 ordinance would have done that, to make this permanent.  
21 I haven't had any public complaints of yet. If there's  
22 anybody watching tonight, and you'd like to comment on  
23 this before it does become permanent, please reach out  
24 to me. Thank you.

25 MAYOR SCARPELLI: Thank you, Commissioner.

1           COMMISSIONER PETRACCO: So we're gonna table  
2 it.

3           MAYOR SCARPELLI: Thank you, Commissioner.  
4 Public hearings. Ordinance Nubmer 3422, an ordinance  
5 providing for the reconstruction of the roadway on  
6 Grant Avenue in the Township of Nutley in the County of  
7 Essex, New Jersey, appropriating \$424,193 therefore  
8 from grant monies received from the New Jersey  
9 Department of Transportation for the costs thereof.  
10 Open to public hearing. Does anybody want to be heard  
11 on Ordinance Number 3422?

12           MR. MOORE: Rory Moore, 462 Chestnut Street.  
13 Mr. Scarpelli, what is the total amount of money -- I'm  
14 not sure, Mr. Evans, if you'll answer that. What is  
15 the total amount of money we're borrowing on this bond  
16 that's up?

17           MAYOR SCARPELLI: It's a grant, Mr. Moore.

18           MR. MOORE: It's a -- okay. Are we borrowing  
19 on this?

20           COMMISSIONER EVANS: No.

21           MAYOR SCARPELLI: It's a grant from the state  
22 Department of Transportation.

23           COMMISSIONER EVANS: No, we're not, Rory.  
24 We're not borrowing.

25           MR. MOORE: You're not borrowing? Okay.

1 Thank you.

2 MAYOR SCARPELLI: Anybody else want to be  
3 heard on Ordinance Number 3422? Seeing none, I move to  
4 close the public hearing.

5 COMMISSIONER TUCCI: Second.

6 THE CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 THE CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Mayor Scarpelli.

15 MAYOR SCARPELLI: Aye. 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.

2           Commissioner Evans?

3           COMMISSIONER PETRACCO:  Mayor, excuse me one  
4 second, before we just move forward, this -- I want to  
5 make sure I'm clear on the ordinance that I'm tabling  
6 tonight, because I said the South Side of town is  
7 Conduit Place, Highfield Lane, which is on the South  
8 Side, but we also have Edison Avenue and Oakley  
9 Terrace.  So again, if there's anybody on those streets  
10 that would like to come talk prior to this ordinance  
11 introduction or it getting passed, please reach out to  
12 me.  Thank you.

13           MAYOR SCARPELLI:  Commissioner?

14           UNIDENTIFIED:  Can you -- I didn't hear what  
15 the ordinance said.

16           COMMISSIONER PETRACCO:  The ordinance I  
17 tabled, I just wanted to be clear that it's for  
18 Conduit Place, Highfield Lane, all right, because I  
19 said the South Side of town before, and I just wanted  
20 to be clear, there is a couple streets across town,  
21 which is Edison Avenue and Oakley Terrace.

22           MAYOR SCARPELLI:  Okay.  Commissioner Evans?

23           COMMISSIONER EVANS:  Thank you.  I have a  
24 public hearing on Bond Ordinance Number 3423, which is  
25 related to the -- this one is roadways, for roadway

1 improvements in the town. And the amount of this  
2 ordinance is for \$384,125, of which \$365,750 would be  
3 in the form of a bond or a note.

4 MAYOR SCARPELLI: Anybody want to be heard on  
5 Ordinance Number 3423?

6 MR. MOORE: Rory Moore, 462 Chestnut Street.  
7 Mr. Evans, what is the total? Is that the 365,750? Is  
8 that the total you're going to borrow for that?

9 COMMISSIONER EVANS: Yes.

10 MR. MOORE: Now, is this related to the prior  
11 one? Are we doing -- borrowing this in relation to  
12 the --

13 COMMISSIONER EVANS: No --

14 MR. MOORE: -- grant money?

15 COMMISSIONER EVANS: -- no, it's separate.

16 MR. MOORE: They're totally separate?

17 COMMISSIONER EVANS: They're totally  
18 separate.

19 MR. MOORE: And how come there's no listing  
20 of what property -- or what streets we're going to be  
21 doing?

22 COMMISSIONER EVANS: That's in the Department  
23 of Public Works. They manage that. I don't know if  
24 you have a list --

25 MR. MOORE: Is there any kind of schedule?

1           MAYOR SCARPELLI: We don't have that schedule  
2 as of yet, Mr. Moore.

3           MR. MOORE: Then if you don't have a  
4 schedule, how can you anticipate how much money you're  
5 going to spend for it?

6           MAYOR SCARPELLI: Because we budget a certain  
7 amount each year to improve the roads, and we look and  
8 see which roads need to be done. We've actually been  
9 fairly lucky the last couple of years because of the  
10 public service gas main replacement project, which has  
11 repaved something like 60 roads in town, that we've  
12 negotiated with. So usually we're a year behind with  
13 the money by the time we approve the capital. So we --  
14 this money probably won't be spent until next year.

15           MR. MOORE: Well, I would believe that, but I  
16 would think you at least had some kind of a schedule,  
17 or what street --

18           MAYOR SCARPELLI: We have a pretty good idea,  
19 but based on where -- what Public Service is going to  
20 be doing over the next year, we kind of wait to see  
21 where they're heading, because we don't want to be  
22 paving roads, the same roads that they're going to be  
23 ripping up. So --

24           MR. MOORE: I would hope not. Thank you.

25           MAYOR SCARPELLI: Anybody else like to be

1 heard on Ordinance Number 3423?

2 COMMISSIONER EVANS: Move to close the public  
3 hearing.

4 COMMISSIONER TUCCI: 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 COMMISSIONER EVANS: 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.

2           COMMISSIONER EVANS:  The next ordinance is  
3 for -- is Number 3424, which relates to the  
4 Water Utility in town, and for a total of \$257,250 of  
5 capital improvement, of which \$244,390 would be in the  
6 form of bonds.  This ordinance includes improvements to  
7 the sewer mains, fire hydrants, and Water Utility  
8 vehicle.

9           MAYOR SCARPELLI:  Anybody want to be heard on  
10 Ordinance Number 3424?  Seeing none.

11          COMMISSIONER EVANS:  Move to close.

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          COMMISSIONER EVANS:  Move the ordinance.

24          COMMISSIONER TUCCI:  Second.

25          THE CLERK:  Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 COMMISSIONER EVANS: The last ordinance is  
11 3425. This ordinance is for \$1,905,750 in capital  
12 improvements for -- across the municipality, of which  
13 \$1,810,650 would be in the form of bonds or notes.  
14 This particular ordinance includes a range of things,  
15 which includes the maintenance of all of the public  
16 property in the form of buildings. There's an  
17 additional amount for maintenance of our parks system  
18 and the playgrounds. A specific appropriation for  
19 DeMauro Park improvements, which are long overdue.

20 COMMISSIONER TUCCI: It's the track  
21 replacement.

22 COMMISSIONER EVANS: Yes. Yes, yes. The  
23 track replacement. As well as --

24 COMMISSIONER TUCCI: Uh-huh.

25 COMMISSIONER EVANS: -- \$100,000 relates to

1 our improving our infrastructure and storage capacity  
2 for our technology infrastructure for the township for,  
3 among other things, and as well as improvements to our  
4 -- not just the water pipes, but also the storm water  
5 drainage system in the town is the significant amount.  
6 There's an additional one this year that relates to  
7 improvements to the Nutley Library. The HVAC systems,  
8 and the roof are leaking. The roof is leaking, the  
9 HVAC system is breaking down, so there's a long overdue  
10 request for improvements to the library. They've been  
11 asking for these for multiple years, and it's now come  
12 up. So those are the main things that are in this  
13 ordinance.

14 MAYOR SCARPELLI: Anybody want to be heard on  
15 Ordinance Number 3425?

16 MR. MOORE: Rory Moore, 462 Chestnut Street.  
17 Mr. Evans, if you refer to Page 3 of 7, Section F, or  
18 Paragraph F. The acquisition of the new computer  
19 information technology equipment. What equipment are  
20 you purchasing?

21 COMMISSIONER EVANS: One of the -- the --  
22 part of the elements of that is upgrades to the  
23 routers, as well as our storage capability for the  
24 town.

25 MR. MOORE: Is there a reason -- I have

1 several question -- but there's a reason, you say,  
2 \$100,000, we're going to buy new equipment. You don't  
3 upgrade the router, usually you put a larger one in.  
4 Don't you say, I'm going to purchase six Sysco routers,  
5 so people have an idea of what you're spending the  
6 money on? Usually you have a plan before you spend the  
7 money.

8 COMMISSIONER EVANS: Yes, well, that's what  
9 our IT officer for the town, which is under  
10 Commissioner Tucci, which he can go into more detail if  
11 he wants to. But yes, for purposes of the bond  
12 ordinance, we don't have to actually itemize the  
13 individual amounts. It's categorization. Here, it's  
14 for classification, as to what's the life of the bond  
15 that we'd be allowed to purchase. If --

16 COMMISSIONER TUCCI: Can I just add  
17 something, Commissioner?

18 COMMISSIONER EVANS: Uh-huh.

19 COMMISSIONER TUCCI: Rory, what we -- this --  
20 in this 100,000, all right, this is what we're  
21 authorizing, but we don't actually go out for any more  
22 money than we actually need. So this is what our  
23 estimate is, all right, that we're going to need to  
24 upgrade and purchase new equipment and have additional  
25 storage. But if we don't spend it, it stays there, it



1 doesn't lapse, all right, we'll just carry it over into  
2 the next year, and we'll ask for that much less in the  
3 following year.

4 MR. MOORE: No, he's just -- it seems, if you  
5 start to read this --

6 COMMISSIONER TUCCI: Uh-huh?

7 MR. MOORE: You're just saying, I think I  
8 need \$100,000. I gotta buy something, I think it's  
9 100,000, but nobody really knows what you're buying. I  
10 could see you say, I'm going to buy a printer, a  
11 router, a new computer, they have --

12 COMMISSIONER TUCCI: Right. Well, sometimes  
13 when we start this budget process, it's not easy to  
14 define exactly what we're going to need. All right?  
15 So we come up with a raw estimate, which this is, okay?  
16 And then we refine that and before we actually go out  
17 to purchase, as I'm sure you know, we itemize every  
18 piece of equipment that we buy.

19 MR. MOORE: Because when I look at Section I  
20 at the bottom of the page.

21 COMMISSIONER TUCCI: Uh-huh?

22 MR. MOORE: Where is this fire truck going to  
23 go? We're buying a new pumper, where are we going to  
24 put it?

25 COMMISSIONER TUCCI: I would direct that

1 question to the --

2 MR. MOORE: That would be --

3 COMMISSIONER TUCCI: -- Public Safety  
4 Commissioner.

5 MR. MOORE: Because I do have a serious  
6 question, because here, if you read the headers, maybe  
7 we shouldn't read these things, it might be less  
8 confusing. On Page 2 of 7 in the middle, it said the  
9 appropriation, the estimated cost, and the estimated  
10 maximum. In here, you're appropriating \$242,500, but  
11 on the very next line, which is difficult to read, it's  
12 up to a half a million dollars. Is that just a  
13 mechanical error?

14 COMMISSIONER EVANS: I'm sorry, Rory, you  
15 lost me. Which page are you referring to?

16 MR. MOORE: I'm sorry. We started off Page 3  
17 of 7, at the bottom.

18 COMMISSIONER EVANS: Yeah.

19 MR. MOORE: Paragraph I.

20 COMMISSIONER EVANS: Yep.

21 MR. MOORE: So you go to the bottom of that  
22 paragraph, right in the middle, it says, \$243,500.

23 COMMISSIONER TUCCI: Rory, are you talking  
24 about the \$243,500 that was --

25 COMMISSIONER EVANS: Yeah.

1 COMMISSIONER TUCCI: -- previously  
2 appropriated?

3 COMMISSIONER EVANS: Right.

4 MR. MOORE: That's what I'm trying to find  
5 out.

6 COMMISSIONER EVANS: Yes. So the fire truck,  
7 the purchase of the fire truck is not \$100,000. The  
8 purchase of a fire is --

9 MR. MOORE: I know it's not 100,000.

10 COMMISSIONER EVANS: -- 5- to \$600,000. So in  
11 order to purchase that, we needed to include it in  
12 capital, the -- in effect, \$100,000 because the other -  
13 - the previous -- last year's ordinance included some  
14 element for the purchase of a fire truck. We also  
15 appropriated out of the operating budget last year, of  
16 course, you know that -- and the remainder is this  
17 \$100,000.

18 MR. MOORE: Because if you read the next  
19 paragraph, on Page 4 of 7 at the top, just under the  
20 headlines, it says, it -- the estimated cost is  
21 \$500,000.

22 COMMISSIONER EVANS: Right. Uh-huh.

23 MR. MOORE: How -- what's the math on it?  
24 That's what I'm trying to find out.

25 COMMISSIONER EVANS: The amount -- yeah, no,

1 the estimated cost of the purchase of that truck is  
2 \$500,000. In order for us to purchase that fire truck,  
3 we needed \$100,000 in capital, of additional capital to  
4 make that purchase.

5 MR. MOORE: Right.

6 COMMISSIONER EVANS: So --

7 MR. MOORE: I understand that.

8 COMMISSIONER EVANS: -- so that's all it  
9 says, it says it's going to cost \$500,000. We had  
10 previously identified -- for round -- for sake of round  
11 numbers, \$400,000, and now we need to appropriate an  
12 additional \$100,000 to be able to purchase the truck.

13 MR. MOORE: So we already had most of the  
14 money --

15 COMMISSIONER TUCCI: Correct.

16 COMMISSIONER EVANS: Correct.

17 MR. MOORE: -- for this.

18 COMMISSIONER EVANS: Correct.

19 MR. MOORE: But it doesn't indicate that.

20 COMMISSIONER EVANS: And all this is, is the  
21 balance.

22 MR. MOORE: Pardon?

23 COMMISSIONER EVANS: And all it is, is the  
24 balance. And Rory, just to help you, this structure of  
25 this ordinance is a bond ordinance, that is structured

1 to meet the statutory requirements for a public  
2 offering in the descriptions. It's not a detailed  
3 listing or an explanation of everything we're doing.  
4 Part of the reason of this listing, it's actually  
5 written by bond counsel to make sure that the type of  
6 bond the town goes after is -- has the right number of  
7 years. We go out generally for a 10 year bond. And so  
8 we make sure that this fits in here.

9 MR. MOORE: I believe this is a 10 year bond.

10 COMMISSIONER EVANS: This particular bond?

11 MR. MOORE: Yes.

12 COMMISSIONER EVANS: Yeah, yeah, absolutely.

13 MR. MOORE: It's ten years. Okay. Thank  
14 you.

15 MAYOR SCARPELLI: Anybody else want to be  
16 heard on the ordinance? Seeing none.

17 COMMISSIONER EVANS: Move to close the public  
18 hearing.

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. Aye.  
3 THE CLERK: Mayor Scarpelli?  
4 MAYOR SCARPELLI: Aye.  
5 COMMISSIONER EVANS: Move the ordinance.  
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. Resolutions.  
17 Commissioner Rogers?  
18 COMMISSIONER ROGERS: Number 190-19.  
19 Whereas, N.J.S.A. 40A 6011, the Uniform Shared Services  
20 and Consolidation Act authorizes and empowers local  
21 units to enter into agreements with other local  
22 entities regarding shared services;  
23 Now therefore be it resolved that the  
24 Township of Nutley and the Nutley Board of Education  
25 wish to extend the existing Shared Services Agreement

1 for Physician/School Physician services for a period  
2 September 1st, 2019 through August 31st, 2020, for  
3 which the township will be compensated \$7,000 to be  
4 paid in ten equal installments of \$700. So moved.

5 COMMISSIONER PETRACCO: Second.

6 THE CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 THE CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 COMMISSIONER ROGERS: That's it, Mayor.

17 Thanks.

18 MAYOR SCARPELLI: Thank you,  
19 Commissioner Rogers. Commissioner Tucci?

20 COMMISSIONER TUCCI: Yes, thank you, Mayor.

21 This is actually housekeeping resolution. Whereas, the  
22 Township of Nutley Department of Parks and  
23 Public Property has determined the need to dispose of  
24 certain municipal vehicles and equipment that are no  
25 longer useful and/or have come to the end of their

1 practical term of services; and

2           Whereas the Township of Nutley Department of  
3 Parks and Public Property has identified the following  
4 as not practical to continue in service with the  
5 township; and they are a 1995 Club Car electric golf  
6 cart, a 2002 Bluebird model F130 4544 bus, with  
7 103,886 miles on it, and a 2002 Chevy 2500 Heavy-Duty  
8 4x4 truck, with 83,969 miles on it;

9           Whereas, the Township of Nutley has going out  
10 to bid on June 18th, 2019 to Resolution Number 170-19,  
11 and has rejected one offer from Marczaks Inc.,  
12 247 Central Avenue, Metuchen, New Jersey, for a total  
13 bid price of \$269; and

14           Whereas, the Nutley Department of Parks and  
15 Public Property has made a determination to scrap said  
16 equipment at Bibb's Auto Recycling, 54 Stover Avenue,  
17 Kearney, New Jersey, in the amount of \$1,550;

18           Now therefore be it resolved that the Board  
19 of Commissioners of the Township of Nutley, County of  
20 Essex, State of New Jersey, will scrap said equipment  
21 at Bibb's Auto Recycling, 54 Stover Avenue, Kearney,  
22 New Jersey, in the amount of \$1,550.

23           Before I move this, I just want to commend  
24 Frank DeMaio for doing the research and getting us more  
25 money for this equipment scrapped than we would have as



1 an actual bid. I move the resolution.

2 COMMISSIONER EVANS: Second.

3 THE CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 THE CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: I'd like to thank

11 Frank DeMaio also. Great job, Frank. He's a good guy,  
12 and he's always working. I vote aye.

13 THE CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

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

17 MAYOR SCARPELLI: Thank you, Commissioner.  
18 Commissioner Evans?

19 COMMISSIONER EVANS: Thank you, Mayor. I  
20 have one resolution. It's for -- it's to incorporate a  
21 grant we received for the Municipal Alliance in the  
22 amount of \$20,000.

23 Whereas, N.J.S.A. 40A:4-20 provides that  
24 where contracts, commitments, or payments are to be  
25 made prior to the final adoption of the 2019 budget,

1 emergency appropriations may be lawfully made for the  
2 purposes and amounts required in the manner and time  
3 therein provided;

4           Whereas, the total emergency temporary  
5 resolution adopted in the year 2019, pursuant to the  
6 provisions of Chapter 96 P.L. 1951, N.J.S.A. 40A:4-20  
7 include this resolution total \$25,622,842;

8           Now therefore be it resolved that in  
9 accordance with N.J.S.A. 40A:4-20, the emergency  
10 temporary appropriation being the same is hereby made  
11 for a total amount of \$20,000. Said appropriation will  
12 be provided for in the 2019 budget.

13           And again, it recognizes the addition of  
14 Municipal Alliance grant for \$20,000. 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. Thank you,

1 Commissioner. Commissioner Petracco?

2           COMMISSIONER PETRACCO: Whereas, the Township  
3 of Nutley has determined the property described on  
4 Schedule A attached hereto and incorporated hereon has  
5 been abandoned by its owners and titled as junk,  
6 cleared through the Division of Motor Vehicle and the  
7 township, the towing contract between the Township of  
8 Nutley and Nicolette Towing authorizes the sale of  
9 abandoned vehicles left on their premises by the  
10 owners.

11           Just to save a little time, this is for a  
12 1998 Jeep. I move the resolution as written.

13           COMMISSIONER ROGERS: 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 PETRACCO: Whereas the township  
25 has determined that the property described on

1 Schedule A attached hereto and incorporated hereon has  
2 been abandoned by its owner and titled as junk, cleared  
3 through the Division of Motor Vehicle;

4           Whereas the towing contract between the  
5 Township of Nutley and Twin Towing authorizes the sale  
6 of abandoned vehicles left on their premises by the  
7 owners. Again, to save a little time, this is for a  
8 2004 Dodge and a 2001 Jeep. I move the resolution as  
9 written.

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: That's all I have.

22           MAYOR SCARPELLI: Thank you, Commissioner.

23           Whereas, raffle applications have been  
24 received from the following organizations; Nutley  
25 Parent Advocacy Network, License Number 3619 and

1 License Number 37-19, to be held Friday, October 18th,  
2 2019;

3 St. Mary's Roman Catholic Church,  
4 License Number 38-19, a calendar raffle, the first  
5 Saturday of the month from January, 2020 through  
6 December, 2020; and

7 Friends of Phoenix Center, License Number  
8 39-19, off-premise 50/50 cash raffle to be held  
9 Tuesday, November 12th, 2019;

10 Whereas, the applications have been reviewed  
11 and approved by the Municipal Clerk and the police  
12 department;

13 Now therefore be it resolved by the Board of  
14 Commissioners, Township of Nutley, County of Essex,  
15 State of New Jersey that the aforementioned licenses  
16 are approved, and the Municipal Clerk is authorized to  
17 issue the raffle licenses. I move the 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, bids for the 2019 Roadway  
5 Improvements were received and opened on Wednesday,  
6 July 10th, 2019; and

7 Whereas, AJM Contractors, 300 Color Road,  
8 Clifton, New Jersey, was the lowest responsible bidder;  
9 and

10 Whereas, the base bid for the 2019 Roadway  
11 Improvements is in the amount of \$349,515.50 for a  
12 total bid of \$349,515.50; and

13 Whereas, funds are available from  
14 Account Number G04153401, and in the amount of  
15 \$349,515.50, and have been certified by the Chief  
16 Financial Officer, said certification being attached to  
17 this resolution;

18 Now therefore be it resolved by the Board of  
19 Commissioners, Township of Nutley, County of Essex,  
20 State of New Jersey, that a contract be awarded to  
21 AJM Contractors not to exceed \$349,515.50, and that the  
22 Mayor and the Township Clerk are hereby authorized to  
23 enter into and sign said contract for the Township of  
24 Nutley. 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.

11 Whereas, the Township of Nutley has the need  
12 to retain professional services of a licensed traffic  
13 engineer, Sam Schwartz Consulting, to provide  
14 transportation planning and traffic engineering  
15 services related to the ongoing Hoffman/LaRoche ON3  
16 redevelopment within the Township of Nutley; and

17 Whereas, this contract is awarded without  
18 competitive bidding as a professional service in  
19 accordance with N.J.S.A. 1944A:20.4, or 20.5, of the  
20 local public contracts law, because the contract is for  
21 services performed by a person authorized by law to  
22 practice a recognized profession that is regulated by  
23 law; and

24 Whereas, the Board of Commissioners have  
25 determined that Sam Schwartz, located at

1 300 Montgomery Street, Suite 1340, Jersey City,  
2 New Jersey, is best suited to provide these services to  
3 the Township of Nutley; and

4           Whereas, when Sam Schwartz has completed and  
5 submitted a business entity disclosure certification,  
6 which certifies that they have not made any reportable  
7 disqualifying contributions to a political or candidate  
8 committee in the Township of Nutley in the previous one  
9 year, and that the contract will prohibit them from  
10 making any reportable contributions through the term of  
11 the contract; and

12           Whereas, funds are available from  
13 Account Number 90126205, and was certified by the  
14 Chief Financial Officer, said certification being  
15 attached to this resolution and will be reimbursed by  
16 escrow accounts set up by each respective developer of  
17 the property; and

18           Whereas, Sam Schwartz will provide  
19 professional traffic engineering study at a cost not to  
20 exceed \$96,700; and

21           Whereas, this anticipated term of this  
22 contract is for 12 months, from August 6th, 2019, to  
23 July 31st, 2020;

24           Now therefore be it resolved by the Board of  
25 Commissioners, Township of Nutley, County of Essex,



1 State of New Jersey, that the mayor is hereby  
2 authorized to enter into a contract with Sam Schwartz  
3 as a professional service in an amount not to exceed  
4 \$96,700;

5 Be it further resolved that a copy of this  
6 resolution, as well as the contract, shall be placed on  
7 file with the Clerk of the Township of Nutley and a  
8 notice in accordance with the local Public Contracts  
9 Law of New Jersey, and the form attached hereto shall  
10 be published in the Nutley Sun. I move the resolution.

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

23 THE CLERK: Thank you, Mayor. All persons  
24 addressing the Board of Commissioners regarding  
25 community concerns should approach the microphone and

1 provide their name and address for the record. Unless  
2 further time is granted by the board, each person shall  
3 limit their address to five minutes. All remarks to  
4 the board and its individual members must be addressed  
5 to the mayor. The mayor may defer citizens' comments  
6 to the appropriate member of the board. Dialogue  
7 between citizens and others addressing the board shall  
8 be allowed, unless the mayor or presiding officer or  
9 the majority of the membership of the board shall  
10 determine that the interests of the quorum, and/or the  
11 expeditious conduct of municipal business are being  
12 adversely affected by such dialogue.

13 MR. MOORE: Rory Moore, 462 Chestnut Street.  
14 Mr. Scarpelli, I have two OPRA responses I'd like to  
15 discuss with Mr. Evans this evening, but before that, I  
16 have two housecleaning issues I'd like to try.  
17 Mr. Petracco, I'd like to thank Captain Green. He was  
18 the only Nutley police officer that would take care of  
19 the license plates down on 75 East Center Street.  
20 There was a legitimate problem, it was illegal, and  
21 three summonses were issued. But I think it's a sad  
22 commentary that we have to go to Captain Green, because  
23 nobody else would do anything about it. It was Cafone  
24 property, this is a reelection year, and  
25 nobody wanted to touch it, and I think that's a very

1 sad commentary, because somebody could have gotten hit  
2 by that truck, and they would have been at a loss for  
3 uninsured motorist.

4 COMMISSIONER PETRACCO: Well, the truth of  
5 the matter is, Rory, that Captain Green did tell me  
6 that at the last meeting, that you spoke with him, and  
7 he did address it the next --

8 MR. MOORE: He did address -- he was the only  
9 one.

10 COMMISSIONER PETRACCO: He did address it the  
11 next day, and I'll say Captain Green is a stellar,  
12 stellar police officer, and I'm happy that it got  
13 resolved, and I apologize for you -- for not telling  
14 you that at the last meeting, because Captain Green  
15 asked me to tell you. And I --

16 MR. MOORE: No, no, I -- I did -- I -- he  
17 deserved the compliment for that, because he got --

18 COMMISSIONER PETRACCO: Right.

19 MR. MOORE: -- it -- he did -- he did it.  
20 But what I don't understand is why nobody else did  
21 anything with it. I didn't have to go to Captain Green  
22 to have that accomplished.

23 COMMISSIONER PETRACCO: At this point, I'm  
24 just happy that it got taken care of, and I have to  
25 tell you, kudos to you, because a hundred percent what

1 you said was happening down there, so I will check with  
2 the process down there. Who did you first speak to,  
3 down there?

4 MR. MOORE: I'd rather not do that publicly.

5 COMMISSIONER PETRACCO: Okay, we'll talk.

6 MR. MOORE: And Mr. Tucci, I want to thank  
7 you and Mr. DeMaio, because you did address the issues  
8 with the cell phones.

9 COMMISSIONER TUCCI: Thank you.

10 MR. MOORE: At my request, and you did a very  
11 good job, so did Frank DeMaio, and I thank you for  
12 that, and you also did a buyer order, and I appreciate  
13 that, because nobody should have to work that hard to  
14 get something answered, and I thank you for doing that,  
15 and Mr. DeMaio.

16 COMMISSIONER TUCCI: You're welcome.

17 MR. MOORE: Mr. Evans, the last time I spoke  
18 with you, I said that I thought there was a number of  
19 deficiencies in the Code Enforcement, and I put in an  
20 OPRA for 44 Freeman Place, which is Mr. Berry's house.  
21 He has a 23-foot driveway with no variance. Can you  
22 explain that?

23 COMMISSIONER EVANS: Absolutely not.

24 MR. MOORE: Then can we just make an  
25 assumption that he had -- it was always there?

1                   COMMISSIONER EVANS: Well, I don't have any  
2 information on that. But -- and I have to check,  
3 but --

4                   MR. MOORE: Find it.

5                   COMMISSIONER EVANS: There -- the driveway  
6 width is the driveway width. You know, you're leaving  
7 out quite a few facts.

8                   MR. MOORE: Such as? I mean, I believe --

9                   COMMISSIONER EVANS: Was it there before he  
10 purchased the house or not?

11                  MR. MOORE: But the variance would stay with  
12 the house.

13                  COMMISSIONER EVANS: Exactly, but -- so --

14                  MR. MOORE: But --

15                  COMMISSIONER EVANS: -- whatever --

16                  MR. MOORE: -- I guess that all variances --

17                  COMMISSIONER EVANS: -- whatever is going on  
18 with that house, I will follow up and I will look into  
19 it. It's the first time I'm hearing about it, but I  
20 will follow up. But to your point, if there is an  
21 issue with the driveway, it will be addressed.

22                  MR. MOORE: So at the next meeting, I can ask  
23 you what we did about this?

24                  COMMISSIONER EVANS: Yes, you can.

25                  MR. MOORE: Okay. Because I also asked about

1 75 East Center Street, and I asked for all variances  
2 there, and the variance that was on East Center Street  
3 said no storage. Now, they're allowed to put trailers,  
4 but when were those trailers checked? Because the  
5 license plate on the back of the trailer, you can't see  
6 from the road. So is there any -- anybody that -- from  
7 Code Enforcement going to actually see those trailers  
8 are registered? Considering --

9 COMMISSIONER EVANS: Just --

10 Mr. MOORE: -- what happened --

11 COMMISSIONER EVANS: -- Rory, that property  
12 was inspected, all right, and it was reviewed, and  
13 when, last year, there were violations on that  
14 property, summonses were issued, and it went before the  
15 judge in Belleville, and it was addressed at that time.  
16 That property was recently inspected, and it was  
17 determined that it is in compliance. If you disagree  
18 with the interpretation of the construction official as  
19 to the compliance with the variance that was granted on  
20 the property, your recourse is before the Board of  
21 Adjustment, who issued that resolution.

22 MR. MOORE: You said that last time, and I  
23 remembered that as well. However, the variance said no  
24 storage, and there is a box truck that's laying there  
25 that is not a trailer, which is in violation of a

1 Nutley ordinance.

2 COMMISSIONER EVANS: It's a small trailer  
3 that's housing basic landscaping equipment that's used  
4 in a part of construction. It's been interpreted that  
5 that is in compliance. As I said, if you --

6 MR. MOORE: Who interpreted that?

7 COMMISSIONER EVANS: The construction  
8 official.

9 MR. GENITEMPO: Commissioner, not only the  
10 construction official, but our office did an evaluation  
11 of it, interpreted this ordinance along with state law,  
12 and we determined that it was in compliance. So it  
13 wasn't just Code Enforcement.

14 MR. MOORE: And I could ask -- it wasn't that  
15 --

16 MR. GENITEMPO: It wasn't just a code  
17 official, we also did a review, and we believe it's in  
18 compliance with the variance that was granted some  
19 years ago.

20 MR. MOORE: Well then I can OPRA that, and  
21 you -- you'll send me that --

22 MR. GENITEMPO: You can do whatever you want,  
23 Mr. Moore, I'm telling you what the legal decision was.

24 MR. MOORE: Because there's no written  
25 documents --

1 MR. GENITEMPO: (Indiscernible) it was  
2 providing an opinion to Code Enforcement about that  
3 issue.

4 MR. MOORE: I guess I get confused when the  
5 variance says no storage and --

6 MR. GENITEMPO: Well, that's your  
7 interpretation of --

8 MR. MOORE: -- then obviously, it's storage.

9 MR. GENITEMPO: -- well, Mr. Moore, that's  
10 your interpretation of what the word means, and maybe  
11 not -- it's not an accurate interpretation. So you'll  
12 have yours, and we've had ours. That's all I'm trying  
13 to tell you.

14 MR. MOORE: Okay. And I can OPRA that,  
15 because that is a conclusion that you --

16 MR. GENITEMPO: You can OPRA whatever you  
17 want.

18 MR. MOORE: -- rendered?

19 MR. GENITEMPO: You OPRA every day. It's no  
20 problem. What's --

21 MR. MOORE: In your day --

22 MR. GENITEMPO: -- one more, Mr. Moore? It's  
23 no problem.

24 MR. MOORE: No, I just really wanted to --  
25 when people read, it says, no storage by variance, and



1 then you say, oh, well, we interpreted it differently,  
2 and then you want me to go back to the variance, but  
3 the Variance Board said no storage, but yet he has a  
4 box truck that --

5 MR. GENITEMPO: So in your opinion, if  
6 someone has a truck, and stored something in the truck,  
7 that's --

8 MR. MOORE: No.

9 MR. GENITEMPO: -- a violation of the  
10 storage?

11 MR. MOORE: It's the back of the truck. It's  
12 not a truck. It's the back of the truck. It's a  
13 trailer, with wheels.

14 COMMISSIONER EVANS: It's a small -- it's  
15 a -- let's just characterize it. It's a small storage  
16 trailer that is on the site. It's been interpreted --  
17 it's not big, it's not a tractor-trailer, it's not a  
18 box, like a container box like you would find at  
19 shipping on ships and things like that. We're talking  
20 about a very small storage box that's on the site.

21 It's been interpreted, right, and as counsel has said,  
22 with legal opinion, that it is in compliance with the  
23 ordinance. It is not a matter to resolve that before  
24 the Board of Commissioners, it's a matter to resolve  
25 your interpretation before the Board of Adjustment.

1 Generally, when you go before the Board of Adjustment,  
2 it -- residents within 200 feet, who live in that area,  
3 who have a concern about that property, can go before  
4 that board.

5 MR. MOORE: But I'll OPRA the opinion, and  
6 we'll -- I can take it from there. And there's one  
7 last -- one last issue, Mr. Scarpelli if I may. When  
8 you had the caucus meeting in the back, you went around  
9 the room and you had asked everybody, is there any  
10 issues for executive session, and I believe  
11 Mr. Genitempo said no, but towards the end, all of a  
12 sudden, there was a case. What were the case and the  
13 contracts that were discussed in the executive session?  
14 I'm allowed the citations.

15 MR. GENITEMPO: No, you're not. If you have  
16 the specific citations, you can ask what the topics  
17 were, and we'll provide that. We provide them in the  
18 minutes anyway, ultimately when you ask -- when you  
19 OPRA the minutes, we give them to you from the  
20 executive sessions. They may be redacted for these  
21 particular --

22 MR. MOORE: I understand. I understand, I'm  
23 asking for the (indiscernible).

24 MR. GENITEMPO: I'm trying to answer. One  
25 was a litigation matter that I didn't realize initially

1 that I wanted to bring to their --

2 MR. MOORE: I'm sorry, I didn't hear you, I'm  
3 sorry, I apologize.

4 MR. GENITEMPO: One was a litigation matter  
5 that I didn't recall initially, it was just a minor  
6 issue, but I wanted to report to the commissioners  
7 regarding the litigation over at Hoffman/LaRoche, and  
8 that's -- that -- and I can't tell you any more than  
9 that.

10 MR. MOORE: I appreciate that.

11 MR. GENITEMPO: Okay, and the other is, the  
12 commissioners, there are different contracts that we  
13 talk about, there were several contracts, so that's a  
14 constant discussion in executive, and I'm sure you know  
15 that from getting your OPRA requests responded to, so.

16 MR. MOORE: Thank you.

17 MR. GENITEMPO: Thank you.

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

20 MS. RUBINO: Joan Rubino, 48 North Road.  
21 Mr. Evans spoke of the state aid before. I would like  
22 to know how the taxpayers will be affected if the  
23 anticipated amount of state aid is not granted?

24 COMMISSIONER EVANS: There is a potential  
25 that there could be an adjustment of the tax bill in

1 the fourth quarter. I don't know the answer to that  
2 yet, because I don't really know the answer as to where  
3 the state is going to land, as to whether or not we're  
4 going to get our full aid or a partial amount of aid.  
5 The aid that we receive is spent three ways. Part of  
6 it goes to the county, part of it goes to the school,  
7 part of it's the municipality. So the action will be  
8 to see where -- if -- once I get clarity on the status  
9 of our aid, there will be actions that will be required  
10 by this board, as well as the school board, and the  
11 county, to do our very best to absorb the loss of three  
12 and a half million dollars of revenue.

13 MS. RUBINO: In other words, we -- in order  
14 to carry on the way you think is good for the town, we  
15 would have to get the full amount?

16 COMMISSIONER EVANS: That's correct.

17 MS. RUBINO: That you mentioned?

18 COMMISSIONER EVANS: Ideally, we would get  
19 the full amount.

20 MS. RUBINO: Right. Now, will we get  
21 anything? I mean, say they deny the full amount. Is  
22 there any guarantee that we will get any amount?

23 COMMISSIONER EVANS: It's uncertain at this  
24 point, because at this stage of the -- at this stage,  
25 the state is doing their review of the revenue stream,

1 and they haven't made a determination as to whether or  
2 not they will distribute the full amount of the aid, or  
3 a partial amount. It hasn't been made yet.

4 MS. RUBINO: And you do not know when that  
5 determination will be made.

6 COMMISSIONER EVANS: I would hope that it  
7 would have been done already, but the state is going  
8 through their process, and I believe it's going to be a  
9 few more weeks.

10 MS. RUBINO: Okay. Thank you.

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

13 MS. FROBOSE: Rhonda Frobose,  
14 312 East Passaic Avenue, Nutley. Mayor Dr. Scarpelli,  
15 I'm all new to this process. I just want to say that  
16 it's August, and I'm going to be giving you a call  
17 sometime in September to see -- to take you up on your  
18 offer about starting some planning for next June as  
19 Pride Month because the reason why I'd like to wait  
20 until September is I'd really like to see about having  
21 the Prism Club at the high school, the students, get  
22 involved. I think they'd really like to be a part of  
23 that. So I'd like to close the loop, though, on our  
24 2019 Pride Month. It's already August, and I just  
25 wanted to see if the two commissioners who have not yet

1 -- who had not yet at the last meeting signed the  
2 proclamation, if it was signed, the official  
3 proclamation, if it was signed by you, Commissioner  
4 Petracco and Commissioner Rogers? And that's why I'm  
5 here, just to find out, to close the loop.

6 COMMISSIONER PETRACCO: All's I can tell you  
7 is I signed the copy you gave me.

8 MAYOR SCARPELLI: That's probably the  
9 official proclamation, Ms. Frobose, because I don't  
10 know if the clerk has one or not.

11 MS. FROBOSE: Ms. Pettas, at the last  
12 meeting, you said you didn't have the official  
13 proclamation, but you were going to see about having  
14 Commissioner Petracco sign it? I don't know where we  
15 left off with that.

16 THE CLERK: Alan?

17 MR. GENITEMPO: You don't have a copy on --

18 THE CLERK: I don't.

19 MS. FROBOSE: Is it kept in a special place  
20 or -- I don't even know how these things work.

21 MR. GENITEMPO: You were given a copy of it,  
22 right?

23 MS. FROBOSE: Well, no, I had a -- okay. So  
24 to be clear --

25 MR. GENITEMPO: Well, no, I'm just asking,

1 you were given a copy of it at one point in time?

2 MS. FROBOSE: I was given a PDF --

3 MR. GENITEMPO: Oh, a PDF file? Okay.

4 MS. FROBOSE: -- of the signed copy by the  
5 three commissioners who had signed it, and I went to  
6 Kinko's or FedEx, whatever it's called now. I made my  
7 own giant copy, and that is not the official copy, is  
8 it?

9 MR. GENITEMPO: No, that's not the official  
10 copy.

11 MS. FROBOSE: Okay. Where is the official  
12 copy?

13 MR. GENITEMPO: I don't know. I don't have  
14 it. We'll -- I'll have to find out where it is.

15 MS. FROBOSE: Where do you keep official  
16 copies of proclamations?

17 MR. GENITEMPO: Well, as it hasn't all been  
18 signed yet, it could be anywhere. It could be at  
19 someone's office --

20 MS. FROBOSE: I can't hear you.

21 MR. GENITEMPO: -- being reviewed, I don't  
22 know. I haven't -- I haven't taken possession of it.

23 MS. FROBOSE: Okay. So. If it can be found,  
24 Commissioner Petracco, would you sign it?

25 COMMISSIONER PETRACCO: I -- you asked me to

1 sign a copy. After I signed the copy, I got attacked  
2 here, that was not on video, what had nothing to do  
3 with why we were here. So my answer is -- you came,  
4 you asked me to sign a copy to support it. I signed  
5 it. That's my answer, ma'am.

6 MS. FROBOSE: I couldn't hear, really.

7 MAYOR SCARPELLI: I -- the commissioner said  
8 he signed the proclamation and --

9 MS. FROBOSE: Okay.

10 MAYOR SCARPELLI: Normally -- and I would  
11 just tell you what normally, and I don't know what the  
12 clerk -- I'm not -- I only can speak for what my -- if  
13 we have a proclamation, we usually present it to  
14 somebody, and that's the last we see of that  
15 proclamation. Now, if the clerk keeps a copy, I don't  
16 have any idea.

17 MS. FROBOSE: Okay. So just to be clear,  
18 what I have is not the official copy, it's a prop. And  
19 there's a -- there's a --

20 COMMISSIONER PETRACCO: Excuse me. Excuse  
21 me. I didn't hear what you said, Rhonda. It's a what?

22 MS. FROBOSE: That giant thing that I went to  
23 FedEx and blew up, is -- that's not the official copy.  
24 That was --

25 COMMISSIONER PETRACCO: The one that I signed



1 right here, I mean, I've signed proclamations for --  
2 that is an official document, and that's why my  
3 signature's on it.

4 COMMISSIONER EVANS: I'm sorry. Just a note  
5 of clarification. I think there's the original  
6 document, right, that -- I know you signed a copy, so  
7 if you signed the copy, then all you need to do is sign  
8 the original document, you know, and that would address  
9 the matter.

10 MS. FROBOSE: I mean, if you want to sign it,  
11 you'll sign it. If you don't want to sign it, we can  
12 have this discussion. It seems a little odd to me that  
13 we're having this conversation.

14 COMMISSIONER PETRACCO: It seems a little odd  
15 to me that --

16 MS. FROBOSE: So I'm going to move on --

17 COMMISSIONER PETRACCO: It seems -- excuse  
18 me, one second, Rhonda. It seemed a little odd to me,  
19 this whole process, like I said, in 12 years I sat on  
20 this board, you came to me, I said my piece at the last  
21 meeting. I have to tell you, I really feel like, you  
22 know, like I said at the last meeting --

23 MS. FROBOSE: You're making me feel really  
24 uncomfortable --

25 COMMISSIONER PETRACCO: No, no, I'm saying --

1 I'm saying that --

2 MS. FROBOSE: And I'm not even someone who  
3 this document is for. I'm an ally. If I feel  
4 uncomfortable, I can only imagine how other people  
5 feel. So I'm going to move on. I'm not going to ask  
6 you again.

7 COMMISSIONER PETRACCO: Okay. In my opinion,  
8 I signed it.

9 MS. FROBOSE: For the record, Mr. Rogers, I  
10 do want to ask you, if you don't want to sign it, could  
11 you state for the record why you do not want to sign  
12 it?

13 COMMISSIONER ROGERS: I will not sign it.  
14 And I will take you back to the 1990s, when the  
15 director of the New Jersey Divisional Criminal Justice  
16 came to the Nutley Police Department, and he went with  
17 Chief Robert DeLoyd (phonetic) and I, and had asked if  
18 I would be put on the Bias Crime Task Force, I believe  
19 it was a task force at that time.

20 And one of the jobs we had was to make sure  
21 that we had -- shape laws in the state of New Jersey  
22 that would be inclusive of everyone. Now, I was very  
23 concerned at that time, and I articulated my position  
24 at that time with a number of other law enforcement  
25 people, that the one thing we didn't want to do was

1 framework in a document that would be called as we see  
2 today, identity politics. And identity politics is  
3 scoping out people based on gender, color, creed, and  
4 it's very, very divisive. I see that happening now as  
5 a reality across the country. It doesn't mean that  
6 people are wrong, it's the process that I was concerned  
7 about.

8           So my position was this -- was then and it is  
9 now, one flag. That flag right there, it's color blind  
10 and it's gender blind. It's the flag of the United  
11 States of America. The document, there's no need in my  
12 view that we need to have proclamations and resolutions  
13 that clearly define identity politics because we have a  
14 document. It's called the Constitution of the United  
15 States of America. And it's for all Americans,  
16 everyone. Nowhere in the Constitution do I see any  
17 identity politics. It's for everyone.

18           And thirdly, we have a country called the  
19 United States of America. Now, I've worked so hard in  
20 my lifetime to think about American pride. That's the  
21 pride we should have, American, that includes everyone.  
22 Rhonda, I can't tell you who's gay, who's lesbian. I  
23 don't care. It's none of my business. What I do care  
24 about is if a person loves our country. In the  
25 military, I served many years, we had gay people, we

1 had lesbian people? You think we asked them? You  
2 think we asked them those questions? In the police  
3 department for 25 years, I had in my police car with  
4 me, I remember one, he came on board, some guy said we  
5 gay, I knew that, we talked openly. And recently, as a  
6 result of what went on here, I paid a visit to some of  
7 the Log Cabin Republicans. You're familiar with them,  
8 right? The Log Cabin Republicans are gay and lesbian  
9 people who are involved in the Republican Party. I  
10 think the Democrats also have an association like that.

11 And some of those individuals I talked to  
12 said, do us a favor. We want to live like everybody  
13 else. We don't need flags, we don't need  
14 proclamations, and I'm sure there's a large group that  
15 say yes. But my point is this. So the question is,  
16 how do you and I come together and how do we solve some  
17 of the problems that we're facing? And here was my  
18 suggestion then, and it is now, and it's not going to  
19 change.

20 We need to enhance in our high schools, and  
21 perhaps our middle schools, civics, civics education,  
22 civil rights education, and constitutional law. That's  
23 how we solve our problems, and that's how we bring  
24 recognition to a problem that we're all trying to deal  
25 with as we move forward. It was then that I didn't

1 support something like this, and it is now.

2 Look, I commend you for having the ability to  
3 come up and to state your case, and I respect that, and  
4 I'm going to ask that you respect mine. That's my  
5 position then, and it is now. Thank you very much.

6 MS. FROBOSE: Thank you. I just wanted your  
7 comment for the record. I appreciate it. Thank you.

8 MAYOR SCARPELLI: Thank you, Ms. Frobose.

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

11 COMMISSIONER PETRACCO: Move to adjourn.

12 COMMISSIONER ROGERS: 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 the time is 8:56.

24 MAYOR SCARPELLI: Good night, everybody.

25 (End of recording)

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

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, and to the best of my ability.

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