TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS

ONE KENNEDY DRIVE

3RD FLOOR COMMISSION CHAMBERS

NUTLEY, NEW JERSEY 07110

*** CONFERENCE SESSION ***

DATE: September 3, 2019

BOARD OF COMMISSIONERS:

JOSEPH P. SCARPELLI, MAYOR

STEVEN L. ROGERS, COMMISSIONER

THOMAS J. EVANS, COMMISSIONER

MAURO G. TUCCI, COMMISSIONER

ALPHONSE PETRACCO, COMMISSIONER A/E

Also Present:

ALAN GENITEMPO, TOWNSHIP ATTORNEY
(Recording begins)

THE CLERK: Board of Commissioners Public

Meeting, Tuesday, September 3rd, 2019. The time is

7:05. Pursuant to the requirement of the Open Public

Meeting Act, Chapter 231, Public Law 1975, notice of

this meeting was published in the November 29, 2018

issues of the Nutley Sun, the Herald-News, and the

Star Ledger. A copy of this notice has been posted on

the Nutley Town Hall bulletin board, and a copy is on

file in the Municipal Clerk's Office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Petracco is absent,

excused.

Mayor Scarpelli?

MAYOR SCARPELLI: Here.

THE CLERK: All present, Mayor, except for

Commissioner Petracco. He's absent, excused.

MAYOR SCARPELLI: Commissioner Evans, what do

you have tonight?

COMMISSIONER EVANS: I have something. I
have a few resolutions for tonight. Three resolutions. One's the corrective action plan on the audit, which you each have a copy of, and then some refunds, and a change order for Tim Cunningham, for Archer Greiner for the Code Office, and you've been informed about that.

That's all I have with that.

Just there's a need for executive.

Basically, the -- there hasn't been any movement on the State yet regarding transitional aid. There's been a lot of conversation with the DCA, the governor's office and stuff, but still there's no action. I was on the phone this evening and just been told that we might have some word in the next two weeks.

MAYOR SCARPELLI: Thank you, Commissioner.

Commissioner Rogers?

COMMISSIONER EVANS: What kind of word, I don't know.

COMMISSIONER ROGERS: I have two resolutions, Mr. Mayor, that I'll present tonight. One right there. Three? I have three?

THE CLERK: You have three. Three.

COMMISSIONER ROGERS: I have three resolutions I'll present.

MAYOR SCARPELLI: Okay.

COMMISSIONER EVANS: Are you working
overtime?

MAYOR SCARPELLI: Commissioner Tucci?

COMMISSIONER TUCCI: I have one resolution, Mr. Mayor, for RFP for forestry, and for --

COMMISSIONER ROGERS: Good one.

MAYOR SCARPELLI: Do you have a report?

COMMISSIONER TUCCI: Do I have a report?

Yes, I do, and I have a report for August.

You keep moving stuff around here, Madam Clerk, I can't find anything.

THE CLERK: I'm sorry. You're right, I'm sorry.

COMMISSIONER TUCCI: Some of us are creatures of habit, you know, we look in a certain spot.

THE CLERK: I know.

MAYOR SCARPELLI: Commissioner Petracco has four resolutions. They're all for a medical leave of absence, all for the same period of time. Can I do those all together?

THE CLERK: Yes, you can.

MAYOR SCARPELLI: I'll do those all together.

MR. GENITEMPO: Just reference the number --

MAYOR SCARPELLI: Okay.

MR. GENITEMPO: -- and their names, yeah.

MAYOR SCARPELLI: And then, I have a
resolution honoring Ruth Bedford on behalf of the Board of Commissioners, and I'd like to split that up and we'll all read a little bit of it, if that's okay with everybody?

COMMISSIONER TUCCI: Sure.

MAYOR SCARPELLI: I'll do the first three paragraphs. Commissioner Evans, can you do the next three?

COMMISSIONER EVANS: Okay.

MAYOR SCARPELLI: Commissioner Tucci, you can do the next two. They're longer.

COMMISSIONER TUCCI: Okay.

MAYOR SCARPELLI: And Commissioner --

COMMISSIONER TUCCI: Thank you, Mayor.

MAYOR SCARPELLI: -- Commissioner Rogers, you just finish it up.

COMMISSIONER ROGERS: Which one is that one, Mayor?

MAYOR SCARPELLI: It's --


COMMISSIONER ROGERS: 202?

MAYOR SCARPELLI: 202-19.

THE CLERK: Okay. Okay. So you -- you're going to be reading from --

COMMISSIONER TUCCI: All right. So you're
the first three, he's the second three.

    MAYOR SCARPELLI: That one and the next one.

    COMMISSIONER TUCCI: This one and the next one?

    THE CLERK: And Commissioner Rogers is the back page, correct?

    MAYOR SCARPELLI: Well, no --

    COMMISSIONER TUCCI: Oh, I'm doing these two and then Steve's bringing it home?

    COMMISSIONER EVANS: Mauro, you have the one at the bottom of the first page?

    COMMISSIONER TUCCI: I got the one at the bottom of the first page and top of the second page.

    COMMISSIONER ROGERS: Okay.

    THE CLERK: Starting here.

    COMMISSIONER TUCCI: You're "whereas now and be it."

    COMMISSIONER ROGERS: Whereas -- he said "whereas now and be it" --

    COMMISSIONER TUCCI: You're the last three, Steve, bring it home.

    THE CLERK: The last three.

    COMMISSIONER ROGERS: Okay. Okay.

    THE CLERK: One, two, three.

    COMMISSIONER ROGERS: Great. Thank you.
MAYOR SCARPELLI: Then I have a lease agreement for a copier, and authorize and approve raffle applications for the Nutley Rotary Club.

Madam Clerk?

THE CLERK: Yes, Mayor. We have meeting minutes for August 6th, an executive session for August 6th, and August 20th, and that's it.

Commissioner Tucci, you were absent on August 20th, I need to rule a note there.

COMMISSIONER TUCCI: Yes, I was.

MAYOR SCARPELLI: Counselor?

MR. GENITEMPO: I have nothing.

COMMISSIONER TUCCI: Thank you.

MAYOR SCARPELLI: No need for executive?

MR. GENITEMPO: No need.

MAYOR SCARPELLI: Let's go do this.

COMMISSIONER ROGERS: Great, we can get --

COMMISSIONER TUCCI: I just have -- before we go -- I don't have -- I don't know if this is closed --

COMMISSIONER ROGERS: When in doubt, make it closed.

COMMISSIONER TUCCI: Yeah, maybe close. I -- maybe, like a two-minute closed.

THE CLERK: For?

COMMISSIONER TUCCI: Contract negotiations.
In The Matter Of:
In RE: Nutley Board of Commissioners

Transcript of Proceedings
September 3, 2019
Public Session

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*** PUBLIC SESSION ***

DATE:  September 3, 2019

BOARD OF COMMISSIONERS:

JOSEPH P. SCARPELLI, MAYOR
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MAURO G. TUCCI, COMMISSIONER
ALPHONSE PETRACCO, COMMISSIONER A/E

Also Present:

ALAN GENITEMPO, TOWNSHIP ATTORNEY
(Recording begins)

MAYOR SCARPELLI: Everyone please stand for the flag salute.

(Pledge of Allegiance)

MAYOR SCARPELLI: Madam Clerk?

THE CLERK: Thank you, Mayor. Board of Commissioners Public Meeting, Tuesday, September 3rd, 2019. The time is 7:30.

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 is absent, excused.

Mayor Scarpelli?
MAYOR SCARPELLI: Here.

THE CLERK: All present, Mayor, except for Commissioner Petracco. He's absent, excused this evening.

MAYOR SCARPELLI: Everybody, could we have just a moment of silence? We lost -- Public Safety lost two important people, the mother of Chief Cafone and the brother of Chief Strumolo. So if we could have a moment for Mrs. Cafone and Vincent Strumolo.

(Pause)

MAYOR SCARPELLI: Thank you. Minutes, Madam Clerk?

THE CLERK: Yes, thank you, Mayor. We have regular commission meetings for August 6th, 2019. I need a motion, please.

COMMISSIONER EVANS: Move it.

THE CLERK: I need a second.

MAYOR SCARPELLI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.

THE CLERK: We also have executive session minutes for August 6th, 2019 and August 20th, 2019.

COMMISSIONER EVANS: Move it.

MAYOR SCARPELLI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Yes on August 6th, I abstain on August 20th. I was not there.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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

MAYOR SCARPELLI: Move to reports.

Commissioner Tucci?

COMMISSIONER TUCCI: Yes, Mayor. I have a Shade Tree Report for the Month of August, 2019.

MAYOR SCARPELLI: Thank you, Commissioner.

Bills, Madam Clerk?

THE CLERK: Yes, Mayor. Bill list for September 3rd, 2019. Public Affairs, $93,999.00; Revenue and Finance, $2,624,429.41; Public Safety, $42,021.28; Public Works, $83,297.08; Parks and Public
Property, $655,444.85; Water Utility, $91,859.71.
Overtime Payroll Total, $36,149.64; Total Payroll, $822,874.00, for a grand total of $4,413,925.33.

COMMISSIONER EVANS: Move the bills.
COMMISSIONER TUCCI: Second.
THE CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.
THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.
THE CLERK: And that's it for the bill list.

Public comment on agenda items only?

Madam Clerk?

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

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

                     Commissioners?

COMMISSIONER TUCCI: Yes, Mayor. I have one announcement. On Friday, September 13th, we are having a concert in the mudhole, if the weather cooperates with us. Postponed -- I expect we should get just about four more concerts this year, so we're billing this one as our summer/back to school concert, featuring The Infernos at 7 p.m. in the mudhole. Everyone please say a prayer that we have a nice, dry day.

Thank you, Mayor.

MAYOR SCARPELLI: Thank you, Commissioner.

All right. Let's move on to resolutions.

Commissioner Rogers?

COMMISSIONER ROGERS: Resolution
Number 206-19, declaring September as National Prostate Cancer Awareness Month as written. I move it.

   MAYOR SCARPELLI: Second.

   THE CLERK: Commissioner Rogers?

   COMMISSIONER ROGERS: Aye.

   THE CLERK: Commissioner Tucci?

   COMMISSIONER TUCCI: Aye.

   THE CLERK: Commissioner Evans?

   COMMISSIONER EVANS: Aye.

   THE CLERK: Mayor Scarpelli?

   MAYOR SCARPELLI: Aye.

   COMMISSIONER ROGERS: Resolution Number 207-19, recognizing September as National Preparedness Month, as written, I move it.

   MAYOR SCARPELLI: Second.

   THE CLERK: Commissioner Rogers?

   COMMISSIONER ROGERS: Aye.

   THE CLERK: Commissioner Tucci?

   COMMISSIONER TUCCI: Aye.

   THE CLERK: Commissioner Evans?

   COMMISSIONER EVANS: Aye.

   THE CLERK: Mayor Scarpelli?

   MAYOR SCARPELLI: Aye.

   COMMISSIONER ROGERS: And Resolution Number 213-19, and I'll read it. Whereas, the Board of
Commissioners of the Township of Nutley adopted Resolution Number 173-19, on July 20, 2019, authorizing the Municipal Clerk to advertise for the receipt of sealed bids for the collection, removal, and disposal of solid waste, bulk waste, vegetative waste, leaves, and grass clippings; and

Whereas, said resolution must be amended in order to correct the bid opening time as per the bid advertisement and specifications;

Now therefore be it resolved that Resolution Number 173-19 is hereby amended to state that the aforementioned bid shall be publicly opened and read on September 11th, 2019, in the Commission Chambers, Township Hall, 1 Kennedy Drive, at 3 p.m. prevailing time. So moved.

MAYOR SCARPELLI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER ROGERS: That's it, Mayor, thank
you.

MAYOR SCARPELLI: Thank you, Commissioner.

Commissioner Tucci?

COMMISSIONER TUCCI: Yes, thank you, Mayor.

Whereas, the Township of Nutley has the need to acquire specialized professional services as a fair and open contract pursuant to the provision of N.J.S.A. 19:44A-20.5; and

Whereas, the Department of Parks and Public Property has the need to acquire specialized professional services for a New Jersey licensed certified tree expert for forestry services throughout the Township of Nutley; and

Whereas, the Municipal Clerk is hereby authorized, and she is directed to advertise for a request for qualifications for a Township Forester;

Now therefore be it resolved that the RFQs shall be due on Wednesday, September 25th, 2019, at 11:00 a.m., addressed to Municipal Clerk,

Nutley Township Hall, 1 Kennedy Drive,

Nutley, New Jersey. I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI:  Aye.

THE CLERK:  Commissioner Evans?

COMMISSIONER EVANS:  Aye.

THE CLERK:  Mayor Scarpelli?

MAYOR SCARPELLI:  Aye.

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

MAYOR SCARPELLI:  Thank you, Commissioner.

Commissioner Evans?

COMMISSIONER EVANS:  Thank you, Mayor.

Whereas, all local government, government units, must prepare and submit a corrective action plan as part of the annual audit process in accordance with O.M.B. A-133, and 98-01;

Now therefore be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, that the attached corrective action plan for the audit year 2018 is hereby approved.

Be it further resolved that a copy of this corrective action plan is to be kept on file with the Township Clerk's office, and one certified copy is to be submitted to the Director of the Division of Local Government Services.  So move.

COMMISSIONER TUCCI:  Second.

THE CLERK:  Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Be it resolved by the Board of Commissioners of the Township of Nutley in the County of Essex that the Treasurer be and she is hereby authorized to refund overpayments of property tax -- actually, of tax charges, in the amount of $8,466.96 for -- which is the total amount covering blocks 7701-7, 4700-29, 5302-12. So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Tucci? I'm sorry. Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER TUCCI: Wouldn't want you to
leave my friend out.

THE CLERK: Sorry.

COMMISSIONER EVANS: Whereas, the law firm of
Archer and Greiner, attorneys-at-law, 10 Highway 35 in
Red Bank has been awarded an non-fair and open contract
as a professional service pursuant to the provisions of
N.J.S.A. 1944A-20.4 and 20.5, as appropriate to provide
services to the Code Enforcement Department;

Whereas, such service will exceed the
contract amount of $16,000, and the following change
order is needed;

Change order 1, provide legal services not to exceed 20 -- excuse me, $7500.

Whereas, funds are available in
account 901226205, and have been certified by the Chief
Financial Officer, said certification being attached to
this resolution;

Now therefore be it resolved by the Board of
Commissioners of the Township of Nutley that the change
order in the amount of $7500 be and is hereby approved.

COMMISSIONER TUCCI: So move.

COMMISSIONER EVANS: So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.
THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. Thank you, Commissioner. I'm going to read Commissioner Petracco's, and I'm going to combine, since they're all grants for medical leave for four employees.

Be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Richard Mazzitelli, as stated in Resolution 209-19, Ronald Marino, as stated in Resolution 210-19, Meredith Donatello, as stated in Resolution 211-19, and Lynda Maffucci, as stated in Resolution 212-19, are employees of the Department of Public Safety, and be granted a medical leave of absence without pay, effective September 4, 2019, through October 4, 2019. I move the resolutions.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. This next resolution, Mrs. Ruth Bedford passed away in the last couple weeks, and we thought it appropriate, on behalf of the Board of Commissioners, to do a resolution on her behalf, and we're all going to read a little bit of it, so --

Whereas, Ruth G. Bedford, born on April 23rd, 1918, was a lifelong Nutley resident who resided on Highfield Lane; and

Whereas, Ruth Bedford was a graduate of Nutley High School, and Berkeley School of Secretarial Training; following graduation, she worked at W.T. Grant in New York City from 1957 to 1992 as secretary to Mr. Grant, the founder of the company; and

Whereas, Ruth Bedford was surrounded by a family submersed in Nutley social and political life. Ruth's grandfather, Abram Blum, was the first mayor of Nutley under the commission form of government in 1912; her uncle, Simon Blum, was also a commissioner, and her sister, Jane Bergio, was the New Jersey Secretary of State in the Kean Administration.

COMMISSIONER EVANS: Whereas, Ruth G. Bedford was married to Stanley Bedford, a lawyer and
Superior Court of New Jersey judge. Ruth and Stanley met in 1952, while both were working with the Essex County Young Republicans Club, and in General Dwight Eisenhower's presidential campaign; and

Whereas, Ruth and Stanley were prominent members of the Nutley community, hosting many philanthropic events at their home, including the Annual Lollipop Party, and the Nutley Family Service Bureau September Social, which raised funds to benefit residents in the community; and

Whereas, Ruth G. Bedford served on many boards. The Nutley Family Service Bureau, where she served as president, and in 2013 was named lifetime trustee, the Nutley Parkside Apartments, Planned Parenthood of Metropolitan New Jersey, and Offender Aid and Restoration of Essex County. She contributed annually to the Nutley Thriving Survivors, Paper Mill Playhouse, and other national charities.

COMMISSIONER TUCCI: And whereas,

Ruth G. Bedford is the founder of the Paper Mill Playhouse Rising Star Scholarship, which recognizes exceptional accomplishments of students studying theater in college; and

Whereas, Ruth G. Bedford has been recognized for her many contributions to Nutley and its citizens,
including the Mattia Distinguished Community Service Award, with her husband Stanley, the Nutley Jaycees Annual Distinguished Service Award for Civic Affairs, the Montclair-Glen Ridge-Nutley Chapter of the American Red Cross Annual Comradeship Award, and the Nutley Education Foundation Award and the Nutley-Belleville Columbus Day Parade Committee Community Excellence Award.

COMMISSIONER ROGERS: And whereas, Ruth G. Bedford passed away on Monday, August 19th, 2019, at the age of 101. Ruth will always be remembered for her unwavering dedication and support of local and statewide community organizations;

And now therefore be it resolved by the Mayor and the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township remember Ruth G. Bedford. Be it further resolved that the community extends its sincerest condolences to the family and friends of Ruth G. Bedford, for her distinguished contributions and service to the Township of Nutley. So move.

MAYOR SCARPELLI: Second.
THE CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.
THE CLERK: Commissioner Tucci?
PUBLIC SESSION

1 COMMISSIONER TUCCI: Aye.
2 THE CLERK: Commissioner Evans?
3 COMMISSIONER EVANS: Aye.
4 THE CLERK: Mayor Scarpelli?
5 MAYOR SCARPELLI: Aye. Thank you, Commissioners.

Whereas the Township of Nutley desires to enter into a lease agreement for one Canon Image Runner Advanced C5550i Color Digital Copier System at the Department of Public Works and two Canon Image Runner Advanced C5550i Digital Copier Systems and one Canon Image Runner Advanced Color Digital Copier System for the Department of Revenue and Finance from an authorized vendor under the state of New Jersey Cooperative Purchasing Program;

Whereas, Leslie Digital Imaging, LLC, 50 Jericho Quadrangle, Suite 115, Jericho, New York, has been awarded the New Jersey State Contract Number A404462/G2705 for Reprographic Equipment; and

Whereas, said lease includes a total monthly lease in the amount of $276 for the Department of Public Works, and $876.68 for the Department of Revenue and Finance for a period of 60 months, which includes all parts, supplies, and maintenance;

Whereas, funds are available from
accounts 905702206, 901210206, 901218206, and
901220206, and have been certified by the Chief
Financial Officer subject to the adoption of the
2019 Municipal Budget. Said certification shall be
attached to this resolution;

Now therefore be it resolved by the Board of
Commissioners of the Township of Nutley to authorize an
execution of lease agreement with Leslie Digital
Imaging for the above color digital copier systems
according to state contract. I move the resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. Whereas, raffle
applications have been received from the following
organizations; Rotary Club of Nutley,
License Number 40-19, off-premise 50/50 cash raffle, to
be held Thursday, November 21st, 2019. Rotary Club of
Nutley, License Number 41-19, off-premise merchandise
raffle to be held Saturday, November 30th, 2019;
Whereas the applications have been reviewed and approved by the Municipal Clerk and the Police Department;

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. That concludes the business portion of our meeting. Anybody wish to address the Board of Commissioners this evening?

MR. CULLARI: Good evening. Chris Cullari, 115 Joerg Avenue. I have a question, or more a follow up in regards to the transitional aid, about where -- I was just kind of wondering if there was an update on that. If not, if there's an estimate yet of what the
impact to the taxpayer would be, and when that would be felt.

COMMISSIONER EVANS: Sure. So I was on the phone this evening with the governor's office, and we should get some indication within the next two weeks as to what they're going to do. The root issues that the state's addressed, trying to address, regarding the budget, they're -- they remain as yet unresolved. So I'm not aware of that, in the last week or so, that they've come to any further conclusions, based on the update that I got earlier this evening. It doesn't look like they're going to make much progress soon. They -- what they are looking at is areas where they can free up money to start to provide that to the calendar year, towns that are -- that have applied for transitional aid, which is -- includes Nutley.

They're very well aware of the calendar issues that we have, we're still operating under a temporary budget authorization. We need to understand what that revenue position is going to be in order to finalize our budget and therefore get to a final tax bill for the year. If we were to not receive any of the $4.1 million of aid that we asked for, the -- we have two choices; we have to find a way to cut our budget, or it would result in an adjustment to the
November tax bill. But each -- both the County and the schools as well as my -- the commissioners, we've been talking about this over the last few weeks, and we're all on notice, preparing for the in the event that we have to, absorb an aid loss, or deal with the temporary deferral of that, that we would be prepared to take action so that we would not be in a position to have to pass a hundred percent of that on to the taxpayers. I'm not sure we would be able to absorb all of it, but we are looking at what we could absorb.

MR. CULLARI: Thank you.

THE COURT: Anybody else wish to address the Board of Commissioners this evening?

MS. BOZZA: Maria Bozza, 209 Highfield Lane. I've owned a three-family house -- I own a three-family house in Nutley, it's been in my family since 1939. It has an attic apartment, three rooms, and they're not really (indiscernible) regular apartment. However, I can't rent them. And I understand that, it's the code, and all the rest. It's -- it was rented continuously from 1939 until about 10 years ago.

However, very often during the conversations that they had here about the previous building inspector and the builder, and whatever, Mr. Evans, I've heard him say many times, that nobody in the town
is above the law. And I hope that that is true, but
I've found, and I have spoken to many people who know
that this is a fact, that a home at 272 Nutley Avenue,
the homeowner has a -- a deck that goes all the way to
the end of the property, and on both sides of the
property, between two houses and the rear of the home
as well. The home has a concrete deck that is on all
three property lines, and has been there since the home
was built about ten or more years ago.

Everyone in town, and I think even the five
of you, or the four of you, know that this is a fact,
and it has been allowed to remain for reasons I can
only surmise. My question, I guess to Mr. Evans, since
that's your department, is why should I have to abide
by town codes or laws or whatever, if something like
that (indiscernible)?

COMMISSIONER EVANS: So embedded in your
statement is quite a few questions that would require
facts. One is the property that you mentioned. Are
you aware of the fact that that property was before the
Board of Adjustment, it was granted variances for what
is the use on that property? Are you aware of that?

MS. BOZZA: No, I'm not.

COMMISSIONER EVANS: Then the -- it would be
valuable to know what those variances were, and how
they were granted by the Board of Adjustment during the
time that that property was being built. And there
might be others.

MS. BOZZA: And I'm just -- I didn't hear
you, I'm sorry?

COMMISSIONER EVANS: There might be other --
there might be other variances, but -- during -- many
times when you see something where it is beyond what
you would see to the standard code, all right, the
first question usually goes to were there any variances
granted by the Board of Adjustment of the township,
which would not be this board, or me, or my --

MS. BOZZA: Right.

COMMISSIONER EVANS: -- department, it would
go to a separate board, which would --

MS. BOZZA: I understand.

COMMISSIONER EVANS: -- have to go through
that review. I do -- I recognize the street number,
and I believe that property did have variances. I
don't know the full extent of what they were at the
time that that was built. I think the one you're
referring to is the area where it was the board --
there was a boarding house that used to be there?

MS. BOZZA: Right.

COMMISSIONER EVANS: Yeah, a number of years
ago, so I think I recognize what you're referring to.
So I would -- I don't know offhand what those variances
are, but that would be, to me, is the normal question.
When we do find that someone has done something to
their property, they -- that requires -- that violates
our code, when we go out and we do that inspection,
they do receive a violation notice, and they are
required to bring it into conformance with our code, or
if it relates to something that was beyond the code,
they can go before the Board of Adjustment and be
granted relief to leave it as built. So if you have
others, there might be a situation where they violated
the code, but they went before the Board of Adjustment
and were granted relief.

MS. BOZZA: So then I can do the same? Go
before the Board of Adjustment and ask for a variance
to rent the third-floor apartment?

COMMISSIONER EVANS: You certainly can.

MS. BOZZA: And would I be granted, do you
think?

COMMISSIONER EVANS: I have no idea. But I
would say that there are code issues that regard --
regarding fire safety and other things that would have
to be met, to make it acceptable to occupy an attic for
residential purposes.
MS. BOZZA: But this house -- many of these homes were built long before you and I were here, and, you know, it doesn't seem fair or -- if that's a good word, that, you know, they should -- we should be -- in fact, the building inspector came out to this -- my home, earlier, and said that there's some -- to quote him, some of the crap they rent in Nutley, this is a really nice apartment. And, you know, and I -- if I went before the Board of Adjustment, I guess I won't get the same preference, though. Or would I?

COMMISSIONER EVANS: You would get the same -- you would submit -- there's several things. You would need to have -- to show the -- your property, explain what it is, you'd have to provide a survey, you should -- would be represented by counsel and submit an application to go before the board. There would be a need to have experts provide testimony, with regard to consistency with our master plan as well as how does it contribute to the neighborhood in a positive or a negative way? Safety issues would have to be addressed, because the board -- because it's a hearing, it's not just, I want to do this --

MS. BOZZA: And so it would be to my advantage to have a counsel? To have a --

COMMISSIONER EVANS: Oh, sure.
Public Session

MS. BOZZA: -- an attorney?

COMMISSIONER EVANS: Sure. Oh, yeah, yeah. They would go, you would do -- it's a hearing.

MS. BOZZA: And these homes were here like a hundred years ago?

COMMISSIONER EVANS: Yeah, but the zoning -- the zoning laws in Nutley, you know, while they haven't been in existence forever, the code did come into existence in 1952.

MS. BOZZA: Right.

COMMISSIONER EVANS: And it does have requirements associated with the construction codes, safety codes, have all evolved since your property was built, which has a lot of requirements that are attached to it. So there has been an evolution of that. So if it was an existing three family that was being rented and used, and there was a record of that, then, you know, there might be a variance that will leave you to say, leave it as built, leave it as -- as it was. If it hasn't been rented or continuously used for that purpose, it would then be -- would not be considered a nonconforming use under the code, and you would have to go for a variance. So since you're not renting it today, you would need to go for a variance and get permission to create that use.
MS. BOZZA: Well, I'm only not renting it because I was told I can't.

COMMISSIONER EVANS: And so the fact that it's not in use --

MS. BOZZA: Not because I don't want to.

COMMISSIONER EVANS: And that doesn't create an exception. The fact that it's not in use, you would need to go before, make an application. You can go to the Code Office, they will help you file the application requirements, and you would need to go before the Board of Adjustment and have a hearing before the representatives of that board, who will make a determination of whether or not you would be able to convert your two family to a three family.

MS. BOZZA: And so and on this other property, I can call the town building and find out if there was a variance issue, or what (indiscernible)?

COMMISSIONER EVANS: Sure. The Code Office would have a -- you could also request a -- file an OPRA request as well. Either way.

MS. BOZZA: (Indiscernible) Thank you.

COMMISSIONER EVANS: Okay.

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

MS. RUBINO: Joan Rubino, 48 North Road.
This is just a footnote on the plastic bag issue. I know that you are not going to be able to resolve it. I think the state is going to step in, but I just wanted to relate an incident. I was at the Shop-Rite yesterday, and the cashier was also bagging my food, and we started a conversation, and he said, well, these bags aren't too bad, he said it's those recyclable -- those reusable ones, he said, one day I opened a bag, and it was filled with ants. That's just another thing about the sanitary conditions that some people live in, and that they are bringing it into the store. But I just thought that was an interesting aside.

I would like to know if the handbooks are ready. The employee handbooks?

MR. GENITEMPO: Want me to answer that?

They're almost ready. Unfortunately, there were several different changes in the law within the last two months, that's -- if you follow the news, and I know that you do, regarding leave, new leave policies, sick leave, the Family Medical Leave Act for New Jersey, and I have to reconfigure that to embed the new law into it. So it was ready, and now it's -- I had to -- I had to make some more changes.

MS. RUBINO: Okay. And you will notify us when it is --
MR. GENITEMPO: I notify the commissioners, and then it's up to them to --

MS. RUBINO: Okay.

MR. GENITEMPO: These are for internal employees, they're not for the public. It's not a public document, you know, but --

MS. RUBINO: In other words, the taxpayer has no right to see it?

MR. GENITEMPO: I didn't say that. I'm just saying, from my perspective, my job is to produce --

MS. RUBINO: Oh, okay.

MR. GENITEMPO: -- them for the commissioners, who --

MS. RUBINO: Right.

MR. GENITEMPO: -- distribute it to the employees.

MS. RUBINO: Right.

MR. GENITEMPO: It's not necessarily a public document like a normal public document.

MS. RUBINO: Right. Okay. Thank you.

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

MS. CICCHINO: Mayor and commissioners. My name is Nella Cicchino, I have a business as most of you know on Franklin Avenue, Mamma Vittoria. Two
things that I'd just like some consideration about.

Recently -- well, not recently, it does happen occasionally. When we close Franklin Avenue, and it closes in front of my business, it really presents a problem for me. Most of the events that I do are on the weekends, so most of my business is, probably 85 percent, is on a Friday, Saturday and Sunday.

So I understand that obviously, for parades and events like that, you need to close the street, and I'm a hundred percent, and I know in advance what those dates are, and I make sure that I don't book events. Most of my events get booked, in some cases, even a year in advance.

Just a recent incident this past Sunday, it was closed for the street fair. I had a wedding booked for that day that was booked many months ago, for four o'clock. When I received a notice just a week and a half ago on my door that there was a street festival, that the street would be closed, I had to make a phone call to the wedding and say, the street's going to be closed, we're going to have a problem with -- you can't get in from Franklin, the back was blocked, you'll have to move your event. They -- long story short, they canceled the wedding, obviously, because they couldn't
get in.

So my -- and I'm all for festivals, and street fairs, I think it's a wonderful community thing, so I'm a hundred percent not suggesting that we shouldn't do those. However, maybe some consideration should be given to the business owners that are open on Franklin Avenue on the weekends. Now, most businesses are closed, and it does not affect them, but I am the one business that the weekend is when I do business.

So if -- I don't know if we can move them to, maybe the other end of Franklin, if the businesses don't mind and welcome that type of, you know, a situation on the weekend, but for me, south of Center is really a hardship. And again, when the bulk of your business is on the weekend, if I have to close my restaurant on a Sunday because of a street fair, that -- I can't pay the rent. That's the bottom line. It really is disruptive. So if any consideration can be made where, you know, for those not -- obviously not the parades, but for the street fairs, that if we could move them north of Center, or maybe in the parks, or somewhere where -- now I understand I'm the only one that probably, you know, again, it affects, and it's just one business, but for me, that is a real hardship.

Second, that I have voiced a few times to
each one of you probably, just maybe a complaint in passing. We really do have a serious parking problem south of Center, and through the years, I mean, there are some businesses, including mine, that are very busy, vibrant businesses, and we really don't have, you know, on this other end, there are many municipal parking, you know, lots that businesses use. There is really nothing south of Center. And it really -- during the week, for instance, we do quite a few during the week events, like lunchtime. If I book one of my rooms with an event, I have to turn away the second event because there's no parking. So, I -- you know, again, these are things that are, you know, disruptive to my business. We do have a parking lot, but it is not enough to accommodate everyone.

So I don't know what the answer is. I know it's not an easy answer, finding additional parking there, but, you know, there is the one, Lot Number 5, but most of those -- 90 percent of those spots are designated to someone that can't be used. So I don't know what the answer is, but maybe some brainstorming, and if we can look into any possibilities that could be addressed in the future. Thank you. Thank you for your time.

COMMISSIONER ROGERS: Hey, Nella. Before you
go, on a side note, I have heard excellent reviews about your restaurant. I really have. So I commend you -- when you hear -- when I'm out of town and somebody mentions your restaurant that gives me the opportunity to say thank you, good job.

MS. CICCHINO: Thank you. Thank you, and we try. Thank you.

MAYOR SCARPELLI: Thank you, Nella.

COMMISSIONER TUCCI: Mayor, if I might? Nella, I totally sympathize with what you're saying, and perhaps there's a notification process we might be able to put in place so that our businesses don't suffer and you don't have to turn folks away for street fairs and other events, and they are great community builders, and I know you buy into all of that and you're a great contributor in this town. But we should probably look into a notification process so all of our businesses are aware of what's going on, all right, and not the day of, so that, you know, you're scrambling to make other arrangements.

And as far as the parking's concerned, I know we've been talking about this for some time, and actually, I'm looking at something similar to the white paper I did on the multi-family housing situation concerning parking on Franklin Avenue. I mean, on the
north end, we have greater opportunities and more parking, but I totally sympathize with you, being a business owner myself with limited parking, all right, and a self-storage building going up behind me, which is, I'm sure, going to take up more parking spaces --

MS. CICCHINO: (Indiscernible).

COMMISSIONER TUCCI: -- I think we as a board are committed, all right, to finding solutions, all right, to the parking issue especially by your business and affecting the other businesses, which will attract others, all right, and sustain the ones that are there. So it's not something that we've forgotten about. Actually, I'm looking at it as we speak, and once we come to some decision -- and it's a tough one, because there's not a lot of space --

MS. CICCHINO: No, I understand --

COMMISSIONER TUCCI: -- there, you know, to put --

MS. CICCHINO: -- there's not a lot of space there, I understand.

COMMISSIONER TUCCI: -- additional parking lots or a deck or something else. But your requests are not falling on deaf ears. All right? It's just something that's taking a little bit longer.

MS. CICCHINO: I understand. Thank you.
COMMISSIONER TUCCI: And yes, your restaurant
is outstanding, and you do a wonderful job.

MS. CICCHINO: Thank you.

COMMISSIONER TUCCI: And thank you for being
here.

MS. CICCHINO: Appreciate it. Thanks.

MAYOR SCARPELLI: Thank you, Nella. Anybody
else wish to address the Board of Commissioners this
evening? Seeing none.

COMMISSIONER ROGERS: Make a motion to close.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

THE CLERK: And the time is 8:05.

(End of recording)

* * * * *

Rizman Rappaport (973)992-7650
"When every word counts"
CERTIFICATION

I, Alicia Jarrett, do hereby certify that the foregoing is a correct transcript from the electronic sound recording provided for transcription and prepared to the best of my professional skills and ability.

______________________________   September 18, 2019
Alicia Jarrett
AAERT Cert. No. 428
Certified Court Transcriptionist
THE CLERK: Okay. Motions?

COMMISSIONER ROGERS: I make the motion.

COMMISSIONER EVANS: Second.

COMMISSIONER TUCCI: Second, whatever, yeah, whatever, it's my idea, you guys can move it.

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

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

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

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

COMMISSIONER ROGERS: And/or litigation.

THE CLERK: And/or litigation. Be it further resolved that at the time that such discussion may be disclosed to the public shall be when that such disclosure may be made without adversely affecting the Township of Nutley, pending and/or anticipated legal,
personnel, contractual matters, and other matters within the exceptions provided for by statute.

Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER Tucci: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

THE CLERK: The time is 7:10.

(End of recording)

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CERTIFICATION

I, Alicia Jarrett, do hereby certify that the foregoing is a correct transcript from the electronic sound recording provided for transcription and prepared to the best of my professional skills and ability.

______________________________    September 18, 2019
Alicia Jarrett
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