

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

Transcript of Proceedings
September 15, 2020
Public Session



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

*** PUBLIC SESSION ***

DATE: September 15, 2020

BOARD OF COMMISSIONERS:

- MAURO G. TUCCI, MAYOR
- JOHN V. KELLY III, COMMISSIONER
- JOSEPH P. SCARPELLI, COMMISSIONER
- THOMAS J. EVANS, COMMISSIONER
- ALPHONSE PETRACCO, COMMISSIONER

Also Present:

- DAVID PARIS, ACTING TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR TUCCI: Everyone please stand for the
3 Pledge of Allegiance.

4 (Pledge of Allegiance)

5 MAYOR TUCCI: Thank you. Sunshine Notice,
6 Madam Clerk?

7 THE CLERK: Thank you, Mayor. Board of
8 Commissioners Public Meeting, Tuesday, September 15th.
9 The time is now 7:10. Pursuant to the requirements of
10 the Open Public Meeting Act, Chapter 231, Public Law
11 1975, notice of this meeting was published in the
12 November 28th, 2019 issues of the Nutley Sun, the
13 Herald News, and the Star Ledger. In an effort to
14 prevent further spread of COVID-19 pandemic, the public
15 meeting for the remainder of the year 2020 have been
16 changed to Zoom webinar or teleconference meetings
17 until further notice. The public will be able to
18 listen to the Board of Commissioners meetings and
19 participate during the designated public comment
20 portion of the meeting by utilizing access through a
21 URL link or dial-in numbers provided on the township
22 website.

23 Commissioner Kelly?

24 COMMISSIONER KELLY: Present.

25 THE CLERK: Commissioner Evans?

Public Session

3

1 COMMISSIONER EVANS: Here.

2 THE CLERK: Commissioner Petracco.

3 COMMISSIONER PETRACCO: Here.

4 THE CLERK: Commissioner Scarpelli?

5 COMMISSIONER SCARPELLI: Here.

6 THE CLERK: Mayor Tucci.

7 MAYOR TUCCI: Here. Thank you. I see we
8 have minutes for August 18th, 2020.

9 THE CLERK: Yes, Mayor. We need a motion.

10 COMMISSIONER EVANS: Move it.

11 THE CLERK: I need a --

12 COMMISSIONER PETRACCO: Second.

13 THE CLERK: -- second. Thank you.

14 Commissioner Kelly?

15 COMMISSIONER KELLY: Aye.

16 THE CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 THE CLERK: Commissioner Petracco.

19 COMMISSIONER PETRACCO: Aye.

20 THE CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 THE CLERK: Mayor Tucci.

23 MAYOR TUCCI: Aye.

24 THE CLERK: That's it for --

1 MAYOR TUCCI: Communications and
2 correspondence, please?

3 THE CLERK: We have no communications or
4 correspondence for this evening.

5 MAYOR TUCCI: Thank you. We will move into
6 reports. Commissioner Evans, please?

7 COMMISSIONER EVANS: Thank you, Mayor. I
8 have a -- a Code Enforcement report for the month of
9 August.

10 MAYOR TUCCI: Okay. Commissioner Scarpelli?

11 COMMISSIONER SCARPELLI: Mayor, I have
12 various monthly reports for the Department of Public
13 Works.

14 MAYOR TUCCI: Thank you. Commissioner
15 Petracco?

16 COMMISSIONER PETRACCO: We have our Public
17 Safety report, Mayor. Thank you.

18 MAYOR TUCCI: Okay. Madam Clerk, let's move
19 into bills, please.

20 THE CLERK: Thank you, Mayor. Bill list for
21 September 15th, 2020 by department totals. Public
22 Affairs, \$191,070.44; Revenue and Finance,
23 \$2,907,786.45; Public Safety, \$25,935.33; Public Works,
24 \$41,610.97; Parks and Public Property, \$115,387.10;
25 Water Utility, \$4,610.09. Payroll Total for

1 September 4th, 2020, is \$778,336.91. Overtime Payroll,
2 \$50,290.04. Storm Overtime Payroll Total, \$1,046.83.
3 COVID-19 Overtime Payroll Total, \$8,912.10. Total
4 Payroll, \$838,585.88, for a grand total of
5 \$4,124,986.26.

6 COMMISSIONER EVANS: Move the bills.

7 THE CLERK: I need a second.

8 COMMISSIONER PETRACCO: Second.

9 THE CLERK: Thank you. Commissioner Kelly?

10 COMMISSIONER KELLY: Aye.

11 THE CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 THE CLERK: Commissioner Petracco.

14 COMMISSIONER PETRACCO: Aye.

15 THE CLERK: Commissioner Scarpelli.

16 COMMISSIONER SCARPELLI: Aye.

17 THE CLERK: Mayor Tucci.

18 MAYOR TUCCI: Aye.

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

20 MAYOR TUCCI: Thank you so much.

21 THE CLERK: Thank you.

22 MAYOR TUCCI: We need to recess into a short
23 executive session, so I'll entertain a motion.

24 COMMISSIONER PETRACCO: Move it.

25 COMMISSIONER SCARPELLI: Second.

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

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

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

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

22 COMMISSIONER KELLY: Aye.

23 THE CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 THE CLERK: Mayor Tucci.

5 MAYOR TUCCI: Aye.

6 THE CLERK: The time is 7:15.

7 (Pause)

8 MAYOR TUCCI: Okay, are we ready?

9 THE CLERK: Yes, Mayor, we're ready.

10 MAYOR TUCCI: Sal, we're good? Okay. Thank
11 you, everyone, for your patience. We will now take
12 public comment on agenda items only.

13 THE CLERK: Thank you, Mayor. All persons
14 addressing the Board of Commissioners regarding
15 community concerns should state their name and address
16 for the record. There's a little button with a little
17 hand on it. Please raise your hand -- utilize that
18 button so that we know you'd like to ask a question.
19 All remarks to the Board and its individual members
20 must be addressed to the Mayor. The Mayor may defer
21 citizens' comments to the appropriate member of the
22 Board. There's no one? Mayor, there's no one.

23 MAYOR TUCCI: Thank you. We will move into
24 ordinance introductions. Commissioner Petracco?

25 COMMISSIONER PETRACCO: Yes. I have

1 Ordinance Number 3454, an ordinance to -- my mic's not
2 on. Excuse me, Madam Clerk. I'm on?

3 THE CLERK: Now you are.

4 COMMISSIONER PETRACCO: Okay. Ordinance
5 Number 3454, an ordinance to amend an ordinance
6 codified in the Code of the Township of Nutley,
7 Chapter 228, entitled Vehicles and Traffic,
8 particularly Article 7, Special Zones and Areas,
9 Section 29A, entitled Handicapped Parking, to add to
10 the locations set forth thereon. One is for 35 Gless
11 Ave., the other one is for 105 Church. I move that
12 this ordinance be passed to a second reading and
13 advertised in the Nutley Sun, together with the notice
14 required by law, and that further consideration of said
15 ordinance for the final passage by the Board of
16 Commissioners be held at its second reading on -- when
17 is that?

18 THE CLERK: October 20th.

19 COMMISSIONER PETRACCO: October 20th?

20 THE CLERK: Yes.

21 COMMISSIONER PETRACCO: On October 20th. I
22 move it.

23 COMMISSIONER SCARPELLI: Second.

24 THE CLERK: Commissioner Kelly?

25 COMMISSIONER KELLY: Aye.

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 THE CLERK: Mayor Tucci.

8 MAYOR TUCCI: Aye.

9 COMMISSIONER PETRACCO: Thank you, Mayor.

10 MAYOR TUCCI: Thank you, Commissioner. I
11 also have an ordinance this evening. This is an
12 ordinance providing for the improvement of Glotzbach
13 Memorial Park in and by the Township of Nutley in the
14 County of Essex, New Jersey, and appropriating
15 \$150,000, therefore constituting proceeds of a grant
16 from the Essex County Recreation and Open Space Trust
17 Fund Local Aid Program. I move that this ordinance be
18 passed to a second reading and advertised in the Nutley
19 Sun, together with the notice required by law and that
20 further consideration of said ordinance for final
21 passage by the Board of Commissioners be held at its
22 second reading on October 20th.

23 And just as an FYI, this \$150,000 will be
24 utilized to build a band shell between the soccer field
25 and the girls' softball field. I move the ordinance.

1 COMMISSIONER EVANS: Second.

2 THE CLERK: Commissioner Kelly?

3 COMMISSIONER KELLY: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: I vote aye, and I'm
8 looking forward to that.

9 THE CLERK: Commissioner Scarpelli?

10 COMMISSIONER SCARPELLI: Aye.

11 THE CLERK: Mayor Tucci.

12 MAYOR TUCCI: Aye. Thank you. Our next item
13 is the 2020 Municipal Budget Amendment and Adoption.
14 Commissioner Evans, would you like to give a little
15 lead-in before we begin?

16 COMMISSIONER EVANS: Thank you, Mayor. I
17 won't sing. I just -- I'll do a lead-in but I won't
18 sing. Thank you, Mayor. Tonight we have a little bit
19 of business to do. One, we are going to adopt our 2020
20 budget. In order to do that, we have to process an
21 amendment to the budget. The budget amendment
22 recognizes that we have received authorization to adopt
23 our budget with transitional state aid in the total
24 amount of \$3,250,000. This is an amount greater than
25 what we had anticipated in our budget introduction

1 earlier in the year by some \$487,000. That money is
2 distributed across the school, the county, and the
3 municipality. The majority of the money goes to the
4 school and to the county.

5 The amount that we're keeping, we're
6 recognizing a reduction in our budget of our
7 construction fees for the year. We've had a
8 significant volume in our construction office for a lot
9 of projects, but we're not generating the revenue from
10 those projects as consistent with some of the bigger
11 things that have gone on in town. So as a result, our
12 budget reflects a reduction in our co-construction
13 fees, as well as the allocation and increase of the
14 appropriation to the school and the county. The net is
15 simply is at the bottom line of the budget as
16 introduced doesn't change. We introduced a budget with
17 a zero increase in the municipal tax rate, and we will
18 be able to preserve that for the year.

19 One element I've gotten a lot of questions on
20 as it relates to COVID expenses. So far this year, we
21 have spent \$728,000 in COVID-related expenses. That
22 money is coming out of a trust account that we have on
23 the balance sheet, with permission from the state to
24 use it, so it hasn't affected our operating budgets for
25 the year. Of that amount, so far we've been reimbursed

1 \$650,000, with another application pending. I'm
2 anticipating that we'll continue to receive the vast
3 majority of those funds as reimbursements. So with
4 that, I move for the public hearing.

5 MAYOR TUCCI: Okay. Does anyone -- would
6 anyone like to be heard on the budget amendment only?

7 THE CLERK: There's no one on.

8 MAYOR TUCCI: There's no one?

9 COMMISSIONER EVANS: Move to close the public
10 hearing.

11 COMMISSIONER KELLY: Second.

12 THE CLERK: Commissioner Kelly?

13 COMMISSIONER KELLY: Aye.

14 THE CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Commissioner Scarpelli?

19 COMMISSIONER SCARPELLI: Aye.

20 THE CLERK: Mayor Tucci.

21 MAYOR TUCCI: Aye.

22 COMMISSIONER EVANS: Move to adopt the budget
23 amendment.

24 COMMISSIONER PETRACCO: Second.

25 THE CLERK: Commissioner Kelly?

1 COMMISSIONER KELLY: Aye.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Commissioner Scarpelli?

7 COMMISSIONER SCARPELLI: Aye.

8 THE CLERK: Mayor Tucci.

9 MAYOR TUCCI: Aye.

10 COMMISSIONER EVANS: Our next step is to
11 adopt our 2020 budget. And for all the reasons that I
12 just presented, we are moving to adopt the budget
13 tonight.

14 So be it resolved by the Board of
15 Commissioners of the Township of Nutley in the County
16 of Essex that the budget herein before set forth is
17 hereby adopted and shall constitute an appropriation
18 for the purposes stated of the sums therein, said
19 appropriations and authorizations in the amount for
20 municipal purposes, \$40,538,387.74, to be raised
21 through taxation. For the municipality, \$1,334,364.26
22 to be raised for the library. For -- to cover a total
23 appropriation of \$58,360,041.96, the difference being
24 revenues that we generate throughout other areas. So
25 move.

1 COMMISSIONER PETRACCO: Second.

2 THE CLERK: Commissioner Kelly?

3 COMMISSIONER KELLY: Just before I vote, I
4 want to explain my vote. I'm abstaining, and I'm
5 abstaining simply for the reason that the budget was
6 developed and introduced prior to me taking office. So
7 I abstain.

8 THE CLERK: Thank you. Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 THE CLERK: Mayor Tucci.

15 MAYOR TUCCI: Aye. Commissioner, you might
16 as well continue on.

17 COMMISSIONER EVANS: Thank you. I have one
18 resolution this evening, and that's, in order to adopt
19 our budget at a zero increase, we released reserves for
20 pending tax appeals, which we need to memorialize by
21 resolution.

22 Whereas, there exists various reserves on the
23 balance sheet of the current fund; and

24 Whereas, the funds creating these reserves
25 have been investigated, and it has been determined that

1 these reserves should be canceled.

2 Now therefore be it resolved by the Board of
3 Commissioners of the Township of Nutley, County of
4 Essex, New Jersey, that the following reserve balance
5 in the amount of \$1,146,734 be and is hereby cancelled.
6 And this is the reserve for tax appeals. So move.

7 COMMISSIONER PETRACCO: Second.

8 THE CLERK: Commissioner Kelly?

9 COMMISSIONER KELLY: Aye.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Mayor Tucci.

17 MAYOR TUCCI: Aye.

18 COMMISSIONER EVANS: Thank you, Mayor.

19 MAYOR TUCCI: Thank you, Commissioner.

20 Commissioner Petracco?

21 COMMISSIONER PETRACCO: Yes. Whereas, the
22 Township of Nutley entered into a specialized
23 professional service as a non-fair and open contract
24 pursuant to the provisions of N.J.S.A. 19:44A-20.5 with
25 Scarinci and Hollenbeck, 1100 Valley Brook Avenue,

1 Lyndhurst, New Jersey, for legal services on February
2 18th, 2020, via Resolution Number 46-20; and

3 Whereas, the Director of the Department of
4 Public Safety has recommended the following change from
5 the work -- change order from said contract:

6 Change Order Number 1: Legal services,
7 \$50,000.

8 Whereas, the funds are available from
9 account 0-01-012-205, and have been certified by the
10 Chief Financial Officer, said certification being
11 attached to this resolution.

12 Now therefore be it resolved by the Board of
13 Commissioners of the Township of Nutley, County of
14 Essex, State of New Jersey, that the Change Order
15 Number 1 in the amount of \$50,000 be and hereby is
16 approved. I move the resolution.

17 COMMISSIONER SCARPELLI: Second.

18 THE CLERK: Commissioner Kelly?

19 COMMISSIONER KELLY: Aye.

20 THE CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 THE CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 THE CLERK: Commissioner Scarpelli?

25 COMMISSIONER SCARPELLI: Aye.

1 THE CLERK: Mayor Tucci.

2 MAYOR TUCCI: Aye.

3 COMMISSIONER PETRACCO: That's all I have,
4 Mayor, thank you.

5 MAYOR TUCCI: Thank you. Commissioner Kelly,
6 do you have anything this evening?

7 COMMISSIONER KELLY: I don't have any
8 resolutions, but I do have two quick announcements.

9 MAYOR TUCCI: Would you like to hold them for
10 our announcements at the end?

11 COMMISSIONER KELLY: Sure.

12 MAYOR TUCCI: Thank you. Commissioner
13 Scarpelli?

14 COMMISSIONER SCARPELLI: Nothing at this
15 time, Mayor.

16 MAYOR TUCCI: Thank you very much. I have
17 several resolutions this evening.

18 Be it resolved by the Board of Commissioners
19 of the Township of Nutley, County of Essex, State of
20 New Jersey that the Township Clerk be and she is hereby
21 authorized to advertise for sealed bids for skylight
22 glazing replacement and repair and/or restoration at
23 the Nutley Public Library. Specifications are
24 available in the Purchasing Department, Township Hall,
25 1 Kennedy Drive, Nutley, New Jersey. Bids to be

1 received on Wednesday, October 14th, 2020, at
2 11:00 a.m. prevailing time, at which time they will be
3 publicly opened and read via Zoom. I move the
4 resolution.

5 COMMISSIONER PETRACCO: Second.

6 THE CLERK: Commissioner Kelly?

7 COMMISSIONER KELLY: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: Aye.

14 THE CLERK: Mayor Tucci.

15 MAYOR TUCCI: Aye.

16 Whereas, raffle applications have been
17 received from the following organizations; the Nutley
18 Irish-American Alliance, and the Rotary Club of Nutley,
19 for off-premise 50/50 cash raffle on Friday, December
20 18th, for the Nutley Irish, and an off-premise
21 merchandise raffle for Saturday, December 5th, 2020,
22 for the Rotary Club of Nutley; and

23 Whereas, the applications have been reviewed
24 and approved by the Municipal Clerk and the Police
25 Department.

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

7 COMMISSIONER PETRACCO: Second.

8 THE CLERK: Commissioner Kelly?

9 COMMISSIONER KELLY: Aye.

10 THE CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 THE CLERK: Mayor Tucci.

17 MAYOR TUCCI: Aye. Thank you.

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

22 Whereas, these establishments have been
23 inspected by the Board of Health, the Fire Department,
24 Code Enforcement Department, and the Police Department
25 of the Township of Nutley, and are in satisfactory

1 condition.

2 Now therefore be it resolved by the Board of
3 Commissioners of the Township of Nutley, County of
4 Essex, State of New Jersey, that the renewal of plenary
5 retail consumption licenses, retail distribution
6 licenses, and club licenses be granted to the following
7 licensees effective July 1, 2020, through June 30th,
8 2021.

9 Be it further resolved the Municipal Clerk be
10 and she is hereby directed and authorized to issue said
11 licenses for the licensing period of July 1, 2020,
12 through June 30th, 2021.

13 And the establishments are: The Nut -- the
14 American Legion of Nutley, and it's a club license.
15 Castelli, Inc., trading as the Nutley Diner, that's a
16 consumption -- retail consumption license. The
17 Columbian Club of Nutley, trading as Saint Mary's
18 Knights of Columbus, that's a club license. Conca
19 Brothers Management, trading as The Old Canal Inn,
20 that's a consumption license. Cowan's Craft, LLC, also
21 a consumption license. Crimson95 Spirits, that's a
22 consumption license. Diamond Springs Café, LLC, a
23 consumption license. F&S Maintenance, LLC, a
24 consumption license. Franklin Wine Shop, trading as
25 Nutley Wine Shop, a distribution license.

1 FSH Holdings Inc., a consumption license.
2 GLO Group, trading as Bella Luce, a consumption license
3 with broad package privilege. Huddle Sports Bar and
4 Grill, trading as Huddle Sports Bar and Grill, a little
5 redundant. It's a consumption license. Jim Dandy's of
6 Nutley, trading as Jim Dandy's, a consumption license
7 with broad package privilege. JJGG LLC, a retail
8 consumption license. JON-GRU LLC, a consumption
9 license. KJM, trading as American Bistro, a
10 consumption license. Luna Woodfire Tavern, trading as
11 Luna Woodfire Tavern, a consumption license. Madya
12 Inc., trading as Heller and Heller, a retail
13 distribution license.

14 This next one's a tough one, so I'm just
15 going to announce it as trading as Nutley News and
16 Liquors, it's a distribution license. It's listed on
17 this resolution. Mar2Nat, LLC, consumption license.
18 Nutley New Jersey Lodge 1290 BPO Elks, a club license,
19 and VFW Holding Company of Nutley, a club license. I
20 move the resolution.

21 COMMISSIONER PETRACCO: Second.

22 THE CLERK: Commissioner Kelly?

23 COMMISSIONER KELLY: Aye.

24 THE CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Commissioner Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 THE CLERK: Mayor Tucci.

6 MAYOR TUCCI: Aye.

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

11 Whereas, the Department of Parks and Public
12 Property has a need to acquire specialized professional
13 services for a New Jersey Licensed Certified Tree
14 Expert for forestry services throughout the Township of
15 Nutley; and

16 Whereas, the Municipal Clerk is hereby
17 authorized and directed to advertise for a Request for
18 Qualifications for Township Forester.

19 Now therefore be it resolved that the Request
20 for Qualifications shall be due on Wednesday,
21 October 7, 2020, at 11:00 a.m. prevailing time,
22 addressed to the Municipal Clerk, Nutley Township Hall,
23 1 Kennedy Drive, Nutley, New Jersey. I move the
24 resolution.

25 COMMISSIONER PETRACCO: Second.

1 THE CLERK: Commissioner Kelly?

2 COMMISSIONER KELLY: Aye.

3 THE CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 THE CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 THE CLERK: Commissioner Scarpelli?

8 COMMISSIONER SCARPELLI: Aye.

9 THE CLERK: Mayor Tucci.

10 MAYOR TUCCI: Aye.

11 Be it resolved by the Board of Commissioners
12 of the Township of Nutley, County of Essex, State of
13 New Jersey, that the Treasurer be and she is hereby
14 authorized to refund payments for recreation programs
15 in the amounts listed below. 185 Conover Avenue for a
16 soccer program in the amount of \$45, and 528 Passaic
17 Avenue for Gleeful Wellness in the amount of \$100. I
18 move the resolution.

19 COMMISSIONER PETRACCO: Second.

20 THE CLERK: Commissioner Kelly?

21 COMMISSIONER KELLY: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 THE CLERK: Mayor Tucci.

4 MAYOR TUCCI: Aye. That concludes our
5 business for this evening. We will now open the
6 meeting to the public with each person please adhering
7 to our five minute time limit.

8 MR. GARBER: Hello. My name is Rob Garber
9 from 387 Hillside Avenue, in Nutley, New Jersey. Could
10 you confirm you can hear me?

11 THE CLERK: Yes, we can hear you.

12 MR. GARBER: Terrific.

13 MAYOR TUCCI: We can barely hear him.

14 THE CLERK: Can you speak a little louder?

15 MR. GARBER: Sure, let me also make this
16 louder. Can you hear me better now?

17 THE CLERK: No, it's -- a little louder.

18 MR. GARBER: Okay. Let me try this. Can you
19 hear me now?

20 THE CLERK: Sal, can you fix that?

21 COMMISSIONER KELLY: I can hear him. I can
22 translate, I --

23 MR. GARBER: Yeah, can you hear me? If you
24 want, I could --

25 COMMISSIONER SCARPELLI: We can hear.

1 MR. GARBER: Great, so let me take it from
2 here. Hang on, my iPad is slipping a little bit. Hang
3 on. I'm just getting this set up so that you can see
4 me better. Oops, sorry. I have a calculator going in
5 the background. Okay, I'll try to be fast. So I spoke
6 last -- about a month ago at a meeting about some of
7 the issues around the Black Lives Matter, and
8 Commissioner Petracco was kind enough to connect -- or
9 refer me to Police Chief Strumolo, who I spoke with
10 yesterday. He was kind enough to return my call. And
11 there's a few things that came out of it that I want to
12 bring up.

13 First, I'd like to clarify the record. At
14 least in my understanding from my conversation. When I
15 last spoke to the commission, I mentioned about a
16 particular police officer's badge being covered up, and
17 I think it was Commissioner Petracco said that he had
18 spoken with the police chief, who said that that wasn't
19 the case. And just to clarify the record, what -- my
20 understanding of what the police chief said to me, is
21 that it's not that the officer didn't have his
22 identification covered up, the vest that he was
23 wearing, because he's a plainclothesman, didn't allow
24 for identification. So there was no attempt at
25 covering up, but there was no ability to portray, or to

1 reveal, identity.

2 One thing that the police chief told me is
3 that the vests for the plainclothesmen has undergone a
4 redesign which will allow identification to be
5 available to the public. So I just wanted to make
6 clear that in fact, my understanding is that you could
7 not -- there was no identification, but it was not a
8 willful attempt to cover up identification.

9 With that being said, I want to address the
10 issue of the mask that the particular officer was
11 wearing. When I spoke to the police chief, I mentioned
12 that the mask is emblematic of Blue Lives Matter, which
13 was in -- which would be perceived as in opposition to
14 the group that was protesting, and he report -- he said
15 back that no, it's not, it's Thin Blue Line, which is
16 emblematic of standing up for fallen officers. And I
17 said to him, which I'll say to you, that, you know, I
18 certainly support officers who've given their lives,
19 and who put their lives on the line to protect the
20 public. However, that particular symbol, the Blue Live
21 -- the Blue Line, is really identified in a lot of
22 quarters, with first of all, a right-wing group, and
23 second of all, as being parallel to Blue Lives Matter,
24 which is seen in opposition to Black Lives Matter, or a
25 statement opposed to Black Lives Matter.

1 I did a little bit of research and saw that
2 -- let me see -- Montclair had an issue, and Fair Lawn,
3 the mayor of Fair Lawn, actually for 9/11, requested
4 that the officers who were on display at the 9/11
5 ceremony, remove their -- not wear Thin Blue Line masks
6 for that event, because it had a political
7 ramification.

8 So, I'd like to request and suggest to the
9 commission, that the Nutley Police Department be told
10 that in the event where they are put in the position to
11 have to be peacemakers in political disputes, or even,
12 anything to do with the public, that they wear masks
13 that are entirely neutral. They should be black, they
14 could be tan, they could have stars on them, they could
15 have suns on them, but they should not be anything that
16 could be symbolically represented as being taking one
17 part or another, which to me, undercuts the role that
18 they're intended to play, and also is incendiary to
19 groups that find that particular symbol offensive.

20 The second -- the third thing that we talked
21 about was that -- I asked about the fact that the
22 police were wearing guns going into the No Man's Land
23 between the two groups, and I was told that the police
24 always wear guns when they're on duty, which is
25 reasonable, if that's what the ordinance is. So I'd

1 also like to suggest to the commission that we consider
2 in Nutley, as was done in Camden, and I understand
3 Nutley isn't a city on the size of Camden, but that
4 Nutley consider, in instances where we need
5 peacekeepers, not police forces, that there be some
6 type of a group that can be a peacemaking group without
7 bringing weapons into the fray. Again, I was at the
8 march, and I found the weapons to be both intimidating
9 and incendiary.

10 Then finally, I'm trying to find out who
11 brought the charges against the people on Twitter who
12 had -- were attempting to find out who the officer was
13 with the blue line -- or Thin Blue Line or Blue Lives
14 Matter mask and no identification. I -- there had to
15 have been somebody in Nutley who brought the charge,
16 and I'd like to find out how that came about to be.
17 So, those are my -- those are my points, my questions,
18 and my request.

19 MAYOR TUCCI: Thank you. Commissioner
20 Petracco, would you like to respond?

21 COMMISSIONER PETRACCO: I would like to
22 respond and say that the chief is in charge of the day
23 to day operations, so as far as bringing weapons in a
24 safe zone, or that, I guess would be a chief's decision
25 to make, and our chief is accredited through the FBI.

1 He holds a very, very high standard resume, and I have
2 all the faith in him in the world to make these
3 decisions.

4 As far as the masks are concerned, I don't
5 really know enough about it to say it's political or
6 not political, but we could look into that.

7 MR. GARBER: Thank you.

8 COMMISSIONER PETRACCO: And I'd just like to
9 say that I really support all the actors, you know, the
10 protesters for being able to say what they need to say.
11 I really respect our police department. I think they
12 did an outstanding job that night. And as far as the
13 officer that you're trying to identify, I would also
14 talk to the chief about that.

15 MR. GARBER: I just want to say I don't want
16 to identify the officer. It doesn't really matter to
17 me who he is. What's important to me is finding out
18 how the charges got levied against those individuals
19 who came on Twitter. Eventually, the county tossed out
20 the charges because there wasn't adequate evidence, but
21 I find -- to be honest, I think it's an embarrassment
22 to Nutley, that there was a charge brought against
23 people on Twitter trying to find out some information.
24 And as one person said, you know, there were five
25 people who were involved, and five people had charges

1 brought against them. What if there were 50,000
2 people? Would Nutley have brought charges against
3 50,000? I just -- and it's just as I say, it's
4 embarrassing for the city, and I think it undercuts -- I
5 agree with you. I think the police did a fine job. As
6 I mentioned last time, I -- you know, I complimented
7 some things they did that I thought were really smart,
8 and really kept the sides from --

9 COMMISSIONER PETRACCO: Thank you.

10 MR. GARBER: -- blowing up. But I just don't
11 understand how and why charges were brought against
12 people for trying to find out information that --

13 COMMISSIONER PETRACCO: Did you ask the chief
14 that question?

15 MR. GARBER: Did I ask the chief that
16 question? Yes. And what the chief told me, was he
17 directed me to the Essex County Prosecutor, which
18 didn't really -- I tried very hard to get at my point,
19 which is, how did the case get initiated in Nutley?
20 That's what I'm interested in, why -- how and why was
21 the case prosecuted, or at least, how and why were
22 charges brought? So how did it get through Nutley
23 (indiscernible).

24 COMMISSIONER PETRACCO: If I was you, I would
25 -- if I was you, if you wanted that information, I

1 would go through the Prosecutor's Office to get it.

2 MR. GARBER: In Nutley -- in Essex County?

3 MAYOR TUCCI: You could probably file an OPRA
4 request, sir, at the Prosecutor's --

5 MR. GARBER: A what request?

6 MAYOR TUCCI: -- Office, and/or the Township,
7 to get any information that you need.

8 MR. GARBER: And I'm sorry, I couldn't hear
9 what type of request you mentioned.

10 MAYOR TUCCI: I'm sorry?

11 MR. GARBER: You mentioned, I could file a
12 request, but I didn't hear what the adjective --

13 MAYOR TUCCI: OPRA.

14 MR. GARBER: -- was.

15 MAYOR TUCCI: You can OPRA them.

16 MR. GARBER: Open a request.

17 MAYOR TUCCI: Yes, you can OPRA request,
18 right.

19 MR. GARBER: Got it.

20 MAYOR TUCCI: Open Public Records Act
21 request, yeah.

22 MR. GARBER: Okay.

23 MAYOR TUCCI: And if you want, if you need
24 assistance with that, you can call the Township Clerk,
25 she'll be happy to help.

1 MR. GARBER: Thank you.

2 MAYOR TUCCI: Thank you very much.

3 MR. GARBER: Just one last thing, I think
4 Commissioner Petracco didn't quite get my point about
5 the guns. I'm not suggesting that the police
6 department not be allowed to carry guns, or shouldn't
7 carry guns into those situations. I'm saying that I
8 think the township should consider having an
9 alternative group of people whose job or who would be
10 able to carry out the role of peacekeeper without going
11 into the center with weapons. I understand the police
12 have to do it. That's their law, I'm not disputing
13 that, but I --

14 COMMISSIONER PETRACCO: No, I received your
15 point. I received your point loud and clear.

16 MR. GARBER: Thank you.

17 COMMISSIONER PETRACCO: I did, and I just --
18 I understand what you're saying, so I don't really
19 understand what you're saying now. I said that --

20 MR. GARBER: Oh, I -- the way that you
21 responded, it seemed as if you were -- when you were
22 talking about the Police Chief Strumolo's --

23 COMMISSIONER PETRACCO: Well, I have my own
24 personal opinions about --

25 MR. GARBER: Of course you do.

1 COMMISSIONER PETRACCO: -- a lot of things,
2 but under my elected position, I stay neutral on
3 everything, and I try to give the township the best
4 police department that I can, and Public Safety that I
5 can, and I have to tell you, I'm very, very pro-cop.
6 And I believe our guys do a stellar job, you know --

7 MR. GARBER: Agreed.

8 COMMISSIONER PETRACCO: -- and I think that
9 they did a stellar job that night, so, I'm a little
10 taken aback why you're even asking the question,
11 because it didn't seem like there was an issue there. I
12 think they did a fantastic job.

13 MR. GARBER: The issue -- the only issue that
14 I'm bringing up is the fact that guns were brought into
15 the situation, and standing there, and watching it, I
16 -- to be honest, I found it extremely intimidating, and
17 I thought, why are they carrying guns?

18 COMMISSIONER PETRACCO: Well, listen, you're
19 entitled to your opinion, and I'm sure that there's
20 other Nutley residents that might not want to see them
21 go into that area unarmed.

22 MR. GARBER: That's true.

23 COMMISSIONER PETRACCO: Maybe their families
24 want them to be unarmed --

25 MR. GARBER: That's true. I totally agree.

1 COMMISSIONER PETRACCO: -- in -- for that. So
2 like I said, obviously, I have a lot of my own personal
3 opinions --

4 MR. GARBER: Sure.

5 COMMISSIONER PETRACCO: -- but under being
6 your Public Safety director for the last 13 years, I
7 try to stay neutral in my elected positions.

8 MR. GARBER: Thank you for listening.

9 MAYOR TUCCI: Let's wrap it up.

10 COMMISSIONER PETRACCO: Thank you for your
11 comments.

12 MAYOR TUCCI: Thank you so much.

13 THE CLERK: There's no one else on.

14 MAYOR TUCCI: Okay. We've taken things a bit
15 out of order this evening. I've been informed that we
16 have no other folks who want to comment, so I will
17 entertain -- commissioner comments? Commissioner Evans,
18 any additional comments?

19 COMMISSIONER EVANS: I just have one. I just
20 think we should recognize the passing of Dan Leon (phonetic)
21 from the Chamber [of Commerce]. He passed away suddenly.
22 He's been working, you know, with us on the business
23 reopening and coordinating with businesses in town. And I
24 just really want to just recognize his passing.

25 MAYOR TUCCI: Yes. Well said, Commissioner.

1 He was a fine gentleman, and he'll be sorely missed.
2 Commissioner Kelly?

3 COMMISSIONER KELLY: I have just two quick
4 announcements tonight. We have a flu clinic scheduled
5 for October 1st. That's contingent on us actually
6 getting the flu vaccine, which we're supposed to get
7 tomorrow. So be on the lookout for more information
8 regarding the flu clinic on October 1st. That'll be
9 upcoming. And one of our nurses informed me that one
10 of our town residents, James Biondi (phonetic),
11 celebrated his 102nd birthday yesterday, so I -- on
12 behalf of all the commissioners, I want to wish him a
13 very happy birthday, and I hope he has another hundred
14 birthdays to celebrate.

15 MAYOR TUCCI: That's great. And
16 Commissioner, that -- the flu clinic you'll be holding
17 will be at what location?

18 COMMISSIONER KELLY: I'm not sure off the top
19 of my head, but all of the information will be
20 forthcoming with the --

21 MAYOR TUCCI: I believe it's 44 Park Avenue,
22 I think --

23 COMMISSIONER KELLY: Okay.

24 MAYOR TUCCI: -- your office made that
25 request earlier today.

1 COMMISSIONER KELLY: Okay.

2 MAYOR TUCCI: Thank you.

3 COMMISSIONER KELLY: 44 Park Avenue. Thank
4 you, Mayor.

5 MAYOR TUCCI: Good job, Commissioner.
6 Commissioner Scarpelli?

7 COMMISSIONER SCARPELLI: No announcements,
8 Mayor.

9 MAYOR TUCCI: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Mayor, I have
11 something tonight, and usually I don't. I'd just like
12 to say that, you know, the ambulance squad topic this
13 past summer was a very difficult one, and very long. I
14 want to again, thank the support of my board. I want
15 to say that we are working very, very well together
16 right now. I want to thank their chief, Emil Pugliese.
17 He's been at every meeting. Joe DeSomma, he's
18 fantastic, and he's a volunteer there, and I just want
19 to acknowledge that they did put in a new president,
20 Tim Keating, who was there for many, many years, and he
21 has been a pleasure to work with.

22 I also would like to thank, which I don't do
23 enough, Mayor, if I may, I would like to really thank
24 my lovely, beautiful assistant sitting here tonight,
25 for all the work she did this past summer, when a lot

1 of people were at the beach, Sam Carella was at her
2 desk, and, you know, winding this up, unwinding it,
3 keeping me calm most of the time as well. And I have
4 to say, you did a stellar job, Sam, and I'm proud to,
5 you know, have you there all these years as well, and
6 Nutley's lucky to have you there.

7 So, again, we're not celebrating just yet,
8 but I have to tell you, the movement has been very,
9 very well received, Mayor.

10 MAYOR TUCCI: Great. I'm very happy to hear
11 that, and I congratulate you on all your efforts, you
12 and your entire staff. Okay. If there's nothing else
13 this evening, I'll entertain a motion to adjourn.

14 COMMISSIONER EVANS: Move to adjourn.

15 COMMISSIONER SCARPELLI: Second.

16 THE CLERK: Commissioner Kelly?

17 COMMISSIONER KELLY: Aye.

18 THE CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 THE CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 THE CLERK: Commissioner Scarpelli?

23 COMMISSIONER SCARPELLI: Aye.

24 THE CLERK: Mayor Tucci.

25 MAYOR TUCCI: Aye. Thank you and good night,

1 everyone.

2 THE CLERK: The time is 8:15.

3 (End of recording)

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

12

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

17

18

19

20

21 _____ September 30, 2020

22 Alicia Jarrett

23 AAERT Cert. No. 428

24 Certified Court Transcriptionist

25