

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

January 2, 2018

BEFORE:

Commissioner Steven L. Rogers

Mayor Joseph Scarpelli

Commissioner Mauro G. Tucci (absent/excused)

Commissioner Alphonse Petracco

Commissioner Thomas J. Evans

Job No. NJ2787567

P R O C E E D I N G S

(Pause)

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Board of Commissioners public meeting, Tuesday, January 2nd, 2018. The time is 7:05. Pursuant to the requirements of the Open Public Meeting Act (Chapter 231, Public Law 1975), notice of this meeting was published in the December 14th, 2017 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.

MADAM CLERK: Commissioner Tucci is absent/excused.

Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor, except for Commissioner Tucci. He's absent/excused.

MAYOR SCARPELLI: Commissioner Petracco, what do you have on the agenda tonight?

1 COMMISSIONER PETRACCO: I just have a salary
2 ordinance, public hearing, I believe.

3 MAYOR SCARPELLI: Commissioner Evans?

4 COMMISSIONER EVANS: I have a year-end report, the
5 annual report for Millennium Strategies for grant writing
6 services for the total year of 2017. And -- excuse me --
7 and I apologize because my grandson gave me a big hug on
8 Christmas Eve and gave me a cold. So --

9 COMMISSIONER PETRACCO: With that being said --

10 COMMISSIONER EVANS: But I'll take the cold -- I
11 will take the cold every time for the hug. So --

12 COMMISSIONER PETRACCO: Being that I'm not getting
13 the hug. I'll sit over here.

14 COMMISSIONER EVANS: I have three resolutions.
15 One is to replenish our petty cash fund, that's \$650 like we
16 do every year. And then I have two contract resolutions for
17 Inglesino: one for the special services for Hoffmann-La Roche
18 redevelopment and the other concerning the ongoing COAH
19 litigation. And that's all I have.

20 I also have -- just wanted to do something very
21 quick. We've been working together as a Board to address
22 the \$3 million budget increase projected for 2018 and one --
23 a resident sort of asked for an update as to our study -- as
24 to our status. And we have more work to do before I can do
25 that. But I wanted to share with you the work that we have

1 done, has reduced that increase from 3 million down to
2 612,000. So we've been able to eliminate about \$2.4 million
3 of that increase based upon what we've been able to do so
4 far. We'll need to obviously do more work, which will
5 involve personnel and contract negotiations in order to, I
6 think, continue to do the work that we have to do.

7 But early on, just given the work that we've been
8 doing over the last three months, collectively we've been
9 able to identify \$2.4 million. So just working together, as
10 you know under the Walsh Act, you each have full
11 responsibilities for your own department. And the only way
12 we can actually achieve that is if we come together as a
13 full Board and recognize the issue at hand. So I just
14 wanted to share with you the hard work that you've been
15 through and say thank you for all of the cooperation that I
16 received from you and your departments to get us this far.

17 We've got more to do, but we've got a good chunk
18 of that away. So at 612,000 where we're at, that is --
19 basically at a municipal level, that's one and a half
20 points. So it's 1.5 percent increase down from the
21 projected 7 percent increase that it could have been. So
22 we're at 1.5 right now, which is below the 2 percent, but
23 you know, our goal is to try and zero it out. So we're
24 going to continue to do that.

25 I think the work will continue over the year and

1 into next year as we deal with retirements and other
2 opportunities to look at restructuring. One of the
3 challenges that we face is, you know, residents are not only
4 looking for a 2 percent -- how do you absorb the 2 percent,
5 but they're saying these taxes have got to go down. And so
6 at a municipal level, if we were to be able to say to a
7 taxpayer that will reduce your overall taxes, whatever they
8 were last year by \$1,000, in order to do that, we would have
9 to find an addition 10.2 million worth of cuts or 10.2
10 million of revenue to achieve the nature of that reduction.

11 So substantially, we've been able to work on
12 zeroing out or getting close to zero on the increase for
13 2018. We haven't been able to say, okay, if there's no
14 increase, how much can we lower taxes beyond the levels that
15 we are? And that's -- 10 million would be Town-wide to do
16 that.

17 The other challenge is when you look at a property
18 tax bill, the Township, roughly, represents 35 cents of the
19 dollar. So 35 percent of that bill actually runs the
20 municipality, all five departments. The other 17 percent
21 goes to the county, and the remainder, which is roughly 49,
22 50 percent is the school.

23 So I just wanted to share that. And as a reminder
24 that all of the work that we've been doing, we're still only
25 working on roughly 35 percent of that tax bill because

1 that's the share that we absolutely control. We do not
2 control the school board or the county.

3 COMMISSIONER ROGERS: To your point, the school
4 board. We know what we're doing here. We're really
5 breaking our backs to do what we have to do. You may not
6 have an answer to this question, but is the school board
7 going down the road we're going and, if so, are they
8 collaborating with you?

9 COMMISSIONER EVANS: The -- we've had discussions
10 and they've -- Dr. Glazer has ordered a zero base approach
11 for 2018, which is what we've been working on. So they've
12 agreed to do that. I don't know their status at this point.
13 And once they get more progress, we'll get together. But
14 we've been dialoguing back and forth. You know, it's not
15 visible to the public, but we've been dialoguing back and
16 forth, working to find areas of cooperation and the things
17 that we can --

18 COMMISSIONER ROGERS: That's good news that we'll
19 work together. Thank you.

20 COMMISSIONER EVANS: All right. That's all I
21 have.

22 MAYOR SCARPELLI: Commissioner Rogers?

23 COMMISSIONER ROGERS: Salary ordinance, public
24 hearing tonight.

25 MAYOR SCARPELLI: I have a change order for the

1 Harrison Street improvement project is actually a reduction
2 of \$28,900. Madam Clerk, do you have anything?

3 MADAM CLERK: Nothing this evening.

4 COMMISSIONER PETRACCO: I need a small, two second
5 executive session regarding personnel, being we're running a
6 little early.

7 MAYOR SCARPELLI: Counselor?

8 MR. GENITEMPO: I have nothing.

9 MAYOR SCARPELLI: All right. Can I have a motion
10 to go into executive session?

11 COMMISSIONER ROGERS: I make that motion.

12 COMMISSIONER PETRACCO: Second.

13 MADAM CLERK: Whereas, Section 8 of the Open
14 Public Meetings Act, Chapter 231, Public Law 1975, permits
15 the exclusion of the public from a meeting in certain
16 circumstances; and

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

19 Whereas, the Board of Commissioners of the
20 Township of Nutley, in the County of Essex, and State of New
21 Jersey desires to proceed to closed executive session; and

22 Now, therefore, be it resolved, by the Board of
23 Commissioners of the Township of Nutley move into closed
24 executive session to discuss personnel.

25 Be it further resolved, that the time when such

1 discussions may be disclosed to the public shall be when and
2 as such disclosure may be made without adversely affecting
3 the Township of Nutley pending and/or anticipated legal,
4 personnel, contractual matters and other matters within the
5 exceptions provided for by statute.

6 Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 MADAM CLERK: 7:13.

15 (End of audio)

16 MAYOR SCARPELLI: Everybody stand for the flag
17 salute.

18 (Pledge of allegiance)

19 MAYOR SCARPELLI: Madam Clerk?

20 MADAM CLERK: Thank you, Mayor. Board of
21 Commissioners public meeting, Tuesday, January 2nd, 2018.
22 The time is 7:34.

23 Pursuant to the requirements of the Open Public
24 Meeting Act (Chapter 231, Public Law 1975), notice of this
25 meeting was published in the December 14th, 2017 issues of

1 The Nutley Sun, the Herald News, and the Star Ledger. A copy
2 of this notice has been posted on the Nutley Town Hall
3 bulletin board and a copy is on file in the Municipal
4 Clerk's Office.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Here.

7 MADAM CLERK: Commissioner Tucci is
8 absent/excused.

9 Commissioner Evans?

10 COMMISSIONER EVANS: Here.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Here.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Here.

15 MADAM CLERK: All present, Mayor, except for
16 Commissioner Tucci. He is absent/excused this evening.

17 MAYOR SCARPELLI: Reports, Commissioner Evans?

18 COMMISSIONER EVANS: Yes, Mayor. I have the
19 annual report for Millennium Strategies, our grant
20 consulting service to submit on file for the full year of
21 2017.

22 MAYOR SCARPELLI: Thank you, Commissioner.

23 Bills, Madam Clerk?

24 MADAM CLERK: Yes, Mayor.

25 Bill list for Tuesday, January 2nd, 2018. Public

1 affairs, \$93,600; Revenue & Finance, \$2,415,813.41; Public
2 Safety, \$0; Public Works, \$304,071.59; Parks and Public
3 Property, \$640,373.55. Total payroll \$868,913.44. For a
4 grand total of \$4,322,771.99.

5 COMMISSIONER EVANS: Move the bills.

6 COMMISSIONER PETRACCO: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: I vote yes. I abstain on
9 the PO 18-00015.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 MADAM CLERK: And that's it for bills, Mayor.

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

19 MADAM CLERK: All persons addressing the Board of
20 Commissioners regarding community concerns should approach
21 the microphone and provide their name and address for the
22 record. Unless further time is granted by the Board, each
23 person shall limit their address to three minutes. All
24 remarks to the Board and its individual members must be
25 addressed to the Mayor. The Mayor may defer citizens'

1 comments to the appropriate member of the Board. Dialogue
2 between citizens and others addressing the Board shall be
3 allowed unless the Mayor or presiding officer, or the
4 majority of the membership of the Board, shall determine
5 that the interest of decorum and/or the expeditious conduct
6 of municipal business are being adversely affected by such
7 dialogue.

8 MAYOR SCARPELLI: Would anybody like to address
9 the Board of Commissioners on agenda items only? Seeing
10 none, let's move on to Commissioner announcements. Any
11 announcements?

12 COMMISSIONER EVANS: Yes, Mayor. I just wanted to
13 share that with the tax law change for 2018, that we're
14 collecting pre-payments for 2017. And we were always doing
15 that. We weren't one of the municipalities who said no. We
16 have obviously said yes and were very supportive. We also
17 expanded our hours to include the full day on Friday. It's
18 actually until 3 o'clock and then hours on Saturday from
19 10:00 to 2:00. We reminded residents that they could also
20 mail in their pre-payment, if they did as long as it was
21 postmarked before December 31st or they could pay online.

22 We're still waiting for the mail to process and
23 come in. So this number will change, but in four and a half
24 days 1,388 residents or taxpayers came to pre-pay their
25 property taxes and we collected so far \$4.4 million as it

1 relates to 2018 taxes.

2 Interesting, on Saturday, we had 194 residents
3 come in and we collected almost \$600,000. So this money is
4 what will be held and put into our cash manage account
5 because it actually relates to next year. So it's money
6 that's needed for 2018 appropriations. So some residents
7 asked what we were going to do to spend all of the money we
8 got. And the answer is we're going to pay bills with it in
9 2018 when that comes up.

10 The other thing I wanted to share was that a
11 resident questioned our bill for Millennium Strategies and
12 that the bill itself didn't have the right amount of
13 documentation. I promised that I would look into that, and
14 I did, and I happen to agree with the position. So going
15 forward, the Millennium Strategy bill will have more detail
16 on it.

17 But also tonight, we have the annual report of
18 their services, which is a public record. So we'll make
19 sure that going forward we take care of that.

20 The last thing is I shared in conference, and I
21 thought I would share out here, is that while our work
22 continues on the 2018 budget, we talked about the fact that
23 we had an almost \$3 million budget issue for 2018 with the
24 full support of the Board of Commissioners who have control
25 over their individual departments. The cooperation has been

1 fantastic and I want to thank you for supporting me through
2 this effort.

3 Today, we're still looking at an increase but it's
4 down to 612,000. So we've been able to cut almost
5 approximately 2.4 million of that problem so far. We have
6 more work to do before we get close to introducing the
7 budget, but that's where we are today. So I just wanted to
8 give a quick progress report so people are thinking there's
9 \$3 million for next year, well, it's not. It's down to
10 600,000 -- roughly 612,000 at this point.

11 Thank you, Mayor.

12 MAYOR SCARPELLI: Any other announcements,
13 Commissioners?

14 Let's move on to public hearings. Commissioner
15 Petracco?

16 COMMISSIONER PETRACCO: I have ordinance number
17 3376 (indiscernible). This is ordinance number 3376.

18 MAYOR SCARPELLI: Would anybody like to be heard
19 on ordinance number 3376?

20 MR. MOORE: Rory Moore, 462 Chestnut Street. Mr.
21 Petracco, this is your ordinance, I thought this was Mr.
22 Rogers' ordinance?

23 COMMISSIONER PETRACCO: No, this one is mine.

24 MR. MOORE: On the -- what is the purpose of this?
25 Are you trying to lower the clerk 1 or --

1 COMMISSIONER PETRACCO: Well, we're always trying
2 to lower salaries, especially starting salaries. But we
3 have a -- this is for our Court. We have a retirement
4 coming up in the Court and that's what this is going to
5 replace.

6 MR. MOORE: This is -- okay, clerk 1. That's also
7 a title, a generic title throughout the Township, I believe.
8 Is this going to apply to everybody else as well or this is
9 just going to be for the Court?

10 COMMISSIONER PETRACCO: Well, there's clerk
11 positions all through the Town, I know in my department as
12 well, clerk 1's.

13 MR. MOORE: The clerk 1's because you're saying
14 from clerk 1 to clerk 1.

15 COMMISSIONER PETRACCO: Right.

16 MR. MOORE: Is the court 40 hours because I thought
17 the township was 35 or 37 and a half.

18 COMMISSIONER PETRACCO: The reason why we're doing
19 this -- well, the reason why I'm doing this is because the
20 clerk --

21 MR. MOORE: I can't hear. I'm sorry.

22 COMMISSIONER PETRACCO: How about now? A little
23 better? The clerk position was an hourly rate. And what
24 we're doing is changing it to a salary rate, rather than
25 hourly.

1 MR. MOORE: But by salary -- see, you're changing
2 it to the salary, is overtime included in a salaried
3 position?

4 COMMISSIONER PETRACCO: No.

5 MR. MOORE: Okay, because you have (indiscernible)
6 an overtime rate. That's why it's just a little confusing.
7 If this is going to go to straight salaried position
8 (indiscernible) annual salary of \$50,000 per year, as
9 opposed to \$10 an hour.

10 COMMISSIONER PETRACCO: Well, that's what we're
11 doing. Instead of doing an hourly rate, but whatever the --
12 we have a baseline salary of 35 to 45,000 and where we land
13 in between that guide, then we'll back that out. And if
14 there's overtime, do the math and come up with the overtime
15 rate for that.

16 MR. MOORE: That's not -- if I'm salaried,
17 normally if it's a salaried position, it's a straight
18 salary.

19 COMMISSIONER PETRACCO: No, that's not true in my
20 department. They could answer for themselves.

21 MR. MOORE: That's -- I guess --

22 COMMISSIONER PETRACCO: But as far as if somebody
23 were --

24 MR. GENITEMPO: Commissioner, by law, you can have
25 overtime as a salaried employee, as long as you qualify and

1 you don't, under the wage and hour law, you can just factor
2 out what the hourly rate would be based on the salary, that's
3 all. We do it all the time.

4 COMMISSIONER PETRACCO: Right.

5 MR. MOORE: Okay. Just to be clear,
6 (indiscernible) salaries because once you referenced the
7 overtime, normally salaries are straight (indiscernible).
8 That's what I was just trying to clarify.

9 MR. GENITEMPO: That's not the -- excuse me.
10 That's not the law in New Jersey. It doesn't matter whether
11 you're on salary or hourly, you're entitled to overtime if
12 you qualify in accordance with the type of job that you have
13 and the type of pay that you're getting in terms of the
14 amount. If -- for example, if you make over 100,000, you're
15 not entitled to it generally. If you're a manager, you're
16 not entitled to it generally. So there are rules that you
17 all go by.

18 So it's irrelevant whether you're a salaried
19 employee or an hourly employee.

20 MR. MOORE: So is this to raise -- because you're
21 going from \$10 an hour it looks like to 35 an hour. Is that
22 the intent is to raise it to 35?

23 COMMISSIONER EVANS: Al, if I --

24 COMMISSIONER PETRACCO: Sure.

25 COMMISSIONER EVANS: Just correct me if I'm --

1 just a point of clarification. One is you're eliminating
2 the hourly position and establishing a clerk 1 position, but
3 the retired position, I don't remember what the title is,
4 but it's a higher title and a higher salary, which is being
5 eliminated to have this position put in.

6 So I think once you clean up the salary ordinance
7 when we introduce, that position would be -- the higher
8 salaried position would be eliminated and this would be the
9 replacement. And then later when this person has the
10 experience and passes whatever tests are required, they
11 might earn that next title up. But right now, they're at an
12 entry level, is that correct?

13 COMMISSIONER PETRACCO: That's spot on, actually.
14 We have a retirement coming up in early spring and right now
15 what we're trying to do is get that person trained while
16 that other person is still in the position and then exactly
17 why we're doing this.

18 COMMISSIONER EVANS: And just -- you'll see a
19 posting in the Municipal Clerk's office coming out for a
20 hire because the individual that's going to fill this
21 position --

22 MR. MOORE: They're just going to move up
23 (indiscernible).

24 COMMISSIONER EVANS: They're going to move across
25 the street to fill that -- to work over there and that --

1 which creates a vacancy in the Municipal Clerk's office,
2 which I have to fill.

3 MR. MOORE: So is this one -- the starting salary
4 once it goes to the Court will be \$35 an hour, is that
5 correct?

6 COMMISSIONER EVANS: No, the hourly position is
7 eliminated. It would be the salaried position of 35 to
8 \$45,000 a year.

9 MR. MOORE: (Indiscernible). Thank you.

10 COMMISSIONER PETRACCO: You're welcome.

11 MAYOR SCARPELLI: Would anybody else like to be
12 heard on ordinance number 3376? Seeing none.

13 COMMISSIONER PETRACCO: Move to close the public
14 portion.

15 COMMISSIONER ROGERS: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 COMMISSIONER PETRACCO: Move the ordinance.

25 COMMISSIONER ROGERS: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 Ordinance number 3377. Commissioner Rogers?

10 COMMISSIONER ROGERS: An ordinance to amend the
11 salaries of certain officers and employees of the Township
12 of Nutley, County of Essex, State of New Jersey.

13 MAYOR SCARPELLI: Would anybody like to be heard
14 on ordinance number 3377? Seeing none.

15 COMMISSIONER ROGERS: Make a motion we close.

16 COMMISSIONER PETRACCO: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 COMMISSIONER EVANS: We have to move the

1 ordinance.

2 COMMISSIONER ROGERS: I make a motion we move the
3 ordinance.

4 COMMISSIONER PETRACCO: Second.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 COMMISSIONER EVANS: Did we do it for the previous
14 ordinance as well?

15 MR. GENITEMPO: Yes.

16 MAYOR SCARPELLI: Move on to resolutions.
17 Commissioner Evans.

18 COMMISSIONER EVANS: Thank you.

19 Be it resolved by the Board of Commissioners of
20 the Township of Nutley, that we hereby established in the
21 Department of Revenue and Finance a petty cash account --
22 excuse me -- in the amount of \$650, said funds to be in the
23 custody of the cashier, all petty cash vouchers are to be
24 approved by the department designee and authorized by the
25 purchasing agent or by her designee.

1 So moved.

2 MAYOR SCARPELLI: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 COMMISSIONER EVANS: The next resolution is 3-18.

12 This is a resolution of the Township Commissioners to engage
13 Inglesino, Webster, Wyciskala & Taylor as counsel for our
14 Township concerning litigation related to affordable housing.

15
16 They have met the standards for political
17 contributions and they have provided that information to the
18 Township. The legal fees associated with this are paid at a
19 rate of \$215 an hour for an attorney and \$100 an hour for a
20 paralegal or a law clerk.

21 The litigation is ongoing and we hope that will
22 continue -- it will be resolved sometime later this year. But
23 this resolution is to reestablish the professional service
24 related to affordable housing litigation.

25 So moved.

1 MAYOR SCARPELLI: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 MADAM CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 COMMISSIONER EVANS: Whereas, the Township of
11 Nutley has a continuing need for the services of a special
12 development counsel through a non-fair and open contract as
13 a professional service pursuant to the provisions of NJSA
14 19:44 A-20.4 or 20.5, as appropriate; and

15 Whereas, Inglesino, Webster, Wyciskala & Taylor of
16 Parsippany has ably and continuously provided these services
17 since 2013; and

18 Whereas, the law firm has submitted a fee schedule
19 for '18 to provide such services at an hourly rate of \$215
20 an hour for attorneys and \$100 an hour for paralegals.
21 There's no increase or change in the rate for 2018;

22 It is anticipated to continue through the term of
23 2018, beginning January through December;

24 Whereas, the firm has completed these and
25 submitted the business entity disclosure certification,

1 which certifies that they have not made a reportable,
2 disqualifying contribution to a political or candidate
3 committee in the Township of Nutley in the previous one
4 year, and that the contract will prohibit them from making
5 any reportable contributions through the term of the
6 contract; and

7 Whereas, funds are available in account #8-01-226-
8 205 and will be certified by the chief financial officer,
9 said certification is subject to the adoption of the 2018
10 budget;

11 Now, therefore, be it resolved by the Board of
12 Commissioners the following:

13 A. The Mayor and Township Clerk are hereby
14 authorized and directed to finalize the 2018 contract and
15 executed agreement with said law firm for a term beginning
16 January 1, '18 through December 31st, '18 at a rate of \$215
17 for legal services and \$100 for paralegal.

18 B. A copy of the business entity disclosure
19 certification and business entity campaign contributions
20 shall be placed on file with this resolution.

21 C. A copy of this resolution, as well as a
22 contract, shall be placed on file with the Municipal Clerk.

23 So moved.

24 MAYOR SCARPELLI: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 COMMISSIONER EVANS: Thank you, Mayor.

9 MAYOR SCARPELLI: Whereas, bids for the Harrison
10 Street Improvement project (Section I) were received and
11 opened on Wednesday, June 8th, 2016; and

12 Whereas, Cifelli and Son General Contracting, 81
13 Franklin Avenue, Nutley, New Jersey was the low bidder; and

14 Whereas, the base bid for the Harrison Street
15 Improvement Project (Section I) was in the amount of
16 \$336,626.70 and alternate bid #1 in the amount of \$30,101.90
17 for a total bid amount of \$366,728.60; and

18 Whereas, the Township of Nutley entered into a
19 contract with Cifelli and Son General Contracting for the
20 amount of \$366,728.60; and

21 Whereas, change order #1 for the base bid has been
22 authorized for a decrease in the amount of \$19,290.80 and
23 alternate #1 has been authorized for a decrease in the
24 amount of \$9,611.04; and

25 Whereas, the original contract amount is being

1 decreased in the amount of \$28,901.84 to be credited to
2 ordinance #3295A and an adjusted contract price of
3 \$337,826.76.

4 Now, therefore, be it resolved by the Board of
5 Commissioner of the Township of Nutley, County of Essex,
6 State of New Jersey, that change order #1 as attached is a
7 change from the contract previously made by the Township of
8 Nutley with Cifelli and Son General Contracting for the
9 project known as Harrison Street Improvements project
10 (Section I) is hereby authorized and approved.

11 I move the resolution.

12 COMMISSIONER EVANS: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

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

23 MADAM CLERK: Yes, Mayor.

24 All persons addressing the Board of Commissioners
25 regarding community concerns should approach the microphone

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

12 MAYOR SCARPELLI: Would anybody like to address
13 the Board of Commissioners this evening?

14 MS. ROSSI: Happy New Year.

15 MAYOR SCARPELLI: Happy New Year.

16 MS. ROSSI: I hope you all have a wonderful
17 holiday. Tammy Rossi, 28 Colonial Terrace.

18 I'd like to reiterate some points of importance
19 that I brought up at last week's meeting. First, given we
20 all agree there are unknowns with potential residential On-3
21 and other mixed use apartments and multi-family dwellings in
22 Town, it is important to review our master plan with public
23 input as soon as possible.

24 And I'm hoping to request the Board of
25 Commissioners to schedule a Town meeting for the purpose of

1 public input into our master plan. I handed you each a copy
2 -- I actually took some time to review parts of our master
3 plan and I found this page which denotes under action steps
4 the frequency of which the master plan should be reviewed.
5 And it does say, "Although this is a guidance, prepare an
6 annual report to the planning board and the Board of
7 Commissioners assessing the implementation of the plan."

8 And if you look over to the right, it is allocated
9 an m for medium range strategy, which is two to five years.
10 In light of the fact, the master plan was last reviewed in
11 2012. I do believe at this time we're ready to revisit this
12 master plan review. And hopefully, you'll do it with public
13 input.

14 I've also reviewed some other parts of the master
15 plan and there is mentioned one role in residential zones to
16 provide appropriate density controls for new development.
17 Mayor Scarpelli and Commissioner Evans, as planning board
18 members, what is your timeline for passing a resolution
19 defining density and mixed use and incorporating those
20 definitions into our master plan? Mayor Scarpelli, I would
21 like to hear your response first and then Commissioner
22 Evans.

23 MAYOR SCARPELLI: We'll make our comments at the
24 end of the meeting like we've been doing.

25 MS. ROSSI: Okay. Okay. Currently, the Board of

1 Education -- this is another point that I mentioned last
2 week. The Board of Education is scheduling Town Hall
3 meetings, seeking public input regarding their five year
4 strategic plan. Has there been communication between all of
5 the Boards: Board of Commissioners, Board of Education,
6 Planning and Zoning Board regarding our school situation?

7 MAYOR SCARPELLI: Again, Ms. Rossi --

8 MS. ROSSI: So you're doing that - okay. I would like to
9 request that members of the Board of Commissioners, Planning
10 Board, Zoning Board attend these Town Hall meetings and that
11 the Board of Education attends the Town Hall meetings that
12 you hold where there master plan is reviewed publicly, so we
13 actually have a more cohesive environment in sharing ideas
14 and everyone on all Boards is privy to the goings on in each
15 division. Thank you.

16 MAYOR SCARPELLI: Thank you. Would anybody else
17 like to address the Board of Commissioners this evening?
18 Seeing none, can I have a motion to close the public
19 portion?

20 COMMISSIONER ROGERS: I make that motion.

21 COMMISSIONER PETRACCO: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 Ms. Rossi, to answer your question about the
6 Planning Board, the Planning Board had a subcommittee do a
7 whole study on the mixed use. They have recommendations.
8 We're having our planner look at the recommendations that
9 the Board made and we'll be doing that in the coming year.
10 So that's being addressed, the density issue.

11 COMMISSIONER EVANS: Yeah. And I would add to
12 that is that what -- the things that they proposed are --
13 actually have conflicts in them. So I recognize that. So
14 in addition to the planner, we're sitting down to resolve
15 those differences because once that's adopted -- it has to
16 be adopted as a valid ordinance and currently it's in
17 conflict and those conflicts have to be resolved before it
18 could move forward.

19 So I was -- talked to the construction official
20 today about having him attend a committee meeting to address
21 those matters with the Planning Board. The control of it,
22 and what I think is important is -- and we've said this
23 before previously but I don't think it's well understood.
24 The Zoning Board of Adjustment and the Planning Board are
25 quasi-autonomous organizations. They -- under the law,

1 under municipal land use law, they have a significant amount
2 of independence to make decisions.

3 So I agree with you on the idea of review, see
4 where we're at, and get cooperation between -- which we do.
5 We go through that process. But first, they have to
6 conclude as a Board before it can come to the Board of
7 Commissioners. And they have to vote on that in order to
8 make that happen.

9 The other thing that's interesting is the -- and
10 just recently the New Jersey Planner came out with a nice
11 summary of the role of someone who sits on the Planning
12 Board. And it's very interesting because one, it sits --
13 it's a quasi-autonomous organization. When they hear an
14 application, they actually sit there as judges. They're not
15 part of the application. They're not a witness to the
16 application. They actually have to listen to sworn
17 testimony that is presented to them based upon those facts.
18 They, as judges, need to make a decision under -- basically
19 what the law allows based upon those facts. If they have a
20 question, they can question the applicant to provide
21 additional information. But they cannot, you know, sit
22 there and say -- and become, in effect, an expert witness
23 for the applicant because they'll adjust.

24 If they do that, then they actually compromise
25 themselves and they need to recuse themselves from voting on

1 the application. So there's a lot of rules under municipal
2 land use law, which governs the Zoning Board of Adjustment
3 and the Planning Board so that they actually can do the job
4 that they're supposed to do without political interference.
5 So even as a commissioner, because we're elected officials,
6 it's very -- we have a lot of constraints as to what we
7 could actually say and do about an application that's
8 pending before those Boards because of the law that's in
9 place to protect their independence.

10 So I -- so I just want to clarify on the point of
11 -- cooperation is there, but there's a lot of law that
12 supports the independence of those Boards from decisions
13 that they make because it's not based upon what I would like
14 them to do. It's based upon the testimony that's presented
15 to them and the evidence that is in front of them based on
16 the law that they have to make that decision. So I just
17 thought I would share that because I think it's not well
18 understood. A lot of people think that a Board -- a
19 Commissioner can just go, "Hey, guys, I don't like this
20 application. You know, vote it down." We cannot do that.
21 It would be -- we would be admonished and they have
22 independent counsel, so Barry Kozyra is counsel for the
23 Planning Board. Diana McGovern is counsel for the Board of
24 Adjustment. In their legal capacity, they would be all over
25 us if we were to do something like that.

1 MAYOR SCARPELLI: In addition, the Planning Board
2 and Zoning Board, and the Board of Commissioners have an
3 annual meeting once a year. No one is scheduled for this
4 year but --

5 COMMISSIONER EVANS: Generally in February.

6 MAYOR SCARPELLI: Yeah. And the Board of
7 Education was at the last meeting last year and I'm sure
8 they'll be there this year.

9 So we do cooperate and do work together, but as
10 Commissioner Evans said, there are some constraints on that
11 cooperation, by law.

12 Any other comments, Commissioners?

13 COMMISSIONER PETRACCO: Yeah. I'd just like to
14 add to that too because I know that that density has been
15 brought up a lot. And I've even had, when I was the Mayor
16 here, I had even some zoning people that sit on the Board
17 say to us -- to me that, you know, if we change the density,
18 we won't have all of these applications before us. And
19 actually, I had that conversation with John Inglesino. To
20 my knowledge and to echo what Commissioner Evans said, you
21 know, that is such a difficult, strenuous exercise because
22 of all of the legal humbo jumbo and this, that. It's not
23 something that you could just do overnight. You know, it's
24 very difficult to do and I know that it's been a while that
25 we've been trying to come up with something to take some

1 relief off of those Boards and to let developers know
2 exactly what we're willing to allow in Town. But it's been
3 a work in progress and I look forward to it being completed
4 myself.

5 And just to get back to you, Rory. Excuse me, I
6 didn't mean to do that. You know, I just would like you to
7 know, everybody watching, everybody that's here tonight.
8 What I've been trying to do and I think my fellow
9 Commissioners as well, is that every time we have a
10 retirement in public safety, we are negotiating these
11 salaries down. Just this past year, I had a Captain, Dave
12 Hamilton retire in the fire side, Sal Lubertazzi has retired
13 on the fire side. We haven't filled those vacancies at all.

14 The person that's going to take the place of Linda
15 Buell (ph) that I -- Linda Rose, who's in the courtroom is
16 actually coming in at a very much lower, lower salary than
17 she's retiring with. So the frustrations of these salaries
18 and the things that we have to abide by sitting on -- as the
19 head of these departments is that we are really trying to
20 negotiate these things down.

21 However, like Commissioner Evans always tells me,
22 you have to be competitive in the world too. You know, you
23 can't get a clerk or somebody that's going to be a Court
24 administrator or -- I mean, and that's another position. We
25

1 had, unfortunately, Patty passed away. She was our Court
2 administrator making I think over 90,000 at the time and we
3 brought somebody in in the low 60's.

4 So we're very conscious of, you know, trying to
5 get these taxes under control and trying to do our part on
6 the Board of Commissioners. So when I read a salary
7 ordinance, we are -- I'm not trying to make these salaries
8 go up by no means. You know, we are very conscious of
9 keeping these salaries at bay because like I've been telling
10 my people, you know, even through arbitration through the
11 years, you know, we are trying to keep everybody in town
12 working. That's the goal. But if these salaries get
13 exuberated, you know, then the numbers are going to have to
14 come down.

15 But again, you know, we are at the bare minimum.
16 You know, and I know that you've asked a lot of questions
17 about the fire department. You know, we've had retirements.
18 We've had captains that we haven't replaced now. I haven't
19 replaced. And I have to tell, it's -- we just had a fire on
20 the corner of Beech and Bloomfield Ave last week. So more
21 and more, these fires are popping up. And you know, even
22 with the police side, you know, last week we had a strong
23 armed robbery on Washington Avenue.

24 You know, so we've been really, really busy and
25 we're really trying to do more with less, which was my

1 original campaign slogan back in 2008 already. And we're at
2 the bare minimum and it's getting very difficult to keep the
3 level of services that we enjoy in town and the safety that's
4 here and, you know, do it out of the -- in an affordable
5 fashion. So again, I just wanted to add that to it.

6 Again, you know, we try to be competitive but we
7 are very coherent about where these salaries are when we
8 bring in somebody new, to do the right thing for the
9 taxpayers.

10 COMMISSIONER EVANS: Yeah. And to add to that. You
11 know, I mentioned that we're down to 612,000 but there will
12 be changes in services associated with that. There's already
13 -- I think, Joe, you already put out or Steve, I don't
14 remember which, but changes to garbage pick-up and the new
15 rules around what you can put out on the curb and what you
16 can -- you know, what you can give away.

17 And we've had an experience in Town where if
18 somebody does construction on their home, they put all of the
19 construction debris out on the corner or if they're moving,
20 they put everything out on the corner and we take all of
21 that. Well, in 2018, you're not going to be able to do that
22 anymore because of the cost.

23 And so you're going to hear about changes in
24 recycling. You're going to be hearing about other changes
25

1 as we go forward, but it's all part of -- the expectation is
2 that we will manage cost and we will figure out a way to get
3 them down. I think what's important about that as well, and
4 I mentioned this in the back, if everything we're doing is
5 to say how do we reduce or eliminate the 2 percent increase
6 for 2018, which was turning out to be an almost 7 percent
7 increase when we started and right now we're down to about 1
8 and a half percent, right?

9 But if we were to say, okay, let's now take that
10 next step and figure out how to lower taxes, right, which
11 people keep on saying we've got to lower these taxes. One
12 thing is, this Board only represents 35 percent of the tax
13 bill. To run the five municipal departments, it's 35 cents
14 on the dollar. The School Board is roughly half and the
15 county is the rest. So 65 percent of the bill is not what
16 this Board controls.

17 We can obviously cooperate, which we're doing.
18 And I mentioned in the back that the School Board is taking
19 a zero base approach and we've been discussing that and
20 they're going to be addressing that for their budget. Their
21 budget gets approved by the county superintendent and the
22 state. It doesn't get approved by the residents of Nutley.
23 It's done by a different process.

24 When they were having their election in the May
25 timeframe or the April timeframe, the budget was part of

1 that. But now that it's a November election, it follows a
2 different process and it's no longer subject to a municipal
3 vote. So that's not something that we can -- we can look
4 for cooperation and look for help, but we can't influence
5 what they do.

6 But I raised in the back that said if we were to
7 sort of set a goal and said, look, let's try and achieve
8 \$1,000 cut in property taxes, which is an astronomical
9 number. In order to achieve that, there would have to be a
10 \$10.2 million reduction in spending across the Town, which
11 is -- when you do that, you just basically take out a piece
12 of paper and say this, we have, so just cross that out and
13 cross that out because you're not discussing whether or not
14 I'm going to reduce a salary or I'm going to lower the head
15 count. You're talking about eliminating large chunks of
16 what we do, which we're having -- we've had conversations
17 about that and that will continue in '18. We're going to
18 figure out how to continue to tighten our belt, but it's not
19 an easy thing to do.

20 Because the idea -- and when you take that 10
21 million, it's easy to break it down into something very,
22 very simple. In order to take the tax rate and lower it by
23 one penny, we have to reduce spending by \$325,000 or
24 increase revenue by \$325,000. So it's not something that is
25 very easy to do. And it's a challenge for anybody. Anybody

1 who's a commissioner. Anybody looking at the government,
2 it's a very difficult process to go through, which is why I
3 agree that having a Town Hall or a forum to help people
4 better understand what goes into our budget, and understand
5 what the fixed costs are in our budget too, because very
6 simply, you know, we get a sewer bill. We get a pension
7 bill. We get a healthcare bill. And those are just bills,
8 right? And then we start with that.

9 We have retiree healthcare expenses that when you
10 add those things together and you actually go through our --
11 you know, the municipal \$55 million appropriation for '17, a
12 whole 31 million of that is fixed costs. You open -- you
13 put the lights on, you open the door, you have to pay your
14 electric bill, you have to pay your utility bill. You have
15 to buy paper for your copiers and things that you do. You
16 have technology costs that you have to do. And those are
17 substantially fixed.

18 So to challenge that number and say, well \$31
19 million of it is fixed if I was going to lower the
20 appropriation by 10 million to get \$1,000 cut in that I have
21 to take the other 25 million, right, roughly and figure out
22 how to cut that by 10 million.

23 And it's similar to the Federal Government. When
24 they have their entitlement costs and their defense costs,
25 right, that takes care of over 85 percent of the federal

1 budget. So when they talk about changes, they're talking
2 about 15 percent of the budget that they can actually touch.
3 You know, municipal governments are the same as any
4 household because you have light bills, insurance bills, and
5 those -- utility costs, gas costs, that you have to have.

6 So when you start to understand that and you
7 appreciate the complexity of that, then you understand
8 better about what the challenge is about managing taxes. So
9 to achieve 2.4 million so far is a monumental achievement.
10 To, in effect, address cost control which this Board has
11 been 100 percent aligned around since we started this. So
12 that's one of the things that's very important because the
13 cooperation has been fantastic.

14 I think the other thing that I think a forum will
15 help people better understand what the full challenge is as
16 to why the School Board was looking at a referendum to
17 address the schools. It's been collapsed to a single
18 soundbite that says overcrowding. And the overcrowding is
19 due to apartments. And that's just not true.

20 When you eliminate nine classrooms to change from
21 a half day kindergarten to a full day kindergarten, it
22 stresses your infrastructure. When you have a classroom
23 that can handle 35 students but because of special needs,
24 you can only put 4 or 6 students in that same sized
25 classroom, you have infrastructure challenges.

1 So the space -- and then when you add to it the
2 changes in curricula structure where you're looking at a
3 more integrated curricula around math, science, and English
4 and all the classrooms, especially at the grammar school
5 level and how it's moving up through the middle school and
6 the high school, it creates infrastructure challenges. It
7 also creates certifications of teacher requirements that
8 weren't there before, right?

9 We've heard a lot about saying well, why do we
10 have to have these teacher aids? It's required by federal
11 law for a special needs (indiscernible) that you have a
12 teacher and an aid to be there. The infrastructure challenge
13 around curricula is a very simple one. When you go to an
14 integrated curricula and you're saying that a teacher has to
15 teach on an integrated basis, the demand is for a smaller
16 classroom size to allow that teacher more access to those
17 students, or hire an aid to help foster that for a larger
18 classroom size.

19 But smaller classroom size means smaller use of
20 that classroom, which means I have a bigger room that can
21 handle fewer students. It creates an infrastructure
22 challenge. So the issue is infinitely more complex than the
23 sound bites or the things that have been published out there
24 to, I think, mislead people that it's because of apartments
25 that our schools are overcrowded. And I think a forum will

1 do a lot to share that with the public so they're better
2 educated around what those issues are. And we're well aware
3 of those as a Board of Commissioners because there has been
4 cooperation between the two Boards where we've discussed
5 these issues. So -- and that's ongoing.

6 So when you think about how we address now without
7 a referendum, how do we address the other broad aspect that
8 says there's a greater expectation that the natural turnover
9 of single family homes will have a greater impact on the
10 schools than any apartment. Most of the apartments that
11 have been built in Nutley are one bedroom apartments. All
12 the new stuff is generally a -- some two bedroom, but it's
13 mostly a one bedroom apartment. Right?

14 We're not -- we haven't allowed any other type of
15 development, which from a planning standpoint is kind of odd
16 because it doesn't recognize that people's needs changes.
17 So by default, you might make those apartments more
18 transient because when they have a child, they're going to
19 look for something else. And we're hoping that they're
20 going to transfer to Nutley housing stock as a result of
21 that, right?

22 But when you have two-thirds of the homes in
23 Nutley are empty nesters and 18 percent of our residents are
24 senior citizens, you have a natural (indiscernible) of that
25 housing stock. And when you have a single family home

1 change, the chances are you're going to get a family in
2 there that's now going to need to go to our schools. And so
3 when you add up all of those infrastructure challenges, plus
4 the projected growth that could potentially happen because
5 of single family homes changing over naturally, we can't put
6 on -- we can't put out a sign that says, "Single family home
7 for sale as long as you don't have children." It's not
8 possible to do that. Right? And actually, it would be wrong
9 to do that because you're making the town -- instead of it
10 becoming a vibrant town, you're making it a terminally ill
11 town because it's going to go out of existence.

12 So again, the idea that to keep sharing with all
13 of these sources, which I see on the social services and all
14 of these other places that it's because of the apartments
15 and it's causing overcrowding is just completely misleading.
16 And I think a forum to better explain that, which the School
17 Board, I know had many Town Hall meetings to explain it, but
18 I just don't think it sunk it, I think will help people
19 better understand what that real challenge is.

20 MAYOR SCARPELLI: Anything else, Commissioners?
21 Motion to adjourn.

22 COMMISSIONER PETRACCO: Aye.

23 COMMISSIONER ROGERS: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 MADAM CLERK: The time is now 8:16.

8 MAYOR SCARPELLI: Goodnight, everybody.

9 (Meeting was adjourned)

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

I, Jamie Gallagher, certify that the foregoing transcript is
a true and accurate record of the proceedings.


Jamie Gallagher

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