TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF
PROCEEDINGS:

June 8, 2016
7:01 p.m.

BEFORE:
Commissioner Steven L. Rogers
Commissioner Mauro Tucci
Commissioner Thomas J. Evans
Commissioner Alphonse Petracco
Mayor Joseph P. Scarpelli

Job No. NJ2332760
Transcribed by: Nicole Yawn
PROCEDINGS

MADAM CLERK: Board of Commissioners public meeting, Wednesday, June 8th, 2016. The time is now 7:01.

Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the June 2nd, 2016 issue of the Nutley Sun. 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?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor.

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

COMMISSIONER PETRACCO: I have an ordinance introduction -- two of them -- for parking, and I have one resolution. Let's see. Just an assignment of volunteer
firefighter.

MAYOR SCARPELLI: Commissioner Evans?

COMMISSIONER EVANS: I have grant monies received for ordinance introduction roadway improvements on Harrison Street. And I have four resolutions. One is for exemptions from tax. The other two are for refunds for overpayments.

And the last is the state hasn't approved yet their budget, the state budget and the revenue stream, I guess, their state budget, which is holding up the certification of the tax rate. They may have to do that (inaudible). So we could anticipate some resolution on that (inaudible). That's all I have.

MAYOR SCARPELLI: Commissioner Rogers?

COMMISSIONER ROGERS: There's a resolution for one matter I'd like to discuss with (inaudible). One resolution is Mental Health Week. The other resolution is an emergency award of assignment and assumption of contract for solid waste, bulk waste, vegetative waste, and white goods collection services (inaudible).

The matter I'd like to bring to the attention of the board is if we could, over the next several weeks, is review our parking ordinance with regard to commercial vehicles. We have -- it was brought to my attention that we've got a number of homeowners who now own small
businesses and they have vehicles, commercial vehicles the size of vans that they have to park out of town. They're paying for spaces out of town. They're parking in Belleville and Clifton, and they're coming back to Nutley. And so, I would just ask that we look at this regulation.

Right now, they're restricted from parking between the hours of 10:00 p.m. and 7:00 a.m. And I realize that there is, you know, size limitations (indiscernible).

COMMISSIONER PETRACCO: Well, that's for overnight parking.

COMMISSIONER ROGERS: Yeah, they cannot -- it says here that, "Commercial vehicles shall not be permitted to be parked within the PRD between the hours of 10:00 p.m. and 7:00 a.m.

ALAN GENITEMPO: Isn't there a weight limit on that? I thought that my recollection was that over a certain tonnage.

COMMISSIONER ROGERS: There is.

COMMISSIONER EVANS: There is a weight standard.

COMMISSIONER ROGERS: Yeah.

COMMISSIONER EVANS: I don't know if (indiscernible).

COMMISSIONER ROGERS: Yeah, there's --

ALAN GENITEMPO: Or what that is.

COMMISSIONER ROGERS: It's here, but it's
something that if we could look at and maybe somehow assist them with this.

COMMISSIONER PETRACCO: The only thing I'd like to add is that if we're going to look at that, it's not for overnight parking. It's just to make arrangements for the -- so in other words, if you have an electrician or a plumber --

COMMISSIONER ROGERS: Right.

COMMISSIONER PETRACCO: -- they have a van in the driveway that's lettered. That's why they're -- your request is, so I understand it, is that we're going to try to make an amendment to the ordinance to allow them to park a van like

COMMISSIONER ROGERS: Yes.

COMMISSIONER PETRACCO: Basically, -- yeah, yeah.

COMMISSIONER ROGERS: Carpenter's van.

COMMISSIONER EVANS: Why wouldn't this be a referral to the Planning Board as it's under zoning and the Master Plan of the town as to what they -- how they want -- they view the town (indiscernible) the town. There's always been a restriction (indiscernible) park in the driveway because they weren't in commercial businesses didn't like having their commercial vehicle in their neighbor's yard. So it's been a long-standing thing. But I think if you're going to look at it, I would suggest that it gets referred to the Planning Board for them to review as part (indiscernible).

COMMISSIONER ROGERS: Okay. How would I do that?
A letter to the town clerk to receive it?

MAYOR SCARPELLI: I think we could do that through the clerk's office, right?

UNIDENTIFIED SPEAKER: Exactly.

COMMISSIONER ROGERS: A letter with their concerns?

MADAM CLERK: Sure.

COMMISSIONER ROGERS: Okay? All right. Thank you. That's it.

MAYOR SCARPELLI: Good. Very good.

Commissioner Tucci?

COMMISSIONER TUCCI: I just want to understand. So you want -- you're looking to allow folks who have commercial vehicles that are prohibited from parking in their driveways right now, you're looking for relief for them so that they can?

COMMISSIONER ROGERS: Yes.

COMMISSIONER TUCCI: So that their utility vehicles and their small dump trucks and --

COMMISSIONER ROGERS: Yeah, it's the vans. Yeah.

COMMISSIONER TUCCI: I just want to understand.

COMMISSIONER PETRACCO: Well, I don't -- I don't --

COMMISSIONER TUCCI: It's not just vans. I don't think it's vans.
COMMISSIONER PETRACCO: Yeah.

COMMISSIONER ROGERS: No, no, understood that there's weight limits. We don't want dump trucks in there, et cetera.

MAYOR SCARPELLI: That's where -- yeah, that's a slippery slope.

COMMISSIONER ROGERS: Yeah, I hear --

COMMISSIONER TUCCI: Yeah, I think we should --

UNIDENTIFIED SPEAKER: I think (indiscernible) --

COMMISSIONER TUCCI: Maybe before you send that, maybe we should get a clarification on what that is. Because my understanding -- and anyone can correct me, if you, you know differently -- was that it was for larger vehicles. And the purpose was to maintain the residential character of the town.

COMMISSIONER EVANS: That's the (indiscernible).

COMMISSIONER TUCCI: So that we don't have that and we don't have, you know, the front ends of tractor trailers parking in their driveways. So --

COMMISSIONER EVANS: Yeah, that's (indiscernible).

COMMISSIONER TUCCI: I can appreciate what you're asking, but --

COMMISSIONER EVANS: Yeah, I agree with you.

COMMISSIONER TUCCI: -- I think we need to be careful.
MAYOR SCARPELLI: That's where the weight thing comes in.

COMMISSIONER TUCCI: Yeah.

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER EVANS: Whole debate (indiscernible) for years. And it's come up before.

COMMISSIONER TUCCI: Yeah.

COMMISSIONER EVANS: (Indiscernible) on that ordinance (indiscernible). Because where do you stop it?

COMMISSIONER TUCCI: Yeah.

COMMISSIONER EVANS: What size vehicle is -- and the ordinance doesn't -- it restricts having trucks and commercial vehicles with large lettering on the outside.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER EVANS: Right? It restricts having a commercial plate, right? So if it's a residential plate -- you can have a van.

COMMISSIONER TUCCI: Right.

COMMISSIONER EVANS: That has a residential plate. But if it's a commercial plate, then (indiscernible).

COMMISSIONER TUCCI: Yeah, I think it's like 37,000 gross vehicle weight it has to -- and if it's lettered, it's prohibited from being in a parking lot.

COMMISSIONER EVANS: There's a (indiscernible).

COMMISSIONER TUCCI: Jack? It's less than 37?
What is it? Do you know?

JACK BARRY: 37,000 That's a big truck.

COMMISSIONER ROGERS: Yeah.

COMMISSIONER TUCCI: It's sticking in my mind, for some reason, though.

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER TUCCI: I don't know what that number is, but --

UNIDENTIFIED SPEAKER: Yeah.

COMMISSIONER ROGERS: But I appreciate those concerns. They're --

COMMISSIONER EVANS: My sense is, you know, the board -- the planning board has discussed (indiscernible) for years. But it would be -- I think they should, you know, -- because there's obviously changes that are occurring in the town, they should go back and revisit it. I don't think it's something that we should --

COMMISSIONER ROGERS: That's a good point.

COMMISSIONER EVANS: -- be just trying to solve on our own, because that's their job.

COMMISSIONER PETRACCO: Is it regarding the ordinance regarding commercial license plates, period? Or is it -- so in other words, --

COMMISSIONER EVANS: I think there's (indiscernible) all of that, yeah.
COMMISSIONER ROGERS: Yeah.

COMMISSIONER EVANS: (Indiscernible) weight or this. It's just all part of (indiscernible).

COMMISSIONER PETRACCO: So if somebody had magnets but they had a commercial plate instead of lettering their truck -- they had magnets put on them, is that a violation because they have a commercial plate on --

COMMISSIONER TUCCI: Let's check.

COMMISSIONER PETRACCO: -- the truck or the van?

COMMISSIONER EVANS: So as I understand it -- and I didn't memorize this thing -- it has a commercial plate on it? You know, if it's a commercial plate under a certain size, that may not be an issue.

MAYOR SCAPRELLI: I forgot. I think it was only in my memory. If it was parked in the garage, it wasn't any big deal.

COMMISSIONER TUCCI: Right, you could park it in the garage but not in the driveway.

UNIDENTIFIED SPEAKER: Right.

COMMISSIONER EVANS: And this comes up. I mean, I'm sure there's people that have vehicles that are commercial in nature that are parked in the garage on their property but the neighbors don't complain because they don't see it. But, if it's something that says--I'm going to put it -- you know, vehicle in my garage and hide it. And
I'm going to park two other vehicles around my garage, because now my business is growing (indiscernible). Right? It says okay, I can do this. That's where the neighbors start to say, you know, this is a business in a residential neighborhood. Because a lot of those are small businesses.

COMMISSIONER ROGERS: Yeah.

COMMISSIONER EVANS: So (indiscernible).

COMMISSIONER PETRACCO: So if I can just add to this. What I would recommend going to the planning board -- because I think, like the mayor said, it's a slippery slope.

COMMISSIONER ROGERS: Yeah.

COMMISSIONER PETRACCO: If maybe you adjust the language to say -- I know a lot of people -- they went to magnetic decals on their trucks rather than paint them.

COMMISSIONER ROGERS: Yeah.

COMMISSIONER PETRACCO: And I think that's what the residents frown upon. So maybe if you could -- we could lift the -- change the ordinance with respect to the commercial license plate, as long as the truck's not lettered. And then they could use magnets on their vehicles when they go to work. And maybe that wouldn't be such an issue.

COMMISSIONER ROGERS: Okay. Thank you very much.

UNIDENTIFIED SPEAKER: All right.
MAYOR SCARPELLI: Commissioner Tucci?

COMMISSIONER TUCCI: Yes, I have a shade tree report for the month of May, and I have two resolutions, one looking for authorization to sell surplus property and the other refund for a tree removal permit. And that's all I have.

MAYOR SCARPELLI: I have various raffle applications and appropriate funds through the Clean Communities Program Grant. And I have various reports. Madam Clerk, what do you have on the agenda?

MADAM CLERK: I have minutes for approval, and I also have some communications, three different -- we have the volunteer emergency, Van Riper, and the VFW are looking for approval to do something on Sunday.

MAYOR SCARPELLI: Okay.

MADAM CLERK: And that's it. And the bill list, of course.

MAYOR SCARPELLI: Counselor?

COMMISSIONER PETRACCO: Are you going to mention the executive session?

UNIDENTIFIED SPEAKER: (Inaudible).

COMMISSIONER PETRACCO: Okay.

MAYOR SCARPELLI: Motion?

UNIDENTIFIED SPEAKER: (Indiscernible).

MAYOR SCARPELLI: Anything before we go into executive?
Motion to go into the executive?

COMMISSIONER TUCCI: I'm sorry.

Property acquisition, what was the other one?

ALAN GENITEMPO: Contract.

COMMISSIONER TUCCI: Contract. Thank you.

MAYOR SCARPELLI: Do we have a motion?

COMMISSIONER PETRACCO: Motion.

COMMISSIONER EVANS: Second.

MADAM CLERK: WHEREAS, Section 8 of the Open Public Meeting Act, Chapter 231 permits (indiscernible) public (indiscernible) and;

WHEREAS, the public body is of the opinion (indiscernible) exists. Now as the board of commissioners of the township of Nutley, county of Essex, New Jersey desires to proceed to closed executive session.

NOW, THEREFORE, BE IT RESOLVED that the board of commissioners of the township of Nutley move into closed executive session to discuss property acquisition and contracts. BE IT FURTHER RESOLVED that the time when special session (indiscernible) disclosed to the public shall be when such a closed (indiscernible) adversely effect on the township of Nutley (indiscernible) all personnel conducted by (indiscernible) provided by statute.

Commissioner Rogers?

COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

(Whereupon, these proceedings ended in progress)
CERTIFICATION

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

Nicole Yawn

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