

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

P R O C E E D I N G S

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

1 firefighter.

2 MAYOR SCARPELLI: Commissioner Evans?

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

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

13 MAYOR SCARPELLI: Commissioner Rogers?

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

20 The matter I'd like to bring to the attention of
21 the board is if we could, over the next several weeks, is
22 review our parking ordinance with regard to commercial
23 vehicles. We have -- it was brought to my attention that
24 we've got a number of homeowners who now own small
25

1 businesses and they have vehicles, commercial vehicles the
2 size of vans that they have to park out of town. They're
3 paying for spaces out of town. They're parking in
4 Belleville and Clifton, and they're coming back to Nutley.
5 And so, I would just ask that we look at this regulation.

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

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

11 COMMISSIONER ROGERS: Yeah, they cannot -- it says
12 here that, "Commercial vehicles shall not be permitted to be
13 parked within the PRD between the hours of 10:00 p.m. and
14 7:00 a.m.

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

18 COMMISSIONER ROGERS: There is.

19 COMMISSIONER EVANS: There is a weight standard.

20 COMMISSIONER ROGERS: Yeah.

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

23 COMMISSIONER ROGERS: Yeah, there's --

24 ALAN GENITEMPO: Or what that is.

25 COMMISSIONER ROGERS: It's here, but it's

something that if we could look at and maybe somehow assist
1 them with this.

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

6 COMMISSIONER ROGERS: Right.

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

11 COMMISSIONER ROGERS: Yes.

12 COMMISSIONER PETRACCO: Basically, -- yeah, yeah.

13 COMMISSIONER ROGERS: Carpenter's van.

14 COMMISSIONER EVANS: Why wouldn't this be a referral to the
15 Planning Board as it's under zoning and the Master Plan of
16 the town

17 as to what they -- how they want -- they view the town

18 (indiscernible) the town. There's always been a restriction

19 (indiscernible) park in the driveway because they weren't in

20 commercial businesses didn't like having their commercial

21 vehicle in their neighbor's yard. So it's been a long-

22 standing thing. But I think if you're going to look at it, I

23 would suggest that it gets referred to the Planning Board for

24 them to review as part (indiscernible).

25 COMMISSIONER ROGERS: Okay. How would I do that?

1 A letter to the town clerk to receive it?

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

4 UNIDENTIFIED SPEAKER: Exactly.

5 COMMISSIONER ROGERS: A letter with their
6 concerns?

7 MADAM CLERK: Sure.

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

10 MAYOR SCARPELLI: Good. Very good.

11 Commissioner Tucci?

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

17 COMMISSIONER ROGERS: Yes.

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

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

21 COMMISSIONER TUCCI: I just want to understand.

22 COMMISSIONER PETRACCO: Well, I don't -- I don't
23 --

24 COMMISSIONER TUCCI: It's not just vans. I don't
25 think it's vans.

1 COMMISSIONER PETRACCO: Yeah.

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

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

7 COMMISSIONER ROGERS: Yeah, I hear --

8 COMMISSIONER TUCCI: Yeah, I think we should --

9 UNIDENTIFIED SPEAKER: I think (indiscernible) --

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

16 COMMISSIONER EVANS: That's the (indiscernible).

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

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

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

23 COMMISSIONER EVANS: Yeah, I agree with you.

24 COMMISSIONER TUCCI: -- I think we need to be
25 careful.

1 MAYOR SCARPELLI: That's where the weight
2 thing comes in.

3 COMMISSIONER TUCCI Yeah.

4 UNIDENTIFIED SPEAKER: Yeah.

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

7 COMMISSIONER TUCCI: Yeah.

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

10 COMMISSIONER TUCCI: Yeah.

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

14 UNIDENTIFIED SPEAKER: Right.

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

18 COMMISSIONER TUCCI: Right.

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

21 COMMISSIONER TUCCI: Yeah, I think it's like
22 37,000 gross vehicle weight it has to -- and if it's
23 lettered, it's prohibited from being in a parking lot.

24 COMMISSIONER EVANS: There's a (indiscernible).

25 COMMISSIONER TUCCI: Jack? It's less than 37?

1 What is it? Do you know?

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

3 COMMISSIONER ROGERS: Yeah.

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

6 UNIDENTIFIED SPEAKER: Yeah.

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

9 UNIDENTIFIED SPEAKER: Yeah.

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

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

18 COMMISSIONER ROGERS: That's a good point.

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

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

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

1 COMMISSIONER ROGERS: Yeah.

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

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

8 COMMISSIONER TUCCI: Let's check.

9 COMMISSIONER PETRACCO: -- the truck or the van?

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

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

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

19 UNIDENTIFIED SPEAKER: Right.

20 COMMISSIONER EVANS: And this comes up. I mean,
21 I'm sure there's people that have vehicles that are
22 commercial in nature that are parked in the garage on their
23 property but the neighbors don't complain because they don't
24 see it. But, if it's something that says-I'm going to put
25 it -- you know, vehicle in my garage and hide it. And

1 I'm going to park two other vehicles around my garage,
2 because now my business is growing (indiscernible). Right?

3 It says okay, I can do this. That's where the
4 neighbors start to say, you know, this is a business in a
5 residential neighborhood. Because a lot of those are small
6 businesses.

7 COMMISSIONER ROGERS: Yeah.

8 COMMISSIONER EVANS: So (indiscernible).

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

12 COMMISSIONER ROGERS: Yeah.

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

16 COMMISSIONER ROGERS: Yeah.

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

24 COMMISSIONER ROGERS: Okay. Thank you very much.

25 UNIDENTIFIED SPEAKER: All right.

1 MAYOR SCARPELLI: Commissioner Tucci?

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

6 MAYOR SCARPELLI: I have various raffle
7 applications and appropriate funds through the Clean
8 Communities Program Grant. And I have various reports.

9 Madam Clerk, what do you have on the agenda?
10 MADAM CLERK: I have minutes for approval, and I

11 also have some communications, three different -- we have the
12 volunteer emergency, Van Riper, and the VFW are looking for
13 approval to do something on Sunday.

14 MAYOR SCARPELLI: Okay.

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

17 MAYOR SCARPELLI: Counselor?

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

20 UNIDENTIFIED SPEAKER: (Inaudible).

21 COMMISSIONER PETRACCO: Okay.

22 MAYOR SCARPELLI: Motion?

23 UNIDENTIFIED SPEAKER: (Indiscernible).

24 MAYOR SCARPELLI: Anything before we go into
25 executive?

1 Motion to go into the executive?

2 COMMISSIONER TUCCI I'm sorry.

3 Property acquisition, what was the other one?

4 ALAN GENITEMPO: Contract.

5 COMMISSIONER TUCCI: Contract. Thank you.

6 MAYOR SCARPELLI: Do we have a motion?

7 COMMISSIONER PETRACCO: Motion.

8 COMMISSIONER EVANS: Second.

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

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

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

24 Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 (Whereupon, these proceedings ended in progress)

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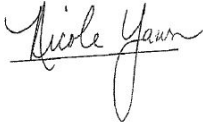
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C E R T I F I C A T I O N

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



Nicole Yawn

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