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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)
) PUBLIC MEETING) TRANSCRIPT OF
)) PROCEEDINGS:
)

July 5, 2016

7:30 p.m.

BEFORE:

- Commissioner Steven L. Rogers
- Commissioner Thomas J. Evans
- Mayor Joseph P. Scarpelli

Job No. NJ2345013

Transcribed by: Nicole Yawn

P R O C E E D I N G S

(Pledge of Allegiance)

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Yes, Mayor. Board of Commissioners public meeting Tuesday, July 5th, 2016. The time is now 7:30 p.m.

Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the December 24th, 2015 issues of the Nutley Sun, the Star Ledger, and the Herald News. 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.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco is absent excused.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: Everyone present this evening, except for Commissioner Tucci and Commissioner Petracco.

1 They're absent excused this evening. Thank you.

2 MAYOR SCARPELLI: Madam Clerk, do you have
3 minutes?

4 MADAM CLERK: Okay. Yes, we have a board of
5 commissioners meeting minutes for June 8th, 2016.

6 I need a motion.

7 COMMISSIONER ROGERS: Make a motion.

8 COMMISSIONER EVANS: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

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

16 MAYOR SCARPELLI: Bills?

17 MADAM CLERK: Bill list for Tuesday, July 5th,
18 2016 -- Public Affairs, \$52,464.42; Revenue and Finance,
19 \$2,285,049.60; Public Safety, \$143,658.73; Public Works,
20 \$290,829.08; Parks and Public Property, \$679,769.86. Total
21 payroll is \$800,240.03, for a grand total of \$4,269,011.72.

22 Need a motion.

23 COMMISSIONER EVANS: Move the bills.

24 MADAM CLERK: Need a second.

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: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

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

8 MAYOR SCARPELLI: Public comment on agenda items
9 only.

10 Madam Clerk?

11 MADAM CLERK: Yes, Mayor.

12 All persons addressing the board of commissioners
13 regarding community concerns should approach the microphone
14 and provide their name and address for the record. Unless
15 further time is granted by the board, each person shall
16 limit their address to three minutes. All remarks to the
17 board and its individual members must be addressed to the
18 mayor.

19 The mayor may defer citizens' comments to the
20 appropriate member of the board. Dialogue between citizens
21 and others addressing the board shall be allowed unless the
22 mayor or presiding officer or the majority of the membership
23 of the board shall determine that the interests of decorum
24 and/or the expeditious conduct of municipal business are
25 being adversely affected by such dialogue.

1 MAYOR SCARPELLI: Would anybody like to be heard
2 on agenda items only?

3 Any board of commissioner announcements?

4 COMMISSIONER ROGERS: None here, Mayor. Thank
5 you.

6 MAYOR SCARPELLI: I would just like to thank the
7 board of commissioners and their respective departments for
8 all their help in helping us pull off the 4th of July
9 fireworks celebration last night. We had a little bit of
10 rain, but it certainly didn't dampen the spirits of anybody.
11 And we were able to get the fireworks off, and everybody had
12 a great time. So thank you all for your help.

13 Public hearings?

14 Commissioner Evans, will you read Commissioner
15 Petracco's public hearings?

16 COMMISSIONER EVANS: Yes, Mayor. Ordinance Number
17 3338 -- this ordinance is to establish time-limited parking
18 on King Street on the South side, about 175 feet East of
19 Union Avenue for 25 feet from 7:00 a.m. to 6:30 p.m.

20 MADAM CLERK: Okay.

21 MAYOR SCARPELLI: Shall we open the public
22 hearing?

23 COMMISSIONER EVANS: Yes, we do.

24 COMMISSIONER ROGERS: Second.

25 MADAM CLERK: Second.

1 Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 Would anybody like to be heard on this ordinance,
8 Ordinance Number 3338?

9 COMMISSIONER EVANS: Move to close.

10 MADAM CLERK: Need a second.

11 COMMISSIONER ROGERS: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER EVANS: Move the ordinance.

19 MADAM CLERK: Need a second, please.

20 COMMISSIONER ROGERS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 COMMISSIONER EVANS: 3339 -- this is for a
3 handicapped parking spot on Milton Avenue.

4 MAYOR SCARPELLI: Open the public hearing.
5 Anybody like to be heard on 3339?
6 Seeing none, --

7 COMMISSIONER EVANS: Move to close.

8 COMMISSIONER ROGERS: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER EVANS: Move the ordinance.

16 COMMISSIONER ROGERS: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 COMMISSIONER EVANS: And an ordinance, 3340 --
24 this is recognizing a receipt of grant monies of \$245,000 to
25 continue road improvements on Harrison Street, known as

1 Section 2.

2 MAYOR SCARPELLI: Open the public hearing. Anyone
3 would like to be heard on Ordinance Number 3340?

4 Seeing none, --

5 COMMISSIONER EVANS: Move to close.

6 COMMISSIONER ROGERS: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 COMMISSIONER EVANS: Move the ordinance.

14 COMMISSIONER ROGERS: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 COMMISSIONER EVANS: Thank you, Mayor.

22 MAYOR SCARPELLI: Resolutions?

23 Commissioner Evans?

24 COMMISSIONER EVANS: Thank you, Mayor.

25

1 BE IT RESOLVED by the board of commissioners of
2 the township of Nutley, in the County of Essex, State of New
3 Jersey, that the Treasurer be and she is hereby authorized
4 to refund overpayment of the property taxes for Block 5701,
5 Lot 63 for \$2,632.90; Block 4401-6 for \$21,454.52 for 2014
6 and \$10,387.33 for 2013 and \$21,729.75 for 2015 and for
7 9602-9, \$3,814 for 2014 and \$3,863.14 for 2015, for a grand
8 total of \$63,881.85. All of these arise in claims
9 (indiscernible) successful tax court judgments.

10 So move.

11 COMMISSIONER ROGERS: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER EVANS: Thank you, Mayor.

19 MAYOR SCARPELLI: WHEREAS, the Morris County Co-Op
20 awarded a bid for road resurfacing, Contract Number 6 -- Cat
21 A -- Hot Mix Asphalt, Cat B -- Bituminous Concrete in Place,
22 Cat C -- Milling of Bituminous Concrete In Place and Cat I
23 -- Resurfacing Preparations to Tilcon New York, 625 Mt. Hope
24 Road, Wharton, New Jersey, for the period of January 1st,
25 2015 to December 31st, 2015; and

1 WHEREAS, the township of Nutley, as a member of
2 the Morris County Co-Op, entered into a contract with Tilcon
3 New York, for the amount of \$108,062.50; and

4 WHEREAS, the original contract amount is being
5 decreased in the amount of (\$28,930.13) to be credited to
6 Ordinance Number 3324 for a total contract price of
7 \$79,132.37; and

8 WHEREAS, Change Order Number 1 has been authorized
9 for a decrease in the amount of \$28,930.13; and

10 NOW THEREFORE, BE IT RESOLVED by the board of
11 commissioners in the township of Nutley, county of Essex,
12 state of New Jersey, that the Change Order Number 1 as
13 attached, is a change from the contract previously made by
14 the township of Nutley with Morris County Co-Op, for the
15 Project known as Resurfacing of East Centre Street and is
16 authorized and approved.

17 I move the resolution.

18 COMMISSIONER ROGERS: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 WHEREAS, an application has been filed for the

1 transfer of a person-to-person plenary retail consumption
2 license from Number 0716-33-017-009, Park Place Pizza T/A
3 Terrazza Ristorante, Pocket License, to F and S Maintenance,
4 LLC., Pocket License; and

5 WHEREAS, the submitted application form is
6 complete in all respects, the transfer fees have been paid,
7 and the license has been properly renewed for the current
8 license term; and

9 WHEREAS, the applicant is qualified to be licensed
10 according to all standards established by Title 33 of the
11 New Jersey Statutes, as well as applicable ordinances and
12 conditions consistent with Title 33; and

13 WHEREAS, the applicant has disclosed and the
14 issuing authority has reviewed the source of all funds
15 used in the purchase of the license and the licensed
16 business and all additional financing obtained in connection
17 with the license business; and

18 NOW, THEREFORE BE IT RESOLVED, that the township
19 of Nutley Board of Commissioners does hereby approve the
20 transfer of the aforesaid person-to-person plenary retail
21 consumption license from Number 0716-33-017-009, Park Place
22 Pizza T/A Terrazza Ristorante Pocket License to, F and S
23 Maintenance, LLC., as a person-to-person pocket license; and

24 THEREFORE BE IT FURTHER RESOLVED, that the board
25 of commissioners does hereby direct the municipal clerk to

1 endorse the license certificate to the new ownership as
2 follows. This license, subject to all its terms and
3 conditions, is hereby transferred to F and S Maintenance,
4 LLC. effective July 5th, 2016.

5 I move the resolution.

6 COMMISSIONER ROGERS: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 That concludes the business portion of our
14 meeting.

15 Would anybody from the public -- Madam Clerk, will
16 you read the notice first?

17 MADAM CLERK: Yes, Mayor.

18 All persons addressing the board of commissioners
19 regarding community concerns should approach the microphone
20 and provide their name and address for the record. Unless
21 further time is granted by the board, each person shall
22 limit their address to five minutes. All remarks to the
23 board and its individual members must be addressed to the
24 mayor.

25 The mayor may defer citizens' comments to the

1 appropriate member of the board. Dialogue between citizens
2 and others addressing the board shall be allowed unless the
3 mayor or presiding officer or the majority of the membership
4 of the board shall determine that the interests of decorum
5 and/or the expeditious conduct of municipal business are
6 adversely affected by such dialogue.

7 MAYOR SCARPELLI: Would anybody from the public
8 like to address the board of commissioners this evening?

9 MR. MOCCHIONE: My name is Devon Mocchione (ph).
10 I'm at 11 Hillside Road in Ringwood, New Jersey not Nutley.

11 First off, Mayor, I want to thank you for answering
12 my email early this morning.

13 For those of you in this room who may not know, the
14 town of Nutley receives their water from the Wanaque
15 Reservoir, which is located in my beautiful hometown of
16 Ringwood, New Jersey. The townspeople of Ringwood, along
17 with myself, believe that it's very important that you must
18 also know that there's a very large superfund site that
19 contains thousands of toxic paint sludge that was dumped by
20 Ford Motor Company back in the 1960s. It's located less than
21 two miles upstream from that reservoir, which is your water
22 source.

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1 This site is the first and still the only site in
2 history of the EPA superfund program to be listed, delisted,
3 and then relisted. And also when a superfund site of this
4 quantity of size is this large they break it up into three
5 operable units. And the one that is being tackled right now
6 by our town council is the O'Connor landfill, one of the
7 operable units of the superfund site.

8 Since it was relisted, the various areas of the
9 site have been tested for contaminants such as lead, arsenic,
10 benzene, PCBs, and among others. And this testing has
11 consistently shown levels of all these contaminants to
12 exceed the EPA's acceptable limits for these contaminants.
13 Most recently, in the beginning of 2016, 1,4-dioxane was
14 found in low levels in the groundwater near the superfund
15 site. Ground water that has the potential to possibly leak
16 into the reservoir and into your drinking water.

17 Through the superfund site runs a stream called
18 Sally's Pond that flows directly into the Wanaque Reservoir.
19 While the EPA said that (indiscernible) the contaminated
20 soil was the best option to ensure the safety of the site,
21 our borough officials asked them to consider allowing the
22 toxic sludge to be capped in place so that they can build an
23 accepting (ph) center on top of it. Because the EPA has to
24 consider the landowners' desired future use of the land,
25 they have, in fact, approved the town's proposal. This

1 means that almost 107,000 tons of toxic paint sludge, more
2 than 4 times the amount of waste at Love Canal, would remain
3 just upstream from the reservoir.

4 The EPA says that this is okay, because they do
5 not expect the contamination to travel. But they're also
6 the same agency that said the first cleanup of our superfund
7 site was done effectively and removed all of the
8 contamination. It's the same agency who also said that the
9 air at Ground Zero was safe to breathe and that the
10 contamination at another site that was capped off near us in
11 Pompton Lakes would not travel. And most recently, we found
12 out that the contamination did travel.

13 We believe that capping the toxic waste where it
14 is places an unacceptable risk to the health and well-being,
15 not only to us in Ringwood, but to the millions of New
16 Jerseyans who receive their water from the Wanage Reservoir.
17 It should also be noted that the grand majority of Ringwood
18 does not receive their water from the reservoir.

19 Though the community has come together to voice
20 our concerns after decades of misinformation and our elected
21 officials have, therefore, decided to hold off on the next
22 step in the permitting process, we believe that they also
23 need to hear the concerns of other towns. We believe that
24 many towns have not spoken up, because the townspeople, the
25 councils and commissioners may not know. So I'm here today

1 inform you guys and just let you guys know, because the years
2 there was a ton of us in Ringwood, who did not know. And we
3 believe that regardless of what all these (indiscernible) to
4 be saying is important that the townspeople of Nutley and
5 whoever else receives their water from the Wanaque Reservoir
6 knows the information. That's all.

7 MAYOR SCARPELLI: Thank you, Mr. Mochione. If you
8 have any information you could forward to our clerk so she
9 can bring it to the rest of the commissioners, we'd
10 appreciate that.

11 MR. MOCCHIONE: You got it. I'll forward you some
12 stuff tomorrow morning. But in the meantime, I have just --

13 MAYOR SCARPELLI: Madam Clerk, can you make copies
14 of those and have them distributed?

15 MR. MOCCHIONE: Like I said, I'll forward some of
16 that information over tomorrow morning. Thank you for
17 hearing me out.

18 MAYOR SCARPELLI: Thank you for coming out
19 tonight.

20 COMMISSIONER EVANS: I do have a question.

21 MAYOR SCARPELLI: Sure.

22 COMMISSIONER EVANS: You mentioned that -- you
23 said the majority of Ringwood does not get its water. Where
24 do you get your water from?

25

1 MR. MOCCHIONE: We have municipal wells. And I do
2 believe that our municipal wells get regenerated
3 (indiscernible) through the reservoir. Although I'm not --
4 I have to double-check the documents on that.

5 But I do know personally I have (indiscernible)
6 well, municipal well, which is kind of up the street from
7 me. And they did detect 1,4-dioxane at a very low level in
8 the well. But again, that was something that was not really
9 made public to us. So --

10 COMMISSIONER EVANS: (Indiscernible) mentioned in
11 your comments we receive our water from that reservoir. Is
12 that a correct statement?

13 MAYOR SCARPELLI: Some of that water we do receive
14 from --

15 MR. MOCCHIONE: Thank you.

16 MAYOR SCARPELLI: Anybody else from the public like to be
17 heard tonight?

18 Seeing none, --

19 COMMISSIONER ROGERS: Make a motion we close.

20 MADAM CLERK: Second?

21 UNIDENTIFIED SPEAKER: Aye.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: (No audible response).

1 MADAM CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 MADAM CLERK: And the time is now 7:41.

4 MAYOR SCARPELLI: Goodbye, everybody.

5 (Whereupon, these proceedings were concluded at 7:41

6 PM)

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



Nicole Yawn

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