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TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

)
CONFERENCE SESSION) TRANSCRIPT OF
) PROCEEDINGS:
)

March 7, 2017
7:06 p.m.

BEFORE:

- Commissioner Rogers
- Commissioner Tucci
- Commissioner Evans
- Commissioner Petracco
- Mayor Joseph P. Scarpelli

ALSO PRESENT:

- Alan Genitempo, Esq, Board Attorney

Job No. NJ2560826

Transcribed by: Nicole Yawn

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P R O C E E D I N G S

MADAM CLERK: Board of Commissioners public meeting Tuesday, March 7th, 2017. The time is 7:06.

Pursuant to the requirement of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the December 1st, 2016 issues of the Nutley Sun and the Herald News and the December 2nd, 2016 issues of 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?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commission 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 introduction of an ordinance for, it looks like, parking. The public

1 hearing will be held on April 4th. And then I have a bunch
2 of resolutions tonight, if I can find them. There we go.

3 I have authorize and approve cancellation of
4 \$25,363.31.

5 COMMISSIONER EVANS: That's mine.

6 COMMISSIONER PETRACCO: Oh, Tom, I'm sorry. I was
7 saying I don't usually do them, huh?

8 UNIDENTIFIED SPEAKER: Let's see.

9 COMMISSIONER PETRACCO: Wait a minute. Let me
10 see.

11 COMMISSIONER TUCCI: Cheat you out and they get
12 the wrong (indiscernible).

13 COMMISSIONER PETRACCO: Wow, these are both
14 better.

15 (Laughter)

16 COMMISSIONER PETRACCO: I'm on the bottom. Okay.
17 This sounds more familiar.

18 Award of a contract to GTBM. That's for the E-
19 Ticketing for 45,000 for January 1st, 2017 through December
20 31st, 2017, approving participation with the 2017 State of
21 New Jersey Safe and Secure Communities Grant, approving the
22 municipal clerk to sign an executive -- to sign and execute
23 -- I'm sorry -- the New Jersey Fire Fighter Exempt
24 Association application.

25 THE CLERK: Oh, okay.

1 COMMISSIONER PETRACCO: I have --

2 THE CLERK: (Indiscernible).

3 COMMISSIONER PETRACCO: Yeah. Pursuant -- oh,
4 this is the award of contract to Scarinci, Hollenbeck for
5 labor counsel. And then I have the settlement agreement
6 between the town of Nutley and the PBA Local 33. And that's
7 all I have.

8 MAYOR SCARPELLI: Commissioner Evans?

9 COMMISSIONER EVANS: I have three resolutions.
10 One is cancellation of a balance for 39 Franklin Avenue
11 related to the bankruptcy that we talked about previous
12 meeting. I have a water refund for \$33 for an overpayment
13 of a water charge. And then I have an award of contract for
14 Millennium Strategies for their grant writing services.

15 We did an RFP. We got one response from
16 Millennium, and the contract value is the same as it was the
17 previous year. There's no change in the value of the
18 contract.

19 MAYOR SCARPELLI: That's it?

20 COMMISSIONER EVANS: Uh-huh.

21 MAYOR SCARPELLI: Commissioner Rogers?

22 COMMISSIONER ROGERS: I have three resolutions,
23 one to authorize shared service agreement with the Board of
24 Education of solid and bulk waste removal. The second one
25 is to authorize to execute an agreement with the Township of

1 Montclair health officer. And the third is to declare the
2 month of March as National Women's History Month. And
3 that's all I have.

4 MAYOR SCARPELLI: I have the water ordinance we
5 looked at last meeting and we moved to this meeting. There
6 was some minor changes in that. The most noted is changing
7 the minimum charge to \$14.24.

8 MAYOR SCARPELLI: Where am I? Oh, it's just one,
9 authorize and approve various raffle license applications.

10 Madam Clerk?

11 MADAM CLERK: Yes, Mayor. For us -- I'm missing
12 that page. Sorry. We have some correspondence from Holy
13 Family Church. They'd like to hold some -- their Italian
14 Festival on September 21st. And then there's going to be an
15 event application for the Annual Memorial Day Parade on
16 Monday, May 29th, 2017. And that's it.

17 MAYOR SCARPELLI: Counselor?

18 MR. GENITEMPO: Although I have some executive,
19 there is one thing that's in your packet is a draft of the
20 amendments to the Historic Preservation Ordinance. I'd just
21 ask that if you'd take a look at it so we can ultimately put
22 it on the agenda for introduction. It's been -- we took the
23 previous draft and we've really done a complete overhaul of
24 it, I think, in terms of providing due process to those
25 whose properties are sought to be declared as historic

1 sites. And this has been vetted through Diana McGovern and
2 Barry Kozyra, who have helped me with the draft. I know
3 it's been presented to the Planning Board, who does the
4 master plan review, and they have a copy of it. So if you'd
5 take a look.

6 What we did was we tried to incorporate a lot of
7 the notice provisions, so almost like a typical variance
8 application, but also, you know, giving people an
9 opportunity to appear before the Historic Preservation
10 Society if their property is sought to be considered
11 historic. So they'll have a chance to address them at that
12 and also to address them at the Planning Board.

13 If a property is declared historic by the Planning
14 Board after due process and a hearing, that the homeowner or
15 business owner, whatever type of building, would have a
16 right to appeal. And there's a penalty if you fail to
17 comply in terms of your property. And there's also a
18 provision for doing repairs to your property that -- a
19 property that's already been deemed a historic site. It's
20 all contained in --

21 COMMISSIONER TUCCI: So this is a new ordinance?

22 MR. GENITEMPO: It's replacing --

23 COMMISSIONER TUCCI: Because I only see one
24 redline section.

25 MR. GENITEMPO: Yeah, I don't know --

1 COMMISSIONER TUCCI: I thought that was the only
2 change.

3 MAYOR SCARPELLI: No.

4 MR. GENITEMPO: No, there's --

5 COMMISSIONER TUCCI: I don't know what that is.

6 MAYOR SCARPELLI: You know what? If you saw
7 the one with all the changes, --

8 MR. GENITEMPO: There's been about -- it's
9 impossible to read.

10 MAYOR SCARPELLI: Maybe we should get that.

11 MR. GENITEMPO: There's ten -- we did ten
12 different -- we went through ten different versions. So
13 it's kind of -- I can try to give you the --

14 MAYOR SCARPELLI: That was --

15 MR. GENITEMPO: I'll give you the original.

16 MAYOR SCARPELLI: That was the one that came
17 out of the change at the Planning Board level. There was
18 one change at the Planning Board level. Previous to the old
19 ordinance, there was -- how many did you say? Ten? Ten
20 revisions between --

21 MR. GENITEMPO: How many iterations? At least
22 ten, at least.

23 MAYOR SCARPELLI: Between Mr. Genitempo, Mr.
24 Kozyra, and Mrs. McGovern.

25 MR. GENITEMPO: That was just --

1 MAYOR SCARPELLI: We had our --

2 COMMISSIONER TUCCI: Oh, so it was a legal
3 thing?

4 MR. GENITEMPO: That was --

5 UNIDENTIFIED SPEAKER: Oh, yeah.

6 COMMISSIONER TUCCI: I'm sorry.

7 MR. GENITEMPO: That just the last --
8 Commissioner, that was the last --

9 COMMISSIONER TUCCI: I can't imagine ten
10 iterations of this.

11 MR. GENITEMPO: Yeah, I know. That was the --
12 believe me, we went through a lot.

13 COMMISSIONER TUCCI: Well, it's important. Ten?
14 Ten versions?

15 COMMISSIONER EVANS: Yeah, I think we -- all the
16 notice provisions, the hearing provision, you know, those
17 are all new.

18 COMMISSIONER TUCCI: Okay.

19 COMMISSIONER EVANS: So there's like large
20 sections of it. When I read through it, those are the
21 things that I -- that came out to me.

22 MAYOR SCARPELLI: We should -- we should get the
23 other version.

24 MR. GENITEMPO: Yeah, of course, I'll email both
25 versions to everybody. It's just that it's hard to read in

1 redline, harder to read than if you just read it and then
2 compare to the other one.

3 MAYOR SCARPELLI: Okay.

4 MR. GENITEMPO: It's just almost impossible,
5 because we move things around. And it's totally -- it's
6 totally changed. But it's -- the main part of it is still
7 the same in terms of the purpose. I think you'll be
8 clarified a little bit more.

9 MAYOR SCARPELLI: It's really the notice
10 provisions that you guys worked on the most?

11 MR. GENITEMPO: That was the biggest part. That
12 was the goal going in.

13 MAYOR SCARPELLI: Giving notice that -- not only
14 at the committee hearing, but also at the Planning Board
15 hearing. Okay.

16 COMMISSIONER PETRACCO: Giving what type of notice?

17 MAYOR SCARPELLI: Where they have to give
18 written notice to the people whose property they're
19 considering to make historic. Where in the past, it wasn't
20 really that clear and we ran into a problem.

21 COMMISSIONER TUCCI: So it's not a voluntary --

22 MR. GENITEMPO: The historic preservation --

23 COMMISSIONER TUCCI: -- exercise?

24 MR. GENITEMPO: There's a committee that meets
25 first.

1 COMMISSIONER EVANS: My exact question.

2 MR. GENITEMPO: And they make a recommendation to
3 the -- to the Planning Board. And then they have a right to
4 appear at that meeting. And then if it still gets
5 recommended to the Planning Board that there be a
6 designation, then you have a right to contest it at that
7 level, if you're the homeowner.

8 If you volunteer, then it's no problem.

9 COMMISSIONER TUCCI: So we're going to tell them
10 that they have an historic -- people that they have an
11 historic property? And if they want to appeal it, --

12 COMMISSIONER EVANS: Planning Board.

13 COMMISSIONER TUCCI: -- then they have to go to the
14 Planning Board to --

15 MR. GENITEMPO: No, that's where the original
16 hearing will be. The first hearing is not really a hearing.
17 It's a meeting of the Historic Society.

18 COMMISSIONER TUCCI: Right, right.

19 MR. GENITEMPO: You get to meet with them and
20 discuss what they want to do.

21 COMMISSIONER EVANS: Yeah, yeah.

22 MR. GENITEMPO: If they still want to recommend
23 making the property historic, then they'd file a
24 recommendation with the Planning Board. The Planning Board
25 then has to give notice to the owner of when the hearing is

1 going to be held. Then you have a right to go to the
2 hearing and contest it.

3 COMMISSIONER TUCCI: Okay.

4 MR. GENITEMPO: Because we had a problem with --

5 COMMISSIONER PETRACCO: So what happens if a
6 homeowner -- their house is being --

7 COMMISSIONER EVANS: You're raising the same
8 question I did.

9 COMMISSIONER PETRACCO: -- for historic and they
10 don't want it historic?

11 COMMISSIONER EVANS: All right. Don't you
12 remember like in the earlier round of this, it was sort of
13 all voluntary?

14 COMMISSIONER TUCCI: Yes, I do remember that.

15 COMMISSIONER PETRACCO: Right?

16 COMMISSIONER TUCCI: And that's why -- that's
17 why I asked that question.

18 COMMISSIONER EVANS: Because I remember --

19 MAYOR SCARPELLI: But it wasn't.

20 COMMISSIONER EVANS: Comparing, --

21 MAYOR SCARPELLI: Whatever ordinance we had
22 on the books, it wasn't voluntary at all.

23 COMMISSIONER EVANS: Whatever we -- then I
24 remember that didn't -- that language never made it.

25 UNIDENTIFIED SPEAKER: Right, yeah.

1 COMMISSIONER TUCCI: No, that never made it to
2 print.

3 COMMISSIONER EVANS: Right.

4 COMMISSIONER TUCCI: Okay.

5 MAYOR SCARPELLI: And then when the bank
6 property came up, --

7 COMMISSIONER PETRACCO: I remember that one.

8 MAYOR SCARPELLI: Right? The bank property
9 came up and was brought up with really no notice to the
10 bank, besides, "Oh, by the way, we're thinking of making
11 your property historic." They ran into some problems. And,
12 you know, one of the questions I asked at that time is the
13 bank onboard with this. And I got kind of a 50/50 answer.

14 COMMISSIONER TUCCI: I remember that, yeah, uh-
15 huh.

16 MAYOR SCARPELLI: Well, we told them about
17 it.

18 COMMISSIONER TUCCI: Or one of those political
19 answers.

20 UNIDENTIFIED SPEAKER: But --

21 COMMISSIONER PETRACCO: What are those?

22 COMMISSIONER TUCCI: With all due respect to
23 everyone sitting at the table.

24 COMMISSIONER PETRACCO: What are those?

25 (Laughter)

1 MAYOR SCARPELLI: I didn't get the right
2 answer.

3 COMMISSIONER TUCCI: So does this -- does this --
4 in your professional opinion, will this have an impact on
5 property values if people are restricted to do certain things
6 and only use similar in appearance and size materials?

7 ALAN GENITEMPO: Well, they already were. They
8 already were. That was in there before.

9 COMMISSIONER TUCCI: Right.

10 MR. GENITEMPO: So this gives them greater power to
11 oppose that.

12

13 COMMISSIONER TUCCI: Oh, so we're --

14 MR. GENITEMPO: So if I want to paint my house,
15 for example, I'm already historic. I don't think I am, but
16 if I was and I wanted to paint my house.

17 COMMISSIONER TUCCI: It's already a beautiful
18 house. But go ahead.

19 MR. GENITEMPO: Well, thank you. And I wanted to
20 paint my house and it was under the -- I'd have to get
21 approval to paint it a certain color. And if I -- if I
22 didn't agree with the determination of the committee, then I
23 could appeal to -- I could go to the Planning Board. And if
24 I lost there, I could appeal even further.

25 COMMISSIONER PETRACCO: To where?

1 COMMISSIONER EVANS: Okay, what about interior
2 renovation?

3 ALAN GENITEMPO: Court.

4 COMMISSIONER TUCCI : Superior court.

5 MR. GENITEMPO: Interior renovations aren't
6 covered.

7 COMMISSIONER EVANS: So we're basically putting
8 historic preservation ordinance that basically covers the
9 shell of the house?

10 MR. GENITEMPO: Uh-huh.

11 COMMISSIONER EVANS: But is -- but we're not
12 preserving anything in the house?

13 MR. GENITEMPO: Correct.

14 COMMISSIONER EVANS: Because you can modernize and
15 do what you want on the inside?

16 MR. GENITEMPO: Right.

17 COMMISSIONER TUCCI: Are we voting on this
18 tonight?

19 MAYOR SCARPELLI: No, no.

20 MR. GENITEMPO: No, just to take a look at it.

21 UNIDENTIFIED SPEAKER: We're not even --

22 MAYOR SCARPELLI: Just take a look at it,
23 just (indiscernible).

24 MR. GENITEMPO: I'll shoot everyone --

25 COMMISSIONER TUCCI: Only because on its face,

1 it sounds a little heavy-handed to me. But I'll --

2 MR. GENITEMPO: Well, if you read it --

3 COMMISSIONER TUCCI: -- reserve my comments
4 until --

5 MAYOR SCARPELLI: It's not as heavy-handed as
6 the original.

7 COMMISSIONER EVANS: Think about it this way.

8 COMMISSIONER TUCCI: Well then, the original
9 was, I'm sure, flawed.

10 COMMISSIONER EVANS: Right, yeah.

11 MAYOR SCARPELLI: It was.

12 COMMISSIONER TUCCI: Because what our
13 understanding was and what got translated to print may not
14 have been the same thing.

15 COMMISSIONER EVANS: Right.

16 UNIDENTIFIED SPEAKER: But no, and maybe --

17 COMMISSIONER PETRACCO: I mean, I think one --
18 just like just one quick recommendation. Because I always
19 thought they were recommendations, Al. I didn't know that
20 they were going to court and all that stuff.

21 But if a house is going to transfer in to a new
22 buyer and that -- if we say that there's 100 houses that are
23 historic in Nutley. And as they transfer, we say look, you
24 know, if you're going to buy this house, these are the new
25 guidelines on it. Then you give the buyer an option at that

1 time to say you know what, I don't want to be regulated by
2 these rules.

3 But for somebody to have a house like that and all
4 of a sudden, we start changing the rules, you know, I think
5 is going to create a lot of problems for a lot of -- a lot
6 of people.

7 COMMISSIONER ROGERS: But what doesn't -- what
8 doesn't make sense to me is that you're only -- you're
9 preserving the outside. I mean, when you talk about
10 historical preservation, it should be the entire home.

11 COMMISSIONER PETRACCO: Yeah.

12 MAYOR SCARPELLI: Well, part of --

13 COMMISSIONER ROGERS: I mean, you could have 300-
14 year-old, you know, mantle in there or something. Are they
15 going to say --

16 COMMISSIONER PETRACCO: Right.

17 COMMISSIONER ROGERS: -- it's okay to tear that
18 down. What's so historical about it if you just have the
19 shell and not the, you know, --

20 COMMISSIONER PETRACCO: Right.

21 COMMISSIONER ROGERS: I think we've got to think
22 about it.

23 MR. GENITEMPO: Well, part of the problem is that,
24 obviously, --

25 COMMISSIONER EVANS: You'll see that in there,

1 too.

2 MR. GENITEMPO: -- historic buildings aren't
3 suited for -- or meet code currently, electrical and
4 plumbing. So there's no way that you can recreate an
5 inside. You could try in terms of the look, but you're
6 going to violate the bounds of what it was originally, the
7 historic nature of it.

8 COMMISSIONER ROGERS: Yeah.

9 MR. GENITEMPO: So I think that's why -- and
10 again, I didn't write that part of it.

11 COMMISSIONER ROGERS: Yeah, right.

12 MR. GENITEMPO: That's been in existence. And
13 this follows the statute, so it's not like we're recreating
14 the wheel here. So what I'll -- why don't I do this? I'll
15 get you the statute. I'll give you the old one and the new
16 one.

17 Listen, you guys have the right to not have any
18 historic preservation ordinance, if you want. That's, you
19 know, up to -- your choice. So -- but we try to improve it
20 for notice with reasons for people who would be subject to
21 it.

22 COMMISSIONER TUCCI: Right. And if there are
23 ten versions, you are all to be commended for that.

24 MR. GENITEMPO: No, don't -- wait 'til you read
25 it. Then tell me.

1 COMMISSIONER TUCCI: I don't know. I'm not saying
2 that I agree with it. I'm saying you're going to be
3 commended for going through ten versions.

4 MR. GENITEMPO: Well, thanks. It was rough.

5 COMMISSIONER PETRACCO: Do we need any executive
6 sessions?

7 MR. GENITEMPO: We do.

8 COMMISSIONER TUCCI: Yes.

9 COMMISSIONER PETRACCO: Okay. So I needed a
10 minute at one of them for -- I guess it would be called a
11 contract, Alan.

12 MR. GENITEMPO: Okay.

13 COMMISSIONER PETRACCO: Actually, two of them.

14 MR. GENITEMPO: I have -- I have litigation on the
15 COAH I need to talk about contracts on cell tower and some
16 personnel.

17 COMMISSIONER TUCCI: And potential litigation.

18 MR. GENITEMPO: And -- there is another potential
19 litigation. Thank you.

20 COMMISSIONER TUCCI: You didn't know I was
21 practicing law.

22 MR. GENITEMPO: Yeah.

23 MAYOR SCARPELLI: Motion?

24 COMMISSIONER PETRACCO: Move it.

25 COMMISSIONER TUCCI: Second.

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

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

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

11 NOW, therefore, be it resolved by the Board of
12 Commissioners of the Township of Nutley will move into
13 closed executive session to discuss contracts, litigation,
14 personnel, potential litigation.

15 Did I get everything, Alan?

16 MR. GENITEMPO: That's it, yeah.

17 MADAM CLERK: BE IT FURTHER RESOLVED that the time
18 when such discussion may be disclosed to the public shall be
19 when and that such disclosure may be made without adversely
20 affecting the Township of Nutley pending and/or anticipated
21 legal personnel, contractual matters, and other matters
22 within exceptions provided for by statute.

23 Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: 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 MADAM CLERK: The time is 7:21.

9 (Recessed to executive session)

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TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS :
)

March 7, 2017
8:55 p.m.

BEFORE :
Commissioner Rogers
Commissioner Tucci
Commissioner Evans
Commissioner Petracco
Mayor Joseph P. Scarpelli

Transcribed by: Nicole Yawn

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P R O C E E D I N G S

(Pledge of Allegiance)

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Thank you, Mayor.

Board of Commissioners public meeting Tuesday,
March 7, 2017. The time is 8:55.

Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the December 1st, 2016 issues of the Nutley Sun and the Herald News and the December 2nd, 2016 issues of 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?

COMMISSIONER TUCCI: Here.

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: Can we have a moment of

1 silence for one of our town workers who passed away this
2 past week, Kim Sposato?

3 (Moment of Silence)

4 MAYOR SCARPELLI: Thank you.

5 MAYOR SCARPELLI: Correspondence and
6 communication, Madam Clerk?

7 MADAM CLERK: Thank you, Mayor. We have Holy
8 Family Church has submitted an event application to hold
9 their 26th Annual Italian Festival for Thursday, September
10 21st, 2017 through Sunday, September 24th, 2017.

11 COMMISSIONER TUCCI: Move it.

12 COMMISSIONER PETRACCO: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 MADAM CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 MADAM CLERK: Holy Family Church has also
24 requested permission to hold a Sunday raffle on September
25 24, 2017 at 9:00 p.m. and on December 31st, 2017.

1 COMMISSIONER TUCCI: Move it.

2 COMMISSIONER EVANS: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: 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 MADAM CLERK: The Nutley/Belleville Columbus Day
14 Parade and Italian Heritage Month Committee, Inc. is
15 requesting permission to hold a Sunday raffle on April 30th,
16 2017 between 2:00 p.m. and 6:00 p.m. at the Nutley Parks and
17 Recreation Building and on October 8th, 2017 between 2:00
18 p.m. and 6:00 p.m. at John H. Walker Middle School.

19 COMMISSIONER TUCCI: Move it.

20 COMMISSIONER EVANS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 MADAM CLERK: And the last is Mayor Scarpelli has
7 submitted an event application to hold the 98th Annual
8 Memorial Day Parade on Monday, May 29th, 2017 from 10:00
9 a.m. to 1:00 p.m.

10 COMMISSIONER TUCCI: Move it.

11 COMMISSIONER EVANS: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 MADAM CLERK: And that's it for communications,
23 Mayor.

24 MAYOR SCARPELLI: Reports?

25 Commissioner Tucci?

1 COMMISSIONER TUCCI: Yes, I have a shade tree
2 report for the month of February.

3 MAYOR SCARPELLI: Bills, Madam Clerk?

4 MADAM CLERK: Yes, Mayor. Bill list for Tuesday,
5 March 7, 2017. Public Affairs, \$81,371.69; Revenue and
6 Finance, \$2,440,487.23; Public Safety, \$144,897.92; Public
7 Works, \$151,654.54; Parks and Public Property, \$733,817.72.
8 Total payroll, \$797,181.55, for a grand total of
9 \$4,349,410.65.

10 COMMISSIONER EVANS: Move the bills.

11 COMMISSIONER ROGERS: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

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

23 MAYOR SCARPELLI: Thank you, Madam Clerk.

24 Public comment on agenda items only?

25 Madam Clerk, read the notice.

1 MADAM CLERK: Yes, Mayor.

2 All persons addressing the Board of Commissioners
3 regarding community concerns should approach the microphone
4 and provide their name and address for the record. Unless
5 further time is granted by the board, each person shall
6 limit their address to three minutes. All remarks of the
7 board and its individual members must be addressed to the
8 mayor.

9 The mayor may defer citizens' comments to the
10 appropriate member of the board. Dialogue between citizens
11 and others addressing the board shall be allowed, unless the
12 mayor or presiding officer or the majority of the membership
13 of the board shall determine that the interests of decorum
14 and/or the expeditious conduct of municipal business are
15 being adversely affected by such dialogue.

16 MAYOR SCARPELLI: Would anybody like to address
17 the board on agenda items only?

18 Seeing none, can I have a motion to close the
19 public comment?

20 COMMISSIONER PETRACCO: Move it.

21 COMMISSIONER ROGERS: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: 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 Board of Commissioner announcements?

8 Any announcements, Commissioners?

9 COMMISSIONER ROGERS: I have none, Mayor. Thank
10 you.

11 COMMISSIONER ROGERS: I have a lot, but I'm not
12 going to announce it here.

13 (Laughter)

14 COMMISSIONER PETRACCO: I have to say something.
15 Commissioner Tucci is going to chime in on this. I have to
16 say I think that was the coldest, not only St. Patrick's
17 Parade -- coldest parade, period, I ever marched in in my
18 life. And a few times when I wanted to quit, I have to say
19 I compliment my elder over there for pushing me through.

20 You did a great job.

21 COMMISSIONER TUCCI: He's very kind, and I have my
22 Irish tie on tonight, President McEnery, to salute
23 everyone and congratulate you and your organization on
24 another great parade. And like Commissioner Petracco said,
25 it was very, very cold. I can't remember a St. Patrick's

1 Day Parade where we had colder weather. But nonetheless,
2 the crowds were there. The people were there. It was a
3 great parade. And thank you for doing it for us once again.

4 COMMISSIONER EVANS: Yep.

5 MAYOR SCARPELLI: I have to concur that it was a
6 great parade. My legs are sore from shivering, but the
7 crowds -- the crowds were out and the festivities were great
8 afterwards. So thank you to the Nutley Irish and to
9 President McEnergy.

10 COMMISSIONER EVANS: Given my recovery from my
11 surgery, it was prudent for me to stay home, given the cold
12 weather. But I do want you to know that while I was having
13 a cup of tea at home, I only had happy thoughts for you
14 guys.

15 (Laughter)

16 MAYOR SCARPELLI: Thank you, Commissioner.

17 COMMISSIONER ROGERS: Ditto everyone else here, Tom. Good
18 job.

19 COMMISSIONER PETRACCO: Great job.

20 MAYOR SCARPELLI: Ordinance introductions?
21 Commissioner Petracco?

22 COMMISSIONER PETRACCO: Yes, I have an ordinance
23 Introduction No. 3353, an ordinance to amend an ordinance
24 codified in the Code of the Township of Nutley, Chapter 228
25 entitled, "Vehicles and Traffic," particularly Article II,

1 parking on certain streets; Section 14, entitled, "Parking
2 Prohibited During Certain Hours to add to the locations set
3 forth. This is actually on River Road across the street
4 from -- or, I'm sorry -- right by Sleepy Hollow.

5 I move that this ordinance is passed to a second
6 reading and advertised in the Nutley Sun, together with the
7 notice required by law that further consideration of said
8 ordinance for final passage by the Board of Commissioners be
9 held at its second reading on --

10 MADAM CLERK: April 4th.

11 COMMISSIONER PETRACCO: -- April 4th. Thank you.

12 I move the ordinance.

13 COMMISSIONER ROGERS: Second.

14 MADAM CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: 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 Resolutions?

25 Commissioner Rogers?

1 COMMISSIONER ROGERS: Resolution 5817, WHEREAS,
2 the Uniformed Shared Services and Consolidation Act of
3 N.J.S.A. 40:A65-1 authorizes public entities to enter into a
4 contract with each other to subcontract any service which
5 one of the parties to the agreement is empowered to render
6 within its own jurisdiction; and

7 WHEREAS, both the Township and the Board of
8 Education are of the opinion that the consolidation of solid
9 and bulk waste removal services for both entities through a
10 joint agreement for the use of such services is an effective
11 way of reducing costs; and

12 WHEREAS, the Township and the Board of Education
13 are both authorized to procure solid and bulk waste removal
14 services; and

15 WHEREAS, the Board of Education will pay the
16 Township \$12,500.00 per year as reimbursement for its share
17 of the solid and bulk waste removal costs;

18 NOW, THEREFORE, BE IT RESOLVED, by the Board of
19 Commissioners, Township of Nutley, County of Essex, State of
20 New Jersey, that this resolution serves to memorialize a
21 shared services agreement for solid and bulk waste removal
22 entered into by the Township of Nutley and the Board of
23 Education on November 1st, 2014 and will expire October 31st,
24 2019.

25 So moved.

1 COMMISSIONER PETRACCO: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 COMMISSIONER ROGERS: Resolution 59-17, WHEREAS,
13 the Uniformed Shared Services and Consolidation Act of
14 N.J.S.A. 40:A65-1 (inaudible) with each other to subcontract
15 any service (inaudible) both the Townships of Nutley and
16 Montclair are of the opinion that the consolidation of health
17 (inaudible); and

18 (Inaudible audio)

19 COMMISSIONER ROGERS: (Inaudible) best interest of
20 the (inaudible).

21 (Inaudible audio)

22 COMMISSIONER ROGERS: \$10,174 (inaudible) \$10,480
23 (inaudible) \$10,794 (inaudible).

24 NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners,
25 Township of Nutley, County of Essex, State of

1 New Jersey that the Mayor and the Township Clerk
2 (inaudible).

3 COMMISSIONER PETRACCO: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: 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 COMMISSIONER ROGERS: WHEREAS, in 1988, the month
15 of March was designated (inaudible) that the Board of
16 Commissioners (inaudible) the month of March as National
17 Women's (inaudible) business (inaudible) that the Board of
18 Commissioners (inaudible).

19 (Inaudible audio)

20 COMMISSIONER ROGERS: So move.

21 COMMISSIONER PETRACCO: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Before I cast my vote -- I
24 know I said this before, but it's certainly worth mentioning
25 again. That I can remember in elementary school and high

1 school -- perhaps most of us can remember when we read
2 history, especially during the World War II era. We read
3 about guys, you know, men fighting the war in the
4 battlefields and in Europe.

5 And then I'd say about a year or so ago, my mother
6 had given me a certificate that she got from a New York
7 factory. And I'm looking at it, and it was from the
8 Department of Defense. And it was, you know, 1940
9 something. And I said, "Mom, what's this?" She says,
10 "Well, while your father and while others were overseas
11 fighting, we not only raised the families, but we were in
12 the factories at night welding the walkie-talkies and
13 building the tanks and building the Jeeps."

14 And I said, "Well, who were in the factories?"
15 They were all women, all women. And it's something that has
16 been lost in history. And so, I'm really proud to be part
17 of maybe heightening the awareness of what women have done
18 in our country and for our country.

19 So I vote yes.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Yes.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Yes.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: I would just like to

1 congratulate Commissioner Rogers on that announcement.

2 And I know all the things that you do for the
3 women and the veterans, Steve. And it's really heartfelt
4 that we have somebody in that office really, really
5 recognizing the people who should have -- should be
6 recognized. And I'll tell you that was really when America
7 was great was back then when our grandparents were in those
8 factories fighting for the common cause, to keep America
9 great. So thank you for all your hard work.

10 I vote aye.

11 COMMISSIONER ROGERS: Thank you, Commissioner.
12 Thank you. That's why we're making America great again.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 (Laughter)

16 MAYOR SCARPELLI: Commissioner Evans?

17 COMMISSIONER EVANS: Could we have a moment of
18 silence for that last comment?

19 (Laughter)

20 COMMISSIONER EVANS: WHEREAS, there exists an open
21 municipal lien on property known as Block 9002, Lot 13,
22 known as 39 Franklin Avenue, in the amount of \$43,170.81;
23 and

24 WHEREAS, the amount of \$23,170.81 has been
25 discharged as part of a Chapter 11 Bankruptcy filing; and

1 WHEREAS, the first quarter 2017 property taxes
2 have been billed in the amount of \$3,807.26; and

3 WHEREAS, the amount of \$2,192.50 has been
4 discharged as part of a Chapter 11 Bankruptcy filing;

5 NOW, THEREFORE, BE IT RESOLVED, by the Board of
6 Commissioners of the Township of Nutley, County of Essex,
7 State of New Jersey, that charges totaling the amount of
8 \$25,363.31 be and are hereby cancelled on the property known
9 as Block 9002, Lot 13, 39 Franklin Avenue, in accordance
10 with the bankruptcy notice of discharge.

11 So moved.

12 COMMISSIONER TUCCI: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 MADAM CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 COMMISSIONER EVANS: BE IT RESOLVED, by the Board
24 of Commissioners of the Township of Nutley, in the County of
25 Essex, State of New Jersey, that the treasurer be and she

1 is hereby authorized to refund overpayment of water charges
2 of \$33.99 for Block 2304, Lot 12.

3 So moved.

4 COMMISSIONER TUCCI: Second.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER EVANS: WHEREAS, the Township of
16 Nutley has a need to acquire grant consulting services
17 through a fair and open process pursuant to N.J.S.A. 19:44-
18 20.05; and

19 WHEREAS, Millennium Strategies, LLC 60 Roseland
20 Avenue, Caldwell, New Jersey 07006 has completed and
21 submitted a Request for Qualifications for Grant Consulting
22 Services which complies with the provisions of N.J.S.A
23 19:44A-20.5; and

24 WHEREAS, the Township has formed a committee to
25 consider all proposals based upon a range of criteria,

1 including technical, management and cost; and

2 WHEREAS, based upon the recommendation of the
3 committee, Millennium Strategies provides the best overall
4 service to the Township; and

5 WHEREAS, the term of this contract is for 12
6 months, from January 1, 2017 through December 31st, 2017,
7 for a total not to exceed \$39,996;

8 Just a note, this is the same amount, dollar
9 amount, as the previous (inaudible), no increase.

10 WHEREAS, funds are available in Account No. 7-01-
11 209-205 (subject to adoption of the 2017 municipal budget)
12 and will be certified by the chief financial officer, said
13 certification being attached to this resolution; and

14 NOW, THEREFORE, BE IT RESOLVED by the Board of
15 Commissioners of the Township of Nutley, county of Essex,
16 state of New Jersey, as follows:

17 A contract shall be entered into between the
18 Township of Nutley and Millennium Strategies LLC,
19 60 Roseland Avenue, Caldwell, New Jersey, grant consulting
20 services.

21 A copy of this resolution as well as the contract
22 shall be placed on file with the township clerk.

23 So moved.

24 COMMISSIONER TUCCI: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: 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: Thank you.

11 MAYOR SCARPELLI: Thank you, Commissioner.

12 Commissioner Petracco?

13 COMMISSIONER PETRACCO: Yes, thank you, Mayor.

14 I'm just going to read these by titles to save a little
15 time. This is Resolution No. 61-17. This is for our police
16 department to acquire some software. So I'll move the
17 Resolution 61-17.

18 COMMISSIONER ROGERS: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 COMMISSIONER PETRACCO: The next one I have is
5 (inaudible) -17. This is a resolution approving
6 participation with the state of New Jersey Federal Grant
7 Program administrated by the Division of Criminal Justice
8 and the Department of Law and Public Safety.

9 I move the resolution.

10 COMMISSIONER ROGERS: Second.

11 MADAM CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: 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 COMMISSIONER PETRACCO: This one I'll read in
22 full, Resolution 63-17.

23 WHEREAS, the Appointing Authority of the Public
24 Safety Department has granted permission to the municipal
25 clerk to sign and execute the New Jersey Fire Fighter

1 Exemption -- the Fire Fighter Exempt Association application
2 for submission on behalf of the Department of Public Safety;
3 and

4 WHEREAS, the Director of Public Safety, as the
5 appointing authority shall provide written confirmation for
6 each application to be submitted to the New Jersey Fire
7 Fighter Exempt Association; and

8 NOW, THEREFORE BE IT RESOLVED, by the Board of
9 Commissioners of the Township of Nutley, County of Essex,
10 State of New Jersey that the Township of Nutley hereby
11 appoints the Municipal Clerk to sign and execute said
12 applications.

13 I move the resolution.

14 COMMISSIONER ROGERS: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: 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 PETRACCO: This next ordinance -- I'm

1 sorry. Excuse me. Next Resolution 64-17.

2 WHEREAS, the Township of Nutley Department of
3 Public Safety has a need to acquire the services of
4 labor counsel as a non-fair and open contract pursuant to
5 the provisions of N.J.S.A. 19:44A-20.4, as appropriate; and

6 WHEREAS, the Director of Public Safety has
7 determined and certified in writing that the value of this
8 acquisition will exceed \$17,500; and

9 WHEREAS, the anticipated term of the contract is
10 January 1st, 2017 through December 31st, 2017 and may be
11 extended as approved by this governing body; and

12 WHEREAS, the law offices of Scarinci and
13 Hollenbeck, LLC, 1100 Valley Brook Avenue, Lyndhurst, New
14 Jersey, has submitted a proposal indicating they provide
15 labor counsel at a rate of \$125 per hour; and

16 WHEREAS, the firm of Scarinci and Hollenbeck has
17 completed a business entity disclosure certification,
18 which certifies that the firm has not made any reportable
19 contributions to a political or candidate's committee in the
20 Township of Nutley in the previous one year, and that the
21 contract prohibits the firm of Scarinci and Hollenbeck
22 from making any reportable contributions through the term of
23 the contract; and

24 WHEREAS, funds are available from Account 7-01-
25 012-205 not to exceed 75,000 and will be appropriated in the

1 2017 budget, and have been certified by the chief financial
2 officer, said certification being attached to this
3 resolution; and

4 NOW THEREFORE, BE IT RESOLVED that the Board of
5 Commissioners of the Township of Nutley authorizes a
6 contract with the firm of Scarinci and Hollenbeck as
7 described herein; and

8 BE IT FURTHER RESOLVED THAT THE business
9 disclosure entity certification and the determination of
10 value be placed on file with this resolution; and

11 BE IT FURTHER RESOLVED that the notice of this
12 action shall be printed in the Nutley Sun in accordance
13 with the Local Public Contracts Law.

14 Before I move this resolution, Counsel, I just
15 have one question. I'm just looking at this dollar amount
16 that is here. It's not to exceed \$75,000. I know that we
17 went back and forth a little bit with this number today. If
18 we wanted to limit this to 50,000 and if that money ran out,
19 would we be able to then replenish it?

20 MR. GENITEMPO: (Inaudible) because you're
21 (inaudible).

22 COMMISSIONER PETRACCO: No, by limiting it to
23 \$50,000, are we able to do that tonight?

24 MR. GENITEMPO: So you want to make an amendment
25 to the -- to the resolution as it's listed?

1 COMMISSIONER PETRACCO: Yeah, I just want to put a
2 -- instead of 75,000, make it 50,000.

3 MR. GENITEMPO: I think you can do that.

4 COMMISSIONER PETRACCO: Okay. So I want to move
5 this resolution, this amended resolution now, okay. And the
6 only change in it is not to exceed \$50,000.

7 I move that resolution.

8 MR. GENITEMPO: I don't think we have to have the
9 treasure approve it if it's less than the amount that was
10 (inaudible) under -- in the account at 75,000. They should
11 be asked.

12 COMMISSIONER PETRACCO: And then just to be clear,
13 if we needed to go readjust that, we could? If we needed to
14 readjust it just by resolution, it's just another
15 resolution?

16 MR. GENITEMPO: You can -- you can move later to
17 (indiscernible).

18 COMMISSIONER PETRACCO: Perfect. Thank you.

19 COMMISSIONER EVANS: Now, all of this is subject
20 to the adoption of the 2017 budget. So, you know, the
21 answer is --

22 COMMISSIONER PETRACCO: Just the reason why --
23 just you might be wondering why I wanted to do that. It's
24 just because if we -- I think that if we don't need to
25 budget that money, then in our budget and through that and,

1 you know, maybe it minimizes a little (inaudible). If we
2 need, as long as we can get to it, I think that'll be --

3 COMMISSIONER EVANS: And that would be a good
4 conversation.

5 MAYOR SCARPELLI: I think that's a great idea,
6 considering I know what the line item is for our lawyer
7 budget. And the 75 took up the majority of it. So that'll
8 free up some money. So --

9 COMMISSIONER PETRACCO: I know.

10 MAYOR : -- it's appreciated. COMMISSIONER

11 PETRACCO: It used to be in my
12 budget. I remember that.

13 (Laughter)

14 COMMISSIONER PETRACCO: I move the resolution.

15 COMMISSIONER ROGERS: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 MADAM CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

1 COMMISSIONER PETRACCO: Okay. We are tabling our
2 settlement agreement between the Township of Nutley and the
3 PBA Local 33 and the PBA Local 33 superiors tonight. And we
4 are going to continue this meeting on Monday at 7:00 p.m.
5 here at commissioner chambers.

6 That's all I have, Mayor.

7 MAYOR SCARPELLI: Thank you, Commissioner.

8 WHEREAS, raffle applications have been received
9 from the following organizations; Holy Family Catholic
10 Church Rosary Altar Society, License No. 13-17, on-premise
11 license, to be held Saturday, April 22nd, 2017; Nutley Music
12 Boosters, License No. 14-17, and License No. 15-17, to be
13 held Saturday, March 25th, 2017; Holy Family Catholic Church,
14 License No. 16-17, off-premise 50/50 cash raffle and the
15 License No. 17-17, also an off-premise 50/50 cash raffle to
16 be held -- one to be held September 24th, 2017, the other to
17 be held September -- December 31st, 2017.

18 Nutley-Belleville Columbus Day and Italian
19 Heritage Month Parade, License No. 18-17, License No. 19-17,
20 License No. 20-17, 19 to be held April 30, 2017 and 20-17 to
21 be held October 8th, 2017.

22 WHEREAS, the applications have been reviewed and
23 approved by the Municipal Clerk and the Police department;
24 and

25 NOW, THEREFORE BE IT RESOLVED by the Board of

1 Commissioners of the Township of Nutley, County of Essex,
2 State of New Jersey that the aforementioned licenses are
3 approved and the Municipal Clerk is authorized to issue the
4 licenses.

5 I move the resolution.

6 COMMISSIONER TUCCI: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 MADAM CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 As Commissioner Petracco said, we will be
18 continuing this meeting to March 13th at 7 o'clock in the
19 commission chambers, at which time Ordinance No. 3352 and
20 Resolution No. 69-17 will be considered at that time.

21 Madam Clerk, read the --

22 MADAM CLERK: Yes, Mayor.

23 All persons addressing the Board of Commissioners
24 regarding community concerns should approach the microphone
25 and provide their name and address for the record. Unless

1 further time is granted by the Board, each person shall limit
2 their address to five minutes. All remarks to the Board and
3 its individual members must be addressed to the Mayor.

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

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

13 MR. ODRIA: I just need some clarification.
14 Michael Odria, 133 High Street. As to -- where was it?
15 Number -- Commissioner Evans' No. 66-17, authorize and
16 approve the cancellation of \$25,363.31 for property located
17 on 39 Franklin Avenue in accordance with the bankruptcy
18 notice of discharge. These property taxes that are being
19 cancelled -- who's going to pick up the tab? Will it be like
20 the fellow homeowners to help pick up the tab because this
21 property tax bill is not going to be paid?

22 You can answer it, Mr. Scarpelli or Mr. Evans.

23 COMMISSIONER EVANS: In the end, if it needs to be
24 picked up by the remaining taxpayers who are paying taxes,
25

1 yes, there's always a level of delinquency that happens as
2 part of our budget. But in this particular case, this was a
3 bankruptcy proceeding. It was not our intention to write it
4 in. And by court order, we've been ordered to settle the
5 amount for less and have to write off (inaudible).

6 MR. ODRIA: Okay. And my other question is --

7 COMMISSIONER TUCCI: And might I add one thing?
8 That we were fortunate to receive anything. But our
9 counselor was able to negotiate a settlement that gave us
10 something, because through the court order, we really
11 weren't entitled to anything. So, yeah, we hate -- we hate
12 the fact that we had to forgive some of those taxes, but we
13 did, in fact, get some of those taxes back through the work
14 of Commissioner Evans.

15 MR. ODRIA: Can you tell us how much we got back?

16 COMMISSIONER TUCCI: Yes.

17 COMMISSIONER EVANS: Twenty thousand.

18 MR. ODRIA: Okay. And my last question about it
19 -- this property at 39 Franklin Avenue -- was it a home, or
20 was it a business?

21 ALAN GENITEMPO: Commercial property.

22 COMMISSIONER EVANS: Commercial property.

23 MR. ODRIA: So it's a business?

24 COMMISSIONER EVANS: Business.

25 MR. GENITEMPO: Yes.

1 MR. ODRIA: That went out of business?

2 MR. GENITEMPO: The owner of the property went
3 bankrupt -- excuse me. The owner of the property went
4 bankrupt. First went into foreclosure, then it went into
5 bankruptcy. So the property itself was part of the
6 bankruptcy action.

7 The tenant in the building is not relevant. It's
8 the owner of the building that was the issue.

9 MR. ODRIA: Okay.

10 MR. GENITEMPO: So the tenant may stay. But under
11 a new deal with the owner and the bank approved the sale of
12 the property to someone else.

13 MR. ODRIA: All right. Thank you.

14 MAYOR SCARPELLI: Would anybody else like to
15 address the Board of Commissioners this evening?

16 Seeing none, can I have a motion to continue the
17 meeting?

18 COMMISSIONER TUCCI: Could I just make one
19 comment, Mayor, before we -- before we adjourn? And I will
20 be brief.

21 I just want to thank Mayor Scarpelli and
22 Commissioner Petracco for giving this board the courtesy of
23 deferring those two items this evening. We had quite a
24 lengthy session in the back. There were some questions, and
25 they were gracious enough to postpone this. And we will

1 take them up on Monday, where we will get clarity on the
2 issues and, I'm sure, resolve them both.

3 So, gentlemen, I just want to publicly thank you
4 for that.

5 MAYOR SCARPELLI: Thank you, Commissioner.

6 COMMISSIONER EVANS: Thank you.

7 MAYOR SCARPELLI: So could I have a motion to
8 continue the meeting to March 13th at 7:00 p.m.?

9 Is that correct, Madam Clerk?

10 MADAM CLERK: That is correct, Mayor.

11 COMMISSIONER ROGERS: Make a motion.

12 COMMISSIONER PETRACCO: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 MADAM CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 MADAM CLERK: And the time is --

24 MAYOR SCARPELLI: Goodbye, everybody.

25 MADAM CLERK: The time is 9:24.

1 (Whereupon, these proceedings were concluded at 9:24

2 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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