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TOWNSHIP OF NUTLEY, NEW JERSEY  
BOARD OF COMMISSIONERS

)  
PUBLIC MEETING ) TRANSCRIPT OF  
) PROCEEDINGS:  
)

March 13, 2017  
Continued Meeting of  
March 7, 2017

BEFORE:

- Commissioner Steven Rogers
- Mayor Joseph Scarpelli
- Commissioner Mauro Tucci
- Commissioner Alphonse Petracco
- Commissioner Thomas J. Evans

Job No. NJ2574083

P R O C E E D I N G S

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MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Yes, Mayor. Board of Commissioners continued meeting, March 13th, 2017, the time is now 7:10.

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 issue 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: 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: We're going to need a short executive session before we go into public session. Motion to go into executive session?

1 COMMISSIONER TUCCI: Second.

2 MAYOR SCARPELLI: Going into for --

3 MADAM CLERK: Contract negotiations. Okay.

4 Whereas, Section 8 of the Open Public Meeting Act  
5 Chapter 231, Public Law 1975 permits the exclusion of the  
6 public for meeting in certain circumstances. And whereas  
7 the public body is of the opinion that such circumstances  
8 exist. And whereas the Board of Commissioners of the  
9 Township of Nutley, in the County of Essex, in the State of  
10 New Jersey desire to proceed to closed executive session.

11 And now, therefore, be it resolved by the Board of  
12 Commissioners of the Township of Nutley, move into closed  
13 executive session to discuss contract negotiations.

14 Be it further resolved that the time when such  
15 discussions may be disclosed to the public shall be when the  
16 special disclosure may be made without adversely affecting  
17 the Township of Nutley, pending and/or anticipated legal  
18 personnel, contractual matters, and other matters within the  
19 exceptions provided for by statute.

20 Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 (Audio ends)

6 MAYOR SCARPELLI: Public comment on agenda items  
7 only. Do we have to go back on the record, Madam Clerk, or  
8 are we okay?

9 MADAM CLERK: We're okay. Would you like me to  
10 read public comment, Mayor?

11 MAYOR SCARPELLI: Yes. Read the notice.

12 MADAM CLERK: All persons addressing the Board of  
13 Commissioners regarding community concerns should approach  
14 the microphone and provide their name and address for the  
15 record. Unless further time is granted by the Board, each  
16 person shall limit their address to three minutes. All  
17 remarks to the Board and its individual members must be  
18 addressed to the Mayor. The Mayor may defer citizens'  
19 comments to the appropriate member of the board. Dialogue  
20 between citizens and others addressing the Board shall be  
21 allowed unless the Mayor or presiding officer, or the  
22 majority of the membership of the Board, shall determine  
23 that the interest of decorum and/or the expeditious conduct  
24 of municipal business are being adversely affected by such  
25 dialogue.

1           MAYOR SCARPELLI: Would anybody like to address  
2 the Board of Commissioners this evening? Agenda items only.  
3 Seeing none, we'll go to ordinance introductions. This is  
4 ordinance number 3352, an ordinance to amend ordinance 412  
5 of the Code of the Township of Nutley, entitled water and  
6 more specifically, Chapter 685, Article I, regulations and  
7 rates. Public hearing to be held what date, Madam Clerk?

8           MADAM CLERK: It should be April 18th, 2017.

9           MAYOR SCARPELLI: April 18th, 2017. I move that  
10 this ordinance be passed to a second reading advertised in  
11 The Nutley Sun, together with the notice required by law,  
12 and that further consideration of said ordinance for final  
13 passage by the Board of Commissioners to be held at a second  
14 reading on April 18th, 2017. I move the resolution.

15           COMMISSIONER TUCCI: I'll second that.

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 Resolutions. Commissioner Petracco.

2 COMMISSIONER PETRACCO: Yes, thank you. So what  
3 we have here this evening is a settlement agreement between  
4 the Township of Nutley and the PBA Local 33 and the PBA  
5 Local 33 (Superior Officers) as well. This is resolution  
6 69-17.

7 Before I -- I'm not going to read it verbatim, but  
8 what this is doing, it's -- by voting yes on this, we are  
9 giving our police officers the 3 percent increase for the  
10 next four years. We are also agreeing to take away  
11 longevity for some new hires, which there was some confusion  
12 about which I worked hand in hand with our union members  
13 over there.

14 But before I pass the resolution through the  
15 Board, I just want to say that the Nutley police department  
16 has really come a long way with me in the last 9 years of  
17 service to the Township. There was some ups and downs. I  
18 want to -- I always thanked our membership for taking a zero  
19 percent. I think it was back in 2009, which I believe  
20 there's a big compounded effect of that. But there's  
21 absolutely something to say about the longevity piece, what  
22 that will save the residents, but there's no hiding behind  
23 an award of 3 percent either. But I believe, as the  
24 Commissioner of Public Safety, that it's very, very  
25 important to support your police department.

1           Our first step was supporting them with a blue  
2 line down Franklin Avenue. And this is a big, bold step  
3 supporting them with a raise that I feel -- that I wish  
4 there was more that we could do, but under these  
5 circumstances that the Town's facing, this is kind of our  
6 limit. But I can't tell you guys how proud I am of all of  
7 you. I know we have some women in our department. I don't  
8 see any here tonight, and them also.

9           The chief and I have worked really diligently the  
10 last, I guess, three years that Chief Strumolo was in office,  
11 to really give you guys the tools that you need to perform a  
12 job that really keeps our residents safe. And we could see  
13 what's going on in our neighboring communities without naming  
14 any of them of how close the borders are coming.

15           So I will say this tonight, that you know, there's  
16 nothing like being a police officer. I've read reports  
17 through the years. There's a lot of things that you don't  
18 see behind the scenes. I always say to people, friends of  
19 mine or people patronizing my store. You know, if you think  
20 our police department is not working, come there one night  
21 and see what we're bringing in. Go to Court on a Wednesday  
22 morning or afternoon and see what these guys are doing.

23           When you guys are pulling up to -- cars, pulling  
24 cars over and making stops, I know that you don't know what  
25

1 you're getting involved in there. Anything can happen, to  
2 say the least. So this 3 percent increase is just a little  
3 segment to say that your Township does support you and we  
4 want you guys to be -- continue to be proactive, you know,  
5 out there. And, you know, when police officers we know have  
6 a lot of discretion and it's easy to drive by something, but  
7 the Town has taken a bold step to say that we want you to  
8 continue to be proactive and also -- and my closing  
9 statement, what's going on in this country with policing is  
10 a disgrace. And I'm very proud to sit up here. It's very  
11 difficult for me to watch the news and I'm sure it's  
12 difficult for your families to watch the news, because it  
13 seems like nobody is standing behind the police officer  
14 today.

15           And it's very easy for the news to get that little  
16 clip that makes that police officer look bad, but nobody is  
17 showing the full things that are happening through our  
18 country. So in our little slice of heaven here in Nutley, I'm  
19 very proud to say that your police director and our Board  
20 really stand behind you guys and we really, really appreciate  
21 the job that you guys do.

22           So with that being said, I would like to move  
23 resolution 69-17, our settlement agreement between the  
24 Township of Nutley and the PBA Local 33 and the PBA Local 33  
25 (Superior Officers) (indiscernible). I move the resolution.

1 COMMISSIONER TUCCI: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Before I cast my vote, I  
4 certainly second what your Commissioner said. No one knows  
5 the burden that you carry unless they walk in your shoes and  
6 wore that uniform. And as the Commissioner has said that  
7 the problems that police officers are facing today  
8 nationally are horrendous, but all of that's changing thank  
9 goodness. It's changing because men and women like you have  
10 maintained your integrity, still enforce the law. You still  
11 went out and you did your job. Especially in Nutley, we're  
12 very proud to say we still have the finest police department  
13 if not in the state, in the country.

14 I have been advised by counsel, and counsel you  
15 could step in if you want, who has done extensive research  
16 on whether I can participate in this vote. I cannot. It  
17 would be a conflict of interest. I must abide by what  
18 counsel has advised me, so I cannot vote. And therefore,  
19 counsel, I would have to abstain. As that, I abstain.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Coming from a police family  
22 and knowing what we have here in Nutley, and I'm not going  
23 to elaborate on our little slice of heaven. But seeing what  
24 goes on in other places, number one, I want to thank you. I  
25 want to commend you. And it's my privilege to vote yes on

1 this.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Thank you. I hope everyone  
4 recognizes that my family, myself, I have a long history of  
5 supporting police officers and those that do public safety,  
6 and actually all municipal workers for the work that they  
7 do. It's different, but people do a wonderful job. I'm  
8 here tonight with my cane and everything to support this  
9 resolution. The importance, though, is that as we've looked  
10 to our desires to want to be as generous as we can for the  
11 people that serve us and keep us safe, and those that -- who  
12 provide those services, we always have to look at the fact  
13 that are we being fiscally responsible. Can the residents  
14 absorb it? Can they afford it?

15 So I want to thank Commissioner Petracco in  
16 agreeing that we will stay within the 2 percent levy cap. I  
17 recognize that 1 percent of this increase goes to settle  
18 litigation and that I'm very pleased that we will be able to  
19 manage our way through this budget cycle with being able to  
20 extend this increase. Recognize that it stays within the 2  
21 percent cap. It addresses a longer (indiscernible) issue of  
22 longevity.

23 With that, I also want to make sure I thank you  
24 all for the work that you do every day. Thank you. And  
25 even for showing up at my house when my alarm goes off when

1 it's not supposed to. I appreciate that as well. So I vote  
2 yes.

3 COMMISSIONER TUCCI: Is there a charge for that?

4 COMMISSIONER EVANS: Yeah. But I'm sure there  
5 should be one.

6 MADAM CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: I vote aye.

8 MADAM CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: You know, it's no secret and I  
10 talked to Gerard Tusa, I had a little hesitancy with this  
11 contract. It has nothing to do with the men and women in the  
12 Nutley PD and my respect that they -- that I have in them for  
13 protecting our streets and our citizenry.

14 My hesitancy is only worried about jeopardizing  
15 our state aid and staying within the 2 percent  
16 (indiscernible). Commissioner Petracco has assured me that  
17 he can absorb the contract within his budget, not affect the  
18 cap this year and the years to come. I am someone who has  
19 always respected the Commission form of government and I  
20 trust in his judgment in running his department. So I thank  
21 you for your service to our community. I respect all of  
22 you. And I vote yes.

23 (Applause)

24 MAYOR SCARPELLI: There's no other business, so we  
25 will have one more comment period. Madam Clerk?

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

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

17 MR. TUSA: My name is Gerard Tusa. I live at 20  
18 Phyllis Drive, Succasunna, New Jersey.

19 I have the benefit of being the PBA President for  
20 the Nutley Police Department. I was not prepared to speak  
21 tonight, so I apologize for my appearance. I would first  
22 like to thank all of the Commissioners. Commissioner  
23 Petracco, Commissioner Tucci, Commissioner Evans,  
24 Commissioner Rogers, and Mayor Scarpelli. We appreciate it.  
25 We would do our job for a zero, because that's what we do.

1 But we appreciate the increase. The guys deserve it. They  
2 work very hard and we will continue to work hard.

3 MAYOR SCARPELLI: Thank you, Gerard. Anybody else  
4 like to address the Board of Commissioners this evening? We  
5 have one more executive session tonight, so can I have a  
6 motion?

7 COMMISSIONER PETRACCO: Move it.

8 COMMISSIONER ROGERS: Second.

9 MADAM CLERK: Whereas, Section 8 of the Open  
10 Public Meeting Act Chapter 231, Public Law 1975 permits the  
11 exclusion of the public for meeting in certain  
12 circumstances. And whereas the public body is of the  
13 opinion that such circumstances exist. And whereas the  
14 Board of Commissioners of the Township of Nutley, in the  
15 County of Essex, in the State of New Jersey desires to  
16 proceed to closed executive session.

17 And now, therefore, be it resolved by the Board of  
18 Commissioners of the Township of Nutley, move into closed  
19 executive session to discuss contract negotiations with Prism  
20 and COAH litigations.

21 Be it further resolved that the time when such  
22 discussions may be disclosed to the public shall be when the  
23 special disclosure may be made without adversely affecting  
24 the Township of Nutley, pending and/or anticipated legal  
25 personnel, contractual matters, and other matters within the

1 exceptions provided for by statute.

2 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. Everybody stay safe

12 tonight with the snow. Thank you. We'll be coming back to  
13 close.

14 (Break in audio)

15 MAYOR SCARPELLI: Madam Clerk, can we go back on  
16 the record?

17 MADAM CLERK: Yes, Mayor.

18 MAYOR SCARPELLI: Back on the record at what time?

19 MADAM CLERK: We are back on the record now, it's  
20 9:42 p.m.

21 MAYOR SCARPELLI: Motion to adjourn.

22 COMMISSIONER EVANS: Second.

23 MADAM CLERK: 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? Commissioner  
5 Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 MADAM CLERK: And the time is now 9:43.

10 (Meeting was adjourned at 9:43 P.M.)

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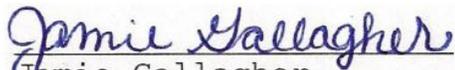
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I, Jamie Gallagher, certify that the foregoing transcript is a true and accurate record of the proceedings.

  
Jamie Gallagher

Date: March 30, 2017

<b>1</b>	<b>able</b> 10:18,19 <b>absolutely</b> 6:21 <b>absorb</b> 10:14 11:17 <b>abstain</b> 9:19,19 <b>accurate</b> 16:4 <b>act</b> 2:6 3:4 13:10 <b>address</b> 4:14,16 5:1 12:4,6,15 13:4	<b>applause</b> 11:23 <b>appreciate</b> 8:20 11:1 12:24 13:1 <b>approach</b> 4:13 12:3 <b>appropriate</b> 4:19 12:9 <b>april</b> 5:8,9,14 <b>article</b> 5:6 <b>assured</b> 11:16 <b>audio</b> 4:5 14:14 <b>avenue</b> 7:2 <b>award</b> 6:23 <b>aye</b> 3:21,23,25 4:2 4:4 5:17,19,21,23 5:25 11:7 14:3,5,7 14:9,11,24 15:1,3 15:6,8	<b>burden</b> 9:5 <b>business</b> 4:24 11:24 12:14
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<b>3</b>	<b>3</b> 6:9,23 8:2 <b>30</b> 16:14 <b>33</b> 6:4,5 8:24,24 <b>3352</b> 5:4	<b>back</b> 4:7 6:19 14:12,15,18,19 <b>bad</b> 8:16 <b>believe</b> 6:19,23 <b>benefit</b> 12:19 <b>big</b> 6:20 7:2 <b>blue</b> 7:1 <b>board</b> 1:2 2:3,10 3:8,11 4:12,15,17 4:19,20,22 5:2,13 6:15 8:19 12:2,5,7 12:9,10,12,16 13:4 13:14,17 <b>body</b> 3:7 13:12 <b>bold</b> 7:2 8:7 <b>borders</b> 7:14 <b>break</b> 14:14 <b>bringing</b> 7:22 <b>budget</b> 10:19 11:17 <b>bulletin</b> 2:10	<b>c</b> 2:1 16:1,1 <b>cane</b> 10:8 <b>cap</b> 10:16,21 11:18 <b>carry</b> 9:5 <b>cars</b> 7:24,25 <b>cast</b> 9:3 <b>certain</b> 3:6 13:11 <b>certainly</b> 9:4 <b>certify</b> 16:3 <b>changing</b> 9:8,9 <b>chapter</b> 2:6 3:5 5:6 13:10 <b>charge</b> 11:3 <b>chief</b> 7:9,10 <b>circumstances</b> 3:6 3:7 7:5 13:12,13 <b>citizenry</b> 11:13 <b>citizens</b> 4:18,20 12:8,9 <b>clerk</b> 2:2,3,14,16 2:18,20,22 3:3,22 3:24 4:1,3,7,9,12 5:7,8,16,18,20,22 5:24 9:2,20 10:2 11:6,8,25 12:1 13:9 14:4,6,8,10 14:15,17,19,23,25 15:2,4,7,9 <b>clerk's</b> 2:11 <b>clip</b> 8:16 <b>close</b> 7:14 14:13 <b>closed</b> 3:10,12 13:16,18 <b>closing</b> 8:8 <b>coa</b> 13:20 <b>code</b> 5:5
<b>4</b>	<b>adversely</b> 3:16 4:24 12:14 13:23 <b>advertised</b> 5:10 <b>advised</b> 9:14,18 <b>affect</b> 11:17 <b>afford</b> 10:14 <b>afternoon</b> 7:23 <b>agenda</b> 4:6 5:2 <b>agreeing</b> 6:10 10:16 <b>agreement</b> 6:3 8:23 <b>aid</b> 11:15 <b>alarm</b> 10:25 <b>allowed</b> 4:21 12:10 <b>alphonse</b> 1:17 <b>amend</b> 5:4 <b>anticipated</b> 3:17 13:24 <b>anybody</b> 5:1 12:15 13:3 <b>apologize</b> 12:21 <b>appearance</b> 12:21		
<b>6</b>	<b>685</b> 5:6 <b>69-17</b> 6:6 8:23		
<b>7</b>	<b>7</b>		
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