

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

May 2, 2017

BEFORE:

Commissioner Steven Rogers (absent/excused)
Mayor Joseph Scarpelli
Commissioner Mauro Tucci
Commissioner Alphonse Petracco
Commissioner Thomas J. Evans (via telephone)

Job No. NJ2610195

P R O C E E D I N G S

MADAM CLERK: 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 is absent/excused.

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, except for Commissioner Rogers, who is absent/excused and Commissioner Evans is via phone.

MAYOR SCARPELLI: All right. Before we do our normal around the horn, I'm going to go right to the Rent Leveling Board presentation. Mr. Hannon has a family obligation that we -- his daughter's birthday, so we'd like to get him out of here as soon as possible.

1 MR. HANNON: I appreciate that, Mayor.

2 JIM KUCHTA: I'd like to thank the Commissioners
3 for giving us this time and considering two ordinances which
4 we are proposing to change the code. The first one involving
5 capital improvements and the other one involving reporting
6 requirements for the rent board and the landlords.

7 Essentially, the capital improvement ordinance
8 would do two things. One, it would reinstate the capital
9 improvement increases provision, which were so inadvertently
10 deleted when the hardship proposal was included in the --was
11 changed in the Code. And it also serves to conform the
12 capital improvement process between the hardship variance.

13 ALAN GENITEMPO: Jim, just explain
14 (indiscernible). Explain how it operates, how it works.

15 JIM KUCHTA: Okay, essentially --

16 ALAN GENITEMPO : In other words, tell us how the
17 process is going to be done.

18 JIM KUCHTA: Okay, the -- for the capital
19 improvement water lien hardship, the landlord would apply to
20 the rent leveling board. There's an application. They would
21 submit the appropriate documentation as to what the capital
22 improvements are. They would submit -- we asked them for --
23 what they -- how they filed it with respect to the IRS
24 because the -- we would only consider things that
25

1 are capitalized over a period of time. The increase, if
2 granted, would just be for that period of time -- the
3 depreciation time of the improvement. And it would not be
4 included in the base rent for annual increases. In other
5 words, if the landlord provides heat, they're entitled --
6 they can go up to a 5 percent increase. That would not be
7 included in that 5 percent portion. So it would be a fixed
8 amount for a period of time over the life of the improvement.

9 We would review the application. We would review
10 what they're doing, making sure that it's for the benefit of
11 the tenants and if granted, they could be up to 10 percent
12 increase (indiscernible).

13 JOE HANNON: And there are notice and hearing
14 requirements to come before the Board so that if anybody, you
15 know, any of the tenants have an objection, they have the
16 right to be heard because then we could review it.

17 COMMISSIONER TUCCI: I read in here -- I just need
18 a clarification here under (d) in the red line copy. It
19 talks about the provisions and pretty much what Jim was
20 talking about, the increase rents to a total maximum of 10
21 percent or at the discretion of the Board to increase rents
22 over 10 percent per unit. Can you talk to that a little bit?
23 Because I thought the max was 10 percent, but now this
24
25

1 is talking about going over the 10 percent.

2 JIM KUCHTA: The indication elsewhere, I think, in
3 here is that the 10 percent would be in addition to the 5
4 percent annual increase. So the maximum was 15 percent.

5 COMMISSIONER TUCCI: So a maximum of 15 because --
6 yeah, then somewhere else in here I think it was at the end.
7 It might be the other -- no, it's still the same one. Five.

8 JOE HANNON: If you see in the (a)(8) it has the --

9 COMMISSIONER TUCCI: It's under (g) maximum
10 allowable -- maximum increase allowable. It says, "Under
11 either a rent increase or a hardship increase," and this
12 might be something different. I don't know and that's why
13 I'm asking the question. All right? "Or a capital
14 improvement increase pursuant to 532(5)(d), in no event may
15 rents be increased more than 10 percent in any 12 month
16
17
18 period." So I was a little confused as to what the total
19 increase could be. Is it 10 percent? Is it 15? Is it 20?

20 JIM KUCHTA: 10 would be -- it would have 15 max.
21 10 for the capital improvement and then 5 --then they would
22 get their normal increase.

23 COMMISSIONER TUCCI: So the cap would be 15
24 percent?

25 JIM KUCHTA: Yes.

1 JOE HANNON: Yeah, and this is referring to because
2 -- Commissioner, this is the section with 532(5), which is
3 dealing just with the hardship, rent, and the capital
4 improvements. So under this provision, you could only
5 increase it over 10 percent. You know, looking at --and
6 that's just dealing with this section of it, obviously. The 5
7 percent --

8 COMMISSIONER TUCCI: Right.

9 JOE HANNON : -- is dealt with in other places in
10 the Code.

11 MAYOR SCARPELLI: So it's 10 percent in this
12 section and a 5 percent annual.

13 JOE HANNON: 5 percent is the normal. MAYOR

14 SCARPELLI: Normal.

15 JIM KUCHTA: Under (a)(8), they have --

16 COMMISSIONER TUCCI: You might want to consider
17 just putting what that global increase could be so people
18 don't get the wrong impression like I did and they think,
19 you know, you're going to jack rents up 20 percent a year.

20 JIM KUCHTA: I think if you go to (a)(8) on the
21 first page --

22 COMMISSIONER EVANS: Mauro, I had a similar
23 question because, Jim, wherever you're going, (a)(8) says,
24 "No increase in rent, including any increase committed under
25 532(2)(c) shall exceed 15 percent."

1 JIM KUCHTA: Right.

2 COMMISSIONER EVANS: So I think there is -- and I
3 agree with the Commissioner. Somewhere in there has to be
4 -- there has to be language that's absolutely clear.

5 JIM KUCHTA: Okay, we'll fix it.

6 COMMISSIONER EVANS: Whatever the increase you're
7 asking for under whatever the category is, there's only a
8 maximum limit that's allowed in any given year no matter
9 what.

10 ALAN GENITEMPO: So that means you just have to
11 amend section g at the end then, right, most likely?

12 JOE HANNON: Yeah, and we could even do a cross
13 reference subject to (a)(8) or however, so there's at least
14 a reference or just put clear language.

15 COMMISSIONER PETRACCO: Is there a criteria what
16 they have to meet as far as the improvement in dollar
17 amount? Or so there's like a scale of what the rent can go
18 up? I mean, how do you base it on the improvements? In
19 other words, if you're -- you're saying that it's for
20 capital improvements, right?

21 JIM KUCHTA: Capital improvements and
22 the --

23 COMMISSIONER PETRACCO: Right.

24 JIM KUCHTA: And the capital improvement
25 has to be -- fall under the category, the IRS defines what

1 is a capital improvement. It has to fall into those
2 categories before it could even be considered.

3 COMMISSIONER PETRACCO: So there's a criteria that
4 you guys are following?

5 JIM KUCHTA: So there are criteria, yes.

6 COMMISSIONER PETRACCO: I know, I have some buildings in
7 Lyndhurst that fall under that and probably they do it. You
8 know, it's probably very similar to what you guys are trying
9 to achieve here. So it may -- you might want to look at,
10 though.

11 COMMISSIONER EVANS: The other question I had,
12 which is similar, in the capital improvement increase
13 referred to the IRS rules regarding accounting practices
14 employed by the landlord --

15 JIM KUCHTA: Right.

16 COMMISSIONER EVANS: -- in calculating operating
17 expenses. You know, just -- this is a technical point, but
18 the IRS rules allow for accelerated deductions for things
19 that otherwise would be capital items, right? So accelerated
20 expensing, which could affect the earlier part where you do a
21 calculation around 7 percent return, right?

22 JIM KUCHTA: Right.

23 COMMISSIONER EVANS: So I just think it needs to
24 be clarified, like for example, if something is in the
25 normal course a capitalizable item, yet the IRS rules would

1 allow for accelerated deducting of that if they would affect
2 either the hardship increase or the capital increase. I
3 just think you should be clear about whether or not you
4 would, in considering the capital improvement adjustment,
5 whether or not you would consider certain of the aspects of
6 the IRS rules on the accelerated deducting of capitalizable
7 items, just for point of clarification. And there might be
8 other things in there, but things like that, I think, what
9 struck me was you basically said consistent with the Code,
10 and everything I just said would be very consistent with the
11 Code, but might be a complicating factor in how to determine
12 how much of a rent increase you're going to allow. So just
13 give that some thought, please.

14 JIM KUCHTA: Okay. Well, I think that would be as
15 you review the application and the Board would have to make a
16 determination whether the -- if the landlord chose to expense
17 an item or accelerated the depreciation, whether they would
18 grant the -- grant it as a capital improvement.

19 COMMISSIONER EVANS: Well, yeah. So on one side,
20 if they accelerate it as an expense, it wouldn't be in the
21 capital improvement request because it's in the expense side.
22 If it's in the expense side, it may actually reduce the
23 return on investments where I saw, I think you just said,
24 about seven percent --
25

1 JIM KUCHTA: Right.

2 COMMISSIONER EVANS: -- which they could then
3 employ and get -- saying, look, I'm going to take this over
4 here, which would improve my ability to get a hardship
5 increase because I'm not achieving a seven percent return.
6 And on the other side, I've got enough to get a capital
7 improvement. And so it's just -- somebody would be, I think,
8 financially advising a landlord of scale would consider all
9 of that to maximize the opportunity on both sides, either
10 capital improvement or hardship.

11 JIM KUCHTA: Yeah, the only thing if we
12 accelerated, it would be a one shot deal and the seven
13 percent, maybe we'll hit it one year, but it will only be the
14 one year and then we probably would not have granted if it's
15 not an ongoing (indiscernible).

16 COMMISSIONER EVANS: Yeah. I (indiscernible). So
17 I would just be clear about that so that -- because you're
18 leaving it up to the Board to interpret that. And you say,
19 also, that you may require a professional (indiscernible).
20 I think, you know, for certain of things of -- with some of
21 these apartment complexes, I think it should be that you do
22 require. I think they should have somebody who has more
23 professional financial perspective to be present to provide
24 testimony before the Rent Leveling Board.

25 So I just -- you refer to "may require" a couple

1 of times and it's sort of global. Just consider the fact
2 that you may really want to have someone there to address
3 those questions.

4 MAYOR SCARPELLI: Any other questions,
5 Commissioners?

6 COMMISSIONER TUCCI: One last question and then
7 we're going to go sing happy birthday to Joe's daughter.
8 On, I guess it's 532(5), item number 11(e), all right, it
9 says, "The Board may establish other and further criteria in
10 the execution of its duties as it may deem appropriate from
11 time to time in any given case." My only question is, is
12 there any other oversight? Is that with or without
13 oversight?

14 JOE HANNON: Meaning?

15 JIM KUCHTA: Oversight --

16 COMMISSIONER TUCCI: Meaning, do you consult with
17 anyone? Have you consulted with the Town attorney? Do you
18 consult with the Mayor, the public safety director, or you
19 guys just --

20 JIM KUCHTA: I think we've left ourselves a lot of
21 wiggle room here --

22 COMMISSIONER TUCCI: A lot of wiggle room, that's
23 why I'm asking the question.

24 JIM KUCHTA: Gives us a lot of latitude to make a
25 ruling on this.

1 COMMISSIONER TUCCI: Okay.

2 JIM KUCHTA : Now, if we deny the landlord,
3 he probably can appeal to somebody, but --

4 COMMISSIONER TUCCI: Well, that's my question.
5 Who --

6 JIM KUCHTA: Is there an appeal process?

7 COMMISSIONER TUCCI: Who would that -- is there one and who
8 would that be to?

9 JIM KUCHTA: We have -- there's not an
10 appeal process defined.

11 COMMISSIONER TUCCI: Okay.

12 JIM KUCHTA: It's sort of --

13 COMMISSIONER TUCCI: I mean, I don't want to
14 pigeonhole you guys, but on the other hand, I don't want
15 somebody to read this and say, what are they just going to
16 be able to change the rules in the middle of an application
17 however they deem appropriate? Just something to think
18 about, okay?

19 JOE HANNON: No, I understand what your problem is.

20 COMMISSIONER TUCCI: Take it under consideration.

21 Again, I'm not looking to limit, you know, your ability to do
22 your job because we appreciate the fact that you're doing
23 this as such high paid volunteers. But just something to
24 think about to give people a little bit more of a comfort
25

1 level there. Okay? Thank you, gentlemen.

2 Other than that, I think you guys did an excellent
3 job.

4 MAYOR SCARPELLI: So can you guys make the
5 appropriate changes --

6 COMMISSIONER EVANS: I have one more question.

7 MAYOR SCARPELLI: Sorry, Commissioner.

8 COMMISSIONER TUCCI: Sorry, time's up.

9 COMMISSIONER EVANS: Just real quick. In the
10 Nutley Journal on Saturday, they referred to the fact that
11 the Rent Levelling Board is tracking student enrollments out
12 of apartments. I think it was Lori Monaco, if I'm quoting
13 that correctly. I don't want to quote wrongly because I
14 might be wrong. When I read 532-6(b), the filing information
15 doesn't address --

16 JIM KUCHTA: Correct.

17 COMMISSIONER EVANS: -- doesn't address that, so
18 is the Journal right or wrong or does --

19 JIM KUCHTA: They are incorrect.

20 COMMISSIONER EVANS: Okay. So you're not doing
21 that because that just --

22 JIM KUCHTA: No.

23 COMMISSIONER EVANS: If you are, the criteria that
24 you've established here doesn't include it, so that was the
25 root of my question.

1 JIM KUCHTA: No.

2 COMMISSIONER EVANS: So if you're not, that's
3 fine. I'm done, no more discussion required.

4 MAYOR SCARPELLI: All right. So you guys will
5 make the appropriate changes talked about. We'll get them
6 back to Mr. Genitempo and the municipal clerk.

7 JIM KUCHTA: And that would include both -- we have
8 the two ordinances.

9 ALAN GENITEMPO: Yeah, I don't think anybody has
10 any problems with the other one. And thanks for correcting
11 the date on that other --

12 COMMISSIONER TUCCI: Yes, thank you.

13 JOE HANNON: Yeah, no it makes sense.

14 JIM KUCHTA: It was because that's when
15 the provision was put in 1988. So it was sort of a go
16 forward from that point in time.

17 JOE HANNON: It's obsolete.

18 COMMISSIONER EVANS: Nice job, gentlemen.

19 MAYOR SCARPELLI: Thank you guys for coming in.

20 JIM KUCHTA: Yeah, no problem. I
21 appreciate it.

22 MAYOR SCARPELLI: Go celebrate.

23 COMMISSIONER PETRACCO: How old Joe?

24 JOE HANNON: Double 1.

25 COMMISSIONER PETRACCO: 11. Those are the best

1 years.

2 JOE HANNON: Two years left until

3 teenage.

4 COMMISSIONER PETRACCO: Yeah, then the problems
5 begin.

6 JOE HANNON: I feel like we're there
7 already.

8 COMMISSIONER PETRACCO: Then you have no chance.

9 COMMISSIONER TUCCI: I think it's vitamins, Joe.

10 ALAN GENITEMPO: They've got awful
11 neighbors. They live next door to my brother.

12 JOE HANNON: All right. Take care everyone,
13 thank you.

14 (Chorus of thank you)

15 (Pause)

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

18 COMMISSIONER PETRACCO: That's a good question. I
19 have the proclamation honoring the crew team, which also I
20 just found out the Marines might be coming and they wanted
21 to speak also.

22 MAYOR SCARPELLI: So one of -- Commissioner Rogers
23 has one of the Marines because they -- one of the --

24 COMMISSIONER TUCCI: One of the honorees is going
25 into the Marines, yes.

1 MAYOR SCARPELLI: So we're going to give him --

2 COMMISSIONER PETRACCO: Michael DeHaas, actually?

3 MAYOR SCARPELLI: Yes. Michael DeHaas, right?

4 And he's coming. And also on behalf of the Board, I have
5 citizenship kind of proclamation -- not a proclamation, but
6 just a certificate.

7 COMMISSIONER PETRACCO: Good.

8 MAYOR SCARPELLI: So we'll give them -- we'll have
9 you read the proclamations.

10 COMMISSIONER PETRACCO: Okay.

11 MAYOR SCARPELLI: We'll bring up -- bring them up,
12 do our thing, then have the Marine come up, I think, because
13 he's only doing one of them. So all right?

14 COMMISSIONER PETRACCO: I also have -- let me see
15 where I'm at. I have an ordinance for the public defender
16 tonight, giving the Judge the latitude to charge -- it's \$50
17 right now, I believe, from 50 to \$200, but using her
18 discretion. Alan, you probably know more about this.

19 MR. GENITEMPO: Yeah, most towns you -- the Judge
20 can charge up to \$200 to the defendant to use the public
21 defender, depending on their ability to pay. And the Judge
22 can do zero or any number between zero and 200. So this --
23 our ordinance was too old. It needed to be updated. It
24 didn't allow for anything more than 50. So this just brings
25 it up with current standards and -- but most other towns --

1 COMMISSIONER PETRACCO: So where does that money
2 go to? Does that go back to the general fund or --

3 MR. GENITEMPO: No, I think it goes into the
4 Court's account.

5 COMMISSIONER PETRACCO: But no, the Court -- so it
6 doesn't go to an individual?

7 MR. GENITEMPO: No, no. It doesn't go to the
8 public defender. It goes to the Court. The public defender
9 is paid separately.

10 COMMISSIONER EVANS: Al, the revenue and finance
11 department doesn't get it.

12 COMMISSIONER PETRACCO: I'm just checking, Tom.

13 COMMISSIONER EVANS: Just saying.

14 COMMISSIONER PETRACCO: Just checking. Okay, so
15 that's one and --

16 MADAM CLERK: Public hearing.

17 COMMISSIONER PETRACCO: I also have a public
18 hearing tonight, yes. This is the public hearing on the
19 parking -- is it the Highfield Lane, I believe. Yeah,
20 Highfield Lane. I -- Commissioner Evans, I should say while
21 you're on the phone, we decided to table that other
22 ordinance I had with the permit parking, with the stickers
23 and all this stuff. And I appreciate all of your concerns
24 with that. But this is what's kind of taken place is that,
25 you know, these problems are getting pushed from street to

1 street. So if we do it on, you know, Highfield Lane, now
2 the cars are going to move to Nutley Avenue. Sam was
3 telling me there might be a woman here from Conduit, also,
4 asking for this. So it's a constant battle, a constant
5 problem. And like I discussed with you on the phone,
6 Commissioner Evans, you know, we weren't able to do a pilot
7 program regarding the stickers that we want to hand out to
8 the residents. So if they live on a street where there's
9 two hour parking, they'll be able to park in front of their
10 houses like most of the residents have the ability to do in
11 the Township. So however -- it's -- to me, there is no
12 perfect solution to this. That's why I kind of want to get
13 going with that because it just seems like, you know, our
14 phones are ringing off the hook at public safety about, you
15 know, these cars. And we really don't want to use all of
16 our resources on, you know, policing this issue because it's
17 becoming greater and greater.

18 So with that being said, hopefully by the next
19 meeting we could get some kind of resolution, you know,
20 putting that other ordinance through or forward.

21 COMMISSIONER EVANS: Al, I appreciate you
22 acknowledge the fact that I asked for more time to do some
23 more research on this.

24 COMMISSIONER PETRACCO: Yeah.

25 COMMISSIONER EVANS: I agree that there's a need

1 to address it. I just hope that, you know, it will
2 obviously work quickly but to make sure we're in a better
3 position to be confident about the nature of the ordinance
4 that has been introduced. So thank you and I appreciate you
5 taking the time to acknowledge that.

6 COMMISSIONER PETRACCO: You're very welcome. And
7 it seems like that's all I have tonight.

8 MAYOR SCARPELLI: Commissioner Evans?

9 COMMISSIONER EVANS: I have -- I just have five
10 resolutions. Alan, with your permission, 108, 109, and 110
11 are all about escrow balances. And other than changing the
12 names for the individuals or the three ordinances -- the
13 three resolutions are the same. So I just would like to
14 consolidate them together and identify the individual
15 amounts, and just do it as a block. If that's okay?

16 MR. GENITEMPO: Yeah, just read the resolution
17 number for the record. That's all.

18 COMMISSIONER EVANS: Okay. And then I just have
19 two others which are simple overpayments. One of tax
20 charges, the other water charges. That's just all I have
21 for today.

22 MAYOR SCARPELLI: Commissioner Tucci?

23 COMMISSIONER TUCCI: I have a Shade Tree report
24 for the month of April. And I have two resolutions. One
25 proclaiming May 6th as Arbor Day and the second is an award

1 a fair and open contract to Wilfred MacDonald for a small
2 (indiscernible). It's a tractor/loader combination backhoe.
3 That's it.

4 MAYOR SCARPELLI: I have monthly reports. I have
5 a resolution to award a fair and open contract to Newark
6 Asphalt. I'll do Commissioner Rogers' resolutions, which
7 are bicycle safety month, food allergy week, mental health
8 week, and national stroke awareness month. I also am going
9 to reintroduce the water ordinance probably next meeting with
10 some further changes. I'm probably going to eliminate the
11 maintenance charge altogether. So that's more to come on
12 that. Madam Clerk?

13 Madam Clerk: Yes, Mayor. We have an application
14 that was submitted by the Historic Restoration Trust to hold
15 -- to have a social affair permit for Saturday, June 3rd,
16 2017, Kingsland Manor.

17 Commissioner Tucci, you have a Shade Tree report

18 COMMISSIONER TUCCI: I said that, yes.

19 MADAM CLERK: Did you? Okay.

20 MAYOR SCARPELLI: Mr. Genitempo?

21 (Pause)

22 MR. GENITEMPO: All right. So I have some
23 executive session items, including potential litigation and
24 a contract negotiation.

25 MAYOR SCARPELLI: All right. So we can do that

1 before Mr. Inglesino gets here, right?

2 MR. GENITEMPO: Yeah, we can cover some of these
3 topics.

4 MAYOR SCARPELLI: So how about a motion to go into
5 executive?

6 COMMISSIONER PETRACCO: Move it.

7 COMMISSIONER TUCCI: Second.

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

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

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

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 7:23.

9 (Audio ends)

10 (Pledge of allegiance)

11 MAYOR SCARPELLI: Madam Clerk?

12 MADAM CLERK: Yes, Mayor. Board of Commissioners
13 Public meeting, Tuesday, May 2nd, 2017, the time is now
14 8:27.

15 Pursuant to the requirements of the Open Public
16 Meeting Act (Chapter 231, Public Law 1975), notice of this
17 meeting was published in the December 1st, 2016 issues of
18 The Nutley Sun and The Herald News, and the December 2nd,
19 2016 issues of The Star Ledger. A copy of this notice has
20 been posted on the Nutley Town Hall bulletin board and a
21 copy is on file in the Municipal Clerk's Office.

22 Commissioner Tucci?

23 COMMISSIONER TUCCI: Here.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Here.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Here.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Here.

5 MADAM CLERK: All present, Mayor, except for
6 Commissioner Rogers. He's absent/excused.

7 MAYOR SCARPELLI: Thank you, Madam Clerk. We're
8 going to go a little out of order tonight. We have some
9 guests here tonight who went beyond the call of duty and I'm
10 going to turn it over to Commissioner Petracco for a
11 proclamation.

12 COMMISSIONER PETRACCO: Thank you, Mayor. First,
13 I'd like to apologize for keeping everyone waiting, of
14 course. I know tonight's a special night, so thank you for
15 waiting.

16 I actually first found out about the unbelievable
17 save our crew team made from actually a good friend of mine
18 in Belleville, Councilman Kennedy. And he gave me the heads
19 up about this. And I have to say, he actually said, you
20 know, you have to do something for these kids. So we have
21 good neighbors watching out for your guys too.

22 I would just like to give a brief summary of what
23 got back to me. What happened, that someone unfortunately
24 jumped into the Passaic River. It's amazing they stayed
25 alive as long as they did, but the crew team, the coaches,

1 everyone went aiding right over to that individual and threw
2 him a life -- what would I call it, not a life preserver.
3 Well, a floating device to him and kept the guy afloat until
4 you could get him into your little boats there.

5 And really, I know the Harrison Police Department
6 aided in it and they couldn't say enough about what you guys
7 did. So without further ado, I mean, talk about public
8 safety and the future of our young people in Nutley. It's
9 really a heroic feat that you guys did by saving somebody's
10 life. So I will read the proclamation.

11 Whereas, while at Crew practice on the afternoon
12 of April 25, 2017, a commotion alerted Coach Judy McIntyre -
13 - which I know is known as Coach Mac, I believe -- and crew
14 team members to a man who had jumped into the water from a
15 Bridge in Harrison; and

16 Whereas, in response to the victim, Coach McIntyre
17 and team members Michael DeHaas and Phil Amiths, directed
18 their boat to the distressed individual and threw him a
19 floating device to aid and recover; and

20 Whereas, because of their quick and heroic
21 actions, a life was saved and tragedy averted; and

22 Whereas, Coach McIntyre, a Nutley High School
23 graduate and a former Crew team member, Michael DeHaas, who
24 happens to be my neighbor by my deli, a senior at Nutley
25 High School, who will be going into the US Marine Corps and

1 Phil Amiths, a junior at Nutley High School, who will look
2 into pursuing a career in the health field helping others,
3 were the individuals responsible for the rescue; and

4 Now, therefore, be it resolved by the Board of
5 Commissioners, Township of Nutley, County of Essex, State of
6 New Jersey that Judy McIntyre, Michael DeHaas and Phil
7 Amiths, be recognized and commended for their heroic rescue
8 and for showing compassion and empathy to a distressed
9 individual. They make Nutley proud.

10 Also, I'd just like to congratulate Kevin Smythe
11 (ph). I know you're one of the coaches there. It's just
12 really a tribute of what Nutley is all about and how our
13 children go above and beyond. So I know a lot of times we
14 read all the negative stuff in the newspapers, but it's sure
15 nice to read something and follow something good in the
16 news.

17 I read this on behalf of all of the Board of
18 Commissioners. I'm sure they want to say something. I know
19 Commissioner Tucci reached out to me to co-sponsor the bill
20 -- I'm sorry, the proclamation, but it was a little late in
21 the day. So if anybody would like to comment before we
22 bring them up, I'd love to hear it.

23 MAYOR SCARPELLI: Commissioner Evans?

24 COMMISSIONER EVANS: Just I remark that it
25 (indiscernible) Nutley's long history of service and coming

1 to the aid of others. Just as everyone looks upon you
2 today, especially all throughout Nutley, with a great sense
3 of pride. And for me, as a former crew team member, I
4 equally add double sense of pride knowing that you were
5 there for their aid. Thank you.

6 MAYOR SCARPELLI: Commissioner Tucci?

7 COMMISSIONER TUCCI: Yes, I think the action Judy
8 Mac -- I'm sorry. I think the actions that Judy Mac, as we
9 refer to her in my family because she is a lifelong family
10 friend, actually the entire McIntyre family, all right, is
11 very representative of what this Township is about. They
12 saw someone in need and without any regard to their own
13 safety, just got there and assisted, and actually saved this
14 person's life. I mean, Judy Mac, I always knew you were a
15 great teacher. I knew you were a great participant in Parks
16 and Rec, a great family member. I never realized you were a
17 life saver, though, all right. And along with your other
18 two students, part of the crew team, which has always been
19 near and dear to my heart, there is just no words strong
20 enough, all right, to describe what it is you three did and
21 how you saved this person, and how proud and happy I am
22 personally just to know you, and the crew team, and the type
23 of people that you bring up through the school system. And
24 I know Coach Smythe has been doing this for years with our
25 youngsters and it's just a testament to the Town, to the

1 high school, and to the crew team. The only thing I can say
2 is thank you and I know your dad must be smiling down upon
3 us.

4 MAYOR SCARPELLI: Thank you, Commissioner.

5 Coach Mac, Michael, and Phil, you made yourselves
6 proud. You made your families proud. You made Nutley
7 proud. And we're very proud of you. And we're glad you're
8 here tonight. And why don't you guys come up and we'll take
9 a picture. We've got some proclamations.

10 (Pause)

11 MAYOR SCARPELLI: Coach Mac, do you want to say a
12 few words on behalf of your team?

13 MS. MCINTYRE: Thank you so much on behalf of the
14 boys and myself. We are very honored to be here. I
15 couldn't be prouder of them and I know the other coaches
16 feel the same way. They saw someone in distress. They
17 wanted to help. And I think that speaks to what the crew
18 team does. It speaks to the athletic department and the
19 idea of building not just good athletes but proper citizens
20 and being willing to put themselves out there for someone
21 else.

22 So thank you again. We really appreciate the
23 honor.

24 MAYOR SCARPELLI: Thank you, Coach. Michael, do
25 you want to come up to the podium? And Sergeants, do you

1 want to come forward? We have some Marine Corps. Sergeants
2 here to present Michael with a (indiscernible).

3 Commissioner Rogers called me and told me that we have two
4 Sergeants coming tonight to present something to Michael.
5 So Michael, you stand at the podium with them.

6 UNIDENTIFIED SPEAKER: (Indiscernible). So with
7 that being said, the Marine Corps couldn't be more excited
8 than having someone like you with your character enlisting
9 (indiscernible). With that, I'd like to present you with
10 a citation. This certifies that Michael DeHaas has
11 successfully passed the required moral and physical
12 examinations that have (indiscernible) of the United States
13 Marine Corps. (indiscernible). The Marine Corps. has
14 (indiscernible) patriotism and loyalty. Presented this 2nd
15 day of May 2017.

16 We also want to present you with this
17 package. This is to assist you with your first step
18 (indiscernible). All right, everything in there is going to
19 assist you with what's going to be happening in boot camp and
20 basic(Patrol)ning (indiscernible).

21 MAYOR SCARPELLI: Michael, thank you for your
22 commitment to serve in the Marines. And Sergeants, thank
23 you for your service.

24 COMMISSIONER PETRACCO: I think we should give the
25 Marines a round of applause too, right?

1 MAYOR SCARPELLI: We're going to take a couple
2 minute break. Anybody who wants to leave can leave.
3 Anybody who wants to stay can stay.

4 (Pause)

5 MAYOR SCARPELLI: All right, Madam Clerk, can you
6 go to communications?

7 MADAM CLERK: Yes, Mayor. Thank you.

8 The Historic Restoration Trust of Nutley has
9 submitted an application for a Social Affair Permit to hold
10 their Speakeasy Fundraiser on Saturday, June 3rd, 2017
11 between the hours of 7:00 p.m. and 10:00 p.m. at the
12 Kingsland Manor.

13 I need a motion.

14 COMMISSIONER PETRACCO: Move it.

15 COMMISSIONER TUCCI: Second.

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 MADAM CLERK: And that's it for correspondence,
25 Mayor.

1 MAYOR SCARPELLI: I have a monthly report from the
2 Public Works Department. Commissioner Tucci?

3 COMMISSIONER TUCCI: Yes, I have a report -- an
4 April report for the Shade Tree Department.

5 MAYOR SCARPELLI: Bills, Madam Clerk?

6 MADAM CLERK: Yes, Mayor.

7 Bill list for Tuesday, May 2nd, 2017. Public
8 affairs, \$90,722.95; Revenue & finance, \$7,095,984.09;
9 Public safety, \$29,134.28; Public works, \$52,879.07; Parks
10 and public property, \$722,384.36; total payroll \$781,567.57.
11 For a grand total of \$8,772,672.32.

12 I need a motion, please?

13 COMMISSIONER TUCCI: Move it.

14 COMMISSIONER PETRACCO: Second.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Commissioner Evans? Commissioner
18 Evans? Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 ALAN GENITEMPO: Tom, can you hear us?
23 Commissioner?

24 MAYOR SCARPELLI: We may have lost the connection.
25 Public comment on agenda items only. Madam Clerk, can you

1 read the notice?

2 MADAM CLERK: Yes, Mayor.

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

9 Mayor. 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
13 membership of the Board, shall determine that the interest
14 of decorum and/or the expeditious comment of municipal
15 business are being adversely affected by such dialogue.

16 DAVE ERVOLINO: Good evening, Mayor and
17 Commissioners. I just had a quick request. When you come up
18 to the podium, please do not pass the podium for the safety
19 of the Commissioners from now on. Thank you.

20 MAYOR SCARPELLI: Thank you, Dave. Anybody like
21 to address the Board of Commissioners this evening on agenda
22 items only? Seeing none, can we close the public comment
23 portion?

24 COMMISSIONER PETRACCO: Move it.

25 COMMISSIONER TUCCI: Second.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 Board of Commissioner announcements?

10 Commissioners, any announcements?

11 COMMISSIONER TUCCI: Two things. This Saturday,
12 we have our fishing contest at the mud hole. And we also
13 have our memorial tree planting program at Kingsland Park.

14 COMMISSIONER PETRACCO: We in public safety have
15 our bike rodeo. So we invite all the youngsters out to
16 learn about bike safety. A lot of our police officers and
17 detectives will be there. It will be a good
18 morning/afternoon to meet police officers and get some
19 lessons on some bike safety. I believe we're going to be
20 handing out helmets as well. So anybody that would like to
21 come, it's going to be held right on the ramp at the public
22 safety building where you see the police cars parked from
23 11:00 to 2:00. Thank you.

24 COMMISSIONER EVANS: Mayor, I just wanted to add
25 as well, an announcement that we're going to have late night

1 voter registration sign ups at Town Hall. Madam Clerk, what
2 are some of the dates of that again?

3 MADAM CLERK: It's on May 16th from 8:30 a.m. to
4 9:00 p.m.

5 COMMISSIONER EVANS: Thank you.

6 MAYOR SCARPELLI: And the Public Works Department
7 is having a big truck day from noon to 3:00 on Saturday. So
8 it's a very busy Saturday for the youngsters in town.

9 Ordinance introductions. Commissioner Petracco?

10 COMMISSIONER PETRACCO: Yes. Is my light working?
11 It just went out. I thought -- am I on?

12 MADAM CLERK: Yes.

13 COMMISSIONER PETRACCO: I have an ordinance
14 introduction. It's an ordinance to amend and ordinance
15 codified in the code of the Township of Nutley, Chapter 34,
16 entitled Court, Municipal; particularly Article II (Public
17 Defender) Section 9. I just want to read a little bit of
18 this. This is increasing a fee for -- 50 to up to 200.

19 Be it ordained by the Board of Commissioners of
20 the Township of Nutley that pursuant to the authority
21 granted to this municipality by N.J.S.A. 39:4-197(1)f,
22 Article II, Section 9 of Chapter 34 of the Code of the
23 Township of Nutley, entitled "Public Defender", is hereby
24 amended to changing the application fee from up to \$50 to up
25 to 200.

1 I move that this ordinance be passed to a second
2 reading and advised the Nutley Sun -- advertised in the
3 Nutley Sun, together with notice required by law. And that
4 further consideration of said ordinance for the final
5 passage by the Board of Commissioners to be held at its
6 second reading. I believe it is --

7 MADAM CLERK: June 6th.

8 COMMISSIONER PETRACCO: June 6th, 2017. I move
9 it.

10 COMMISSIONER TUCCI: Second.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 COMMISSIONER PETRACCO: Okay. Now, I have a
20 public hearing. Yes, thank you. This is relating to two
21 hour parking. This is for Highfield Lane from the hours of
22 8:00 a.m. to 6:00 p.m., two hour parking. It's also from
23 520 feet west of River Road.

24 An ordinance to amend an ordinance codified in the
25 Code of the Township of Nutley, Chapter 228, entitled

1 vehicles and traffic, particularly Article II (parking on
2 certain streets), Section 11 entitled parking time limited.

3 I'd like to open the public portion.

4 MAYOR SCARPELLI: Would anybody like to be heard
5 on ordinance number 3357, approach the mike?

6 MR. KLESASAK: Good evening. My name is Bill
7 Klesak. I live on 33 Highfield Lane. This ordinance is of
8 particular interest to me because I live on the seventh
9 house up from River Road, 33. I've been there 21 years and
10 I feel like I'm living in the middle of a Park and Ride.
11 There's people catching the bus into the city, down below
12 (indiscernible) Terrace parking to River Road up to me and
13 beyond me.

14 Now, this is the first time in my 21 years that
15 they're actually hitting my house and parking in front of my
16 house all day. Now, what I'm afraid with the ordinance, if
17 it only covers 520 feet, they're just going to move from
18 down the street to the middle of the street, because Conduit
19 Place is also right there, which has become a parking lot.

20 I taught my two daughters to ride their bikes
21 there. We used to play ball on that street. You can't do
22 anything there now because that's become a parking lot. And
23 this is Conduit and my house is right here. So they're
24 going to stop parking at the bottom, they'll go in the
25 middle of Highfield Lane.

1 So I appreciate the effort, but I don't know if
2 it's going to solve the problem of the parking there.

3 COMMISSIONER PETRACCO: So are you requesting that
4 we -- just so I'm clear on it -- add Conduit Place to it?

5 MR. KLESAK: I would like that.

6 COMMISSIONER PETRACCO: And you're concerned about
7 the 520 feet from River Road?

8 MR. KLESAK: Right, because like I said, I'm at
9 the seventh house. That's approximately 350 to 400 feet. I
10 don't know how you're calculating the 520. Is it from the
11 curb up or is it from the whole street of River Road up.
12 Because if it's from the curb, then my house is
13 approximately 350 feet to 400 feet. If you go 520, that's
14 maybe another two or three houses up from me. That's what
15 I'm saying, all of a sudden the middle of the street now
16 will become the parking lot.

17 COMMISSIONER PETRACCO: I know when they do these
18 traffic studies, they're concerned about the intersections
19 and not clogging up the intersections. And I think, I'm not
20 certain, but I will check. That is the reason why they give
21 that little buffer. But we've been going through a lot of
22 this in town. And we've actually -- I actually had an
23 ordinance on tonight to start to allow decals to be put on
24 cars of the residents that are living in these two hour
25 parking. It's so complex. I've talked with the

1 Commissioners and they've asked me to table it tonight
2 because it seems for every good action you do, there's a con
3 to it.

4 And I have to tell you, this is not an easy
5 solution. It's just like you're saying. You know, we'll do
6 Highfield Lane now. Now, you don't know. Maybe they'll go
7 park on Nutley Avenue. And Nutley Ave will be here next.
8 And I'm familiar with that part of town.

9 I recommend that we pass this tonight to give the
10 residents down there some kind of relief. And I would be
11 glad for my assistant to take your telephone number. And
12 I'll look into that 520 foot and we'll also look into doing
13 Conduit Ave and adding that to the two hour parking.

14 MR. KLESACK: I would appreciate that
15 consideration.

16 COMMISSIONER PETRACCO: It would be my pleasure.

17 MR. KLESACK: Okay, good.

18 COMMISSIONER PETRACCO: Okay.

19 MAYOR SCARPELLI: What I suggest, Commissioner, is
20 that the police department monitor the situation and then
21 report back to you on any further changes to the ordinance.

22 COMMISSIONER PETRACCO: Okay.

23 MR. KLESACK: Something you said, Commissioner,
24 before I liked was the people who do live there, if you have
25 to park during the day, how are you going to identify that

1 I'm not just somebody --

2 COMMISSIONER PETRACCO: Well, that's been the \$6
3 million question. And there's many reasons -- you know, it
4 just has gotten so complicated with those decals because I
5 recommended and I worked with the chief of police and
6 traffic safety about handing the residents decals to be able
7 to park so that you won't be subjected to the two hour
8 parking, you know. Because by passing this, if you leave
9 your car out there, now you're going to get a ticket too.
10 There's a lot of questions about it and I'm really working
11 through those questions with my colleagues because we don't
12 want to do something and it be wrong. Even though I feel
13 like that no matter what we do with this particular issue,
14 there's going to be some people that are happy and some
15 people that are not happy.

16 I think that we're really in a situation here
17 where there's just more traffic. There's more people
18 working in the city. I had an apartment above my deli,
19 which I know you come in at times. I just rented that. The
20 first thing the girl asked me was, "Where do I catch the bus
21 to New York City?" So when I said, "Down the street," she
22 was like, "Where do I park?" You know, so it's -- it's an
23 issue that we're really working on really diligently to find
24 the right formula that works.

25 MR. KLESACK: Okay, thank you.

1 MAYOR SCARPELLI: Thank you, Mr. Klesak. Anybody
2 else want to be heard on ordinance number 3357? Seeing
3 none.

4 COMMISSIONER PETRACCO: Move to close the public
5 portion.

6 COMMISSIONER TUCCI: Second.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER TUCCI: I think we lost him again.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER EVANS: I'm back.

16 COMMISSIONER TUCCI: He's back.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 COMMISSIONER PETRACCO: And now we move the
20 ordinance.

21 MADAM CLERK: Move the ordinance.

22 COMMISSIONER TUCCI: Second.

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 COMMISSIONER PETRACCO: Thank you, Mayor.

7 MAYOR SCARPELLI: Thank you. Commissioner Tucci,
8 resolutions?

9 COMMISSIONER TUCCI: Yes, Mayor.

10 Whereas, in 1949 the legislature set aside the
11 last Friday of April as Arbor Day to promote the planting of
12 trees and to encourage the protection of our forests from
13 fires and pests that destroy the beauty and usefulness of
14 our woodlands; and

15 Whereas, half of New Jersey's total land area is
16 forested or tree covered; and

17 Whereas, trees play an important role in the
18 ecosystem in which we live, and trees reduce the erosion of
19 our precious topsoil caused by wind and water, clean the air
20 we breathe and the water we drink, produce oxygen, provide
21 habitat for birds and wildlife and reduce heating and
22 cooling costs by moderating temperature; and

23 Whereas, trees are a renewable resource giving us
24 paper for fine literature, wood for homes, fuel for fires,
25 and countless other wood products; and

1 Whereas, trees provide increased property value,
2 enhanced economic viability, and pleasing aesthetic
3 qualities along streets and properties in municipalities;
4 and

5 Whereas, tree planting in yards and farms, in
6 school yards and parks, and along streets and highways
7 creates an enduring heritage for generations that follow;
8 and

9 Whereas, The Township of Nutley has completed its
10 30th year as a member of Tree City USA; and

11 Whereas, I, Commissioner Mauro G. Tucci, Director
12 of Parks and Public Property of the Township of Nutley, do
13 hereby proclaim May 6, 2017 as Arbor Day in the community of
14 Nutley, and urge all citizens to support efforts to protect
15 our trees and woodlands and to support our town's urban
16 forestry program, and

17 I further, I urge all citizens to plant trees to
18 gladden hearts and promote the well-being of present and
19 future generations.

20 I move the resolution.

21 MAYOR SCARPELLI: Second.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye. Mauro, congratulations.

1 It's spring. The Town looks great. I love our tree canopy.
2 Please keep going.

3 COMMISSIONER TUCCI: Thank you, Commissioner.

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 COMMISSIONER TUCCI: Whereas, sealed bids were
9 received and read on April 26, 2017, for the Department of
10 Parks and Public Property for a tractor/loader/backhoe; and

11 Whereas, Wilfred MacDonald Inc., 10 New Maple
12 Avenue, Pine Brook, New Jersey was the low bidder at
13 \$46,552; and

14 Whereas, the Township has received two bids for "a
15 tractor/loader/backhoe". The lowest in the amount of \$46,552
16 from Wilfred MacDonald Inc.; and

17 Whereas, funds are available from Capital
18 Ordinance #3344C, and have been certified by the Chief
19 Financial Officer, said certification being attached to this
20 resolution; and

21 Now, therefore, be it resolved, by the Board of
22 Commissioners of the Township of Nutley, County of Essex,
23 State of New Jersey, that a contract for "tractor/loader/
24 backhoe" be awarded to Wilfred MacDonald Inc., 10 New Maple
25 Avenue, Pine Brook, New Jersey.

1 I move the resolution.

2 COMMISSIONER PETRACCO: Second.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 COMMISSIONER TUCCI: That's all I have, Mayor.

12 MAYOR SCARPELLI: Commissioner Evans.

13 COMMISSIONER EVANS: Thank you, Mayor.

14 Resolutions number 108, 9, and 10. I'd like to consolidate
15 those, if that's okay, Alan?

16 MR. GENITEMPO: Yes, that's fine.

17 COMMISSIONER EVANS: All right.

18 Whereas, the Planning Board received an escrow
19 deposit from -- for 488-494 Prospect Street, 160 Walnut
20 Street, and 116 Walnut Street; and

21 Whereas, the Planning Board has reviewed and
22 determined that the balances are due in refunds in the
23 amounts of \$1,500 for 488-494 Prospect Street, excuse me --
24 \$4,250 for 160 Walnut Street, and \$2,230 for 116 Walnut
25 Street.

1 Now, therefore, be it resolved, by the Board of
2 Commissioners of the Township of Nutley, County of Essex,
3 State of New Jersey that the Township Treasurer be and she
4 is hereby authorized to refund the escrow fees in the
5 amounts -- so listed in each of these ordinances -- of these
6 resolutions number 108, number 109, and 110.

7 So moved.

8 COMMISSIONER TUCCI: Second.

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 COMMISSIONER EVANS: Be it resolved, by the Board
18 of Commissioners of the Township of Nutley, in the County of
19 Essex, State of New Jersey, that the Treasurer be and she is
20 hereby authorized to refund overpayments for tax charges for
21 a total amount of \$42,808.62 for the lots and blocks in the
22 amounts in year so lifted in this resolution.

23 So moved.

24 COMMISSIONER TUCCI: Second.

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 COMMISSIONER EVANS: Be it resolved, by the Board
9 of Commissioners of the Township of Nutley, that the
10 Treasurer be and she is hereby authorized to refund
11 overpayment of water charges in the amount of \$459.77 for
12 Block 800/1/C3055.

13 So moved.

14 COMMISSIONER TUCCI: Second.

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: Thank you, Mayor.

24 MAYOR SCARPELLI: Thank you, Commissioner.

25 Commissioner Petracco, nothing tonight, right?

1 COMMISSIONER PETRACCO: No. Thank you.

2 MAYOR SCARPELLI: All right. The first four
3 resolutions are Commissioner Rogers' resolutions.

4 Whereas, For more than a century the bicycle has
5 been an utilitarian, economical, environmentally sound and
6 effective means of personal transportation, recreation and
7 fitness.

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 we encourage all citizens to ride
11 their bicycles to work, to the store, to the park, around
12 their neighborhoods and with friends and family to promote
13 the personal and societal benefits achieved from bicycling.

14 I move the resolution.

15 COMMISSIONER TUCCI: Second.

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 Whereas, food allergies are a life-threatening
25 illness that affects as many as 15 million Americans, and

1 the prevalence is increasing among children. One in every 13
2 children has food allergies, or approximately two per
3 classroom.

4 Now, therefore, be it resolved that the Board of
5 Commissioners of the Township of Nutley, County of Essex,
6 State of New Jersey, recognize May 14th through the 20th,
7 2017 as Food Allergy Awareness Week in the Township of
8 Nutley.

9 I move the resolution.

10 COMMISSIONER TUCCI: Second.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 Whereas, mental health is essential to everyone's
20 overall health and well-being.

21 Now, therefore be it resolved, by the Board of
22 Commissioners, in the Township of Nutley, County of Essex,
23 State of New Jersey, do hereby proclaim May 2017 as Mental
24 Health Month, and call upon the citizens, government
25 agencies, public and private institutions, businesses and

1 schools in the Township of Nutley to recommit our community
2 to increasing awareness and understanding of mental health,
3 the steps our citizens can take to protect their mental
4 health, and the need for appropriate and accessible services
5 for all people with mental illnesses at all stages, and
6 especially before stage 4.

7 I move the resolution.

8 COMMISSIONER TUCCI: Second.

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 Whereas, Stroke is a brain attack, cutting off
18 vital blood flow and oxygen to the brain.

19 Now, therefore, be it resolved by the Board of
20 Commissioners in the Township of Nutley, County of Essex,
21 State of New Jersey, that the month of May be declared
22 NATIONAL STROKE AWARENESS MONTH and encourage the citizens
23 of Nutley to learn the signs of a stroke, as the sooner a
24 patient receives medical treatment, the lower the risk for
25 death or disability.

1 I move the resolution.

2 COMMISSIONER TUCCI: Second.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 Whereas, Bids for the 2017 Purchase of Asphalt
12 Material for the Township of Nutley were received and opened
13 on Wednesday, April 26th, 2017; and

14 Whereas, Newark Asphalt Corp., Foot of Passaic
15 Street, Newark, New Jersey, was the low bidder; and

16 Whereas, the bid for the 2017 Purchase of Asphalt
17 Material for the Township consisted of Stabilized Base in
18 the amount of \$48 per/ton, Winter-Patch (Zero Mix) in the
19 amount of \$135 per/ton, Liquid Asphalt Tack Coat, Grace AC-
20 20 or Equivalent, in 5-Gallon Containers in the amount of
21 \$55 per/gallon, I-6 Skin Patch in the amount of \$72 per/ton,
22 I-5 Fine in the amount of \$55 per/ton and 1/4 Top Mix in the
23 amount of \$72 per/ton; and

24 Whereas, funds are available from Account #7-01-
25 806-277 not to exceed \$50,000 and have been certified by the

1 Chief Financial Officer, said certification being attached
2 to this resolution;

3 Now, therefore be it resolved, by the Board of
4 Commissioners of the Township of Nutley, County of Essex,
5 State of New Jersey, that a contract be awarded to Newark
6 Asphalt Corp., for the bid in the amount not to exceed
7 \$50,000 and that the Mayor and Township Clerk are hereby
8 authorized to enter into and sign said contract for the
9 Township of Nutley.

10 I move the resolution.

11 COMMISSIONER TUCCI: Second.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 That concludes the business portion of our
21 meeting. Madam Clerk?

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
2 limit their address to five minutes. All remarks to the
3 Board and its individual members must be addressed to the
4 Mayor. 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
8 membership of the Board, shall determine that the interest
9 of decorum and/or the expeditious comment of municipal
10 business are being adversely affected by such dialogue.

11 COMMISSIONER PETRACCO: Mayor, before you open it
12 up to the public, I was just wondering if I could make a
13 comment?

14 MAYOR SCARPELLI: Sure.

15 COMMISSIONER PETRACCO: Thank you so much.

16 Last week there was an article about our budget in
17 The Nutley Sun and I've learned a lot about newspapers and
18 how sometimes they don't get it all correct. But I just
19 wanted to comment because a couple of residents and police
20 and fire have stopped by the store to ask me some questions
21 about this because as I know, public safety is the biggest
22 expense on the municipal side of the budget. But I just
23 felt that -- the need to just clarify a few things on this.

24 The first thing I'd like to say is that in public
25 safety, being the director of public safety, what we do

1 there is we plan for the worst every year because we can't -
2 - we're not -- we can't predict how many storms there's
3 going to be, how much crime there's going to be and things
4 like that. So we plan for the worst when we budget and we
5 hope for the best.

6 This year, public safety gave back close to
7 \$700,000 to our municipal budget. Also, we did give the
8 police officers a raise, which I will never hide behind. It
9 was a 3 percent increase. But I think it's very -- it has
10 to be noted that by giving that increase, we also got back
11 longevity. And when we studied that from our police
12 officers, the 3 percent raise was actually less than giving
13 the police officers longevity for all new hirees.

14 Also I went back a few years in my budget to see
15 exactly what we were doing. 2008 when I got elected and I
16 inherited this budget, the budget went up 8 -- from 2006 to
17 2007, it went up 8 percent. From 2007 to 2008, it went up 5
18 percent. When I took over in 2008 on my first budget cycle,
19 the budget actually went down 2.9 percent and we realized the
20 savings of 373,000 approximately. In 2010, we went up 3.4
21 percent, which was 400 -- approximately a \$400,000 increase.
22 In 2011, we went up 1.9 percent. In 2012, we went up
23 approximately a quarter percent. In 2013, we went up a
24 little more than half a percent. In 2014, we went up 2.8
25 percent. In 2015, we went up 2.1 percent. And in 2016, we

1 went up 1.9. And this year, we went up 3.3 percent.

2 But with saying so, hopefully we have a good year
3 and we are really mindful of the money that we spend through
4 the whole town. And we're mindful of our fellow
5 Commissioners as well because we do all vote on this budget.
6 We've also increased our staff this past year from 2016 to
7 2017. We were able to hire nine new hirees in the police
8 department, which I stand behind and I think it's very
9 important to keep our town safe. And I hope that in the
10 future, we'll be responsible to the taxpayer, but we will
11 also make sure we keep our residents safe. And we did hire
12 three fire personnel as well.

13 With that being said, again I just want people to
14 realize out there, the numbers are big in public safety. So
15 when you have a 2 percent increase, it's close to \$300,000.
16 But again, and Commissioner Evans, I know that some of this
17 (indiscernible) in here, I don't know if -- I know I'm
18 proctor and I've dealt with The Nutley Sun a lot that, you
19 know, what these statements are. But I always considered
20 Tom Evans a friend and an ally on our Board. There's not
21 too many people that I could go to, and I go to him every
22 single budget cycle to make sure that we're in line. And as
23 Tom is a friend, I always say that it's a good resource to
24 have someone that you can go to that's a partner at -- or a
25 retired partner at Price Waterhouse.

1 So I'm not looking to throw stones or point any
2 fingers at anybody this evening, but I just wanted to set
3 the record straight because I work very diligently in the
4 public safety department, which is the biggest budget,
5 again, on the municipal side to control cost. But I will
6 never ever compromise safety doing so. Thank you, Mayor.

7 MAYOR SCARPELLI: Thank you, Commissioner.

8 Would anybody like to address the Board of
9 Commissioners this evening?

10 MS. RABINO: Joan Rabino, 48 North Road.

11 I would first like to say that this body is very
12 disrespectful to the citizens of this Town. We were waiting
13 for an hour and a half before this meeting started and I
14 think that's a lot of nerve, especially since you had these
15 kids from 7:15, who were told to be here at that time.

16 There should be something done about that because
17 if you were trying to discourage people from attending
18 public meetings, you are being very successful.

19 I really came to question the money about the
20 school -- the taxes for the school. Mayor Scarpelli told
21 the Journal. This is -- I have the paper here that it's a
22 sensitive issue to increase the tax burden. The
23 Commissioners have taken all steps to control the situation.

24 My question is, what steps have you taken?

25 MAYOR SCARPELLI: Well, Mrs. Rabino, that quote

1 was in response to a specific question on the referendum and
2 what we were doing as a body to control spending. And we've
3 done a lot to control spending over the last eight years
4 that I've been here. And you know --

5 MS. RABINO: Well, but this -- my question is
6 specific to the tax burden due to the school situation. I
7 know that you've been working to control spending, but I
8 want to know what you've done for the school situation.

9 MAYOR SCARPELLI: Well, like I said, that question
10 to a specific question and did not pertain to what we're
11 doing for school spending. It was in regard to what we're
12 doing as a Board of Commissioners. And the way it was
13 presented in the article may have come across a little
14 different, just as Commissioner Petracco said. Sometimes
15 what you say to the paper doesn't always get out exactly the
16 way you said it.

17 MS. RABINO: I agree with that, but I still think
18 that you're fudging this.

19 MAYOR SCARPELLI: And what I further said is that
20 I think there's things that we can do working together, the
21 Board of Commissioners and the Board of Education, to
22 control cost going forward. So that was kind of not -- kind
23 of lost in the article also.

24 But I do want to apologize to everybody for our
25 lateness. Unfortunately, one of our professionals had a

1 scheduling conflict that we needed to get done while he was
2 able to do that. And that was unfortunate.

3 MS. RABINO: I don't mean to contradict you, but
4 I've been to other meetings in previous years and the same
5 thing has happened. It is nothing new.

6 MAYOR SCARPELLI: It's not to discourage public
7 participation, I can assure you that.

8 MS. RABINO: Well, it sure as heck seems as it is.

9 There was another comment made about the -- from
10 Mr. Genitempo in the paper about the property values in this
11 Town going up because of the schools being improved, so to
12 speak. And he said that trailers are not the answer. And
13 my question is, why not? If you lease a trailer, it's much
14 less expensive. You don't have the cost of the building.
15 The trailers are very, very nice from what I understand.
16 They're like regular classrooms. You wouldn't even know
17 that you were not in a school building.

18 And as far as property values, what good is it if
19 your property value goes up, but you can't sell your house
20 because your taxes are so high? Like paying another
21 mortgage. And I said this at other meetings when the Board
22 went around from school to school, I've made that comment in
23 the past.

24 And also, the gyms aren't educationally sound.
25 What does that have to do with anything? What's wrong with

1 our gyms? 100 years old. They're just a big room with
2 hoops and whatnot. I don't get it.

3 Also, you talk about working with the Board of
4 Education and I'm quoting the article again, Mayor
5 Scarpelli. "We know something needs to be done. And you
6 have to put your heads together." Now, you've had this
7 situation for how many years and your heads haven't been
8 together on this?

9 MAYOR SCARPELLI: Is that a comment, Ms. Rabino?

10 MS. RABINO: Yeah, the comment is in the paper.
11 "It's incumbent on us to mitigate the situation in some way.
12 We have to put our heads together." I mean, this has been
13 going on for several years and I would think --

14 MAYOR SCARPELLI: And I think we have been putting
15 our heads together. We've had multiple meetings with the
16 Board of Education and we will continue to have meetings
17 with the Board of Education.

18 MS. RABINO: You think that this is satisfactory
19 that we are going to be -- bear the burden of this
20 tremendous, as you say, well it's only \$189 a year. I've
21 heard that tune before. I've lived in this Town for a long
22 time and that's what they always say. It's only X amount of
23 money a year. And wow, that's not bad, but it's a lot more
24 than X.

25 MR. GENITEMPO: That's five minutes, Mayor.

1 MAYOR SCARPELLI: Thank you, Ms. Rabino.

2 Would anybody else like to address the Board of
3 Commissioners this evening?

4 MR. HENNING: Neil Henning, 31 Terrace Avenue.

5 On 7/22 of 2014, the Davis property received three
6 pages of fire code violations. That was supposed to be
7 abated by 8/25/2014. Did Mr. Davis abate those violations?

8 MR. GENITEMPO: No, he did not.

9 MR. HENNING: Why not?

10 MR. GENITEMPO: I don't know.

11 MR. HENNING: The fines for not abating the
12 violations can be up to \$5,000 a day according to the fire
13 department. Did the fire department fine the owner?

14 MR. GENITEMPO: I don't know.

15 MR. HENNING: What was the advice from our legal
16 counsel regarding the Town's potential liability for
17 knowingly allowing renters to continue occupying a building
18 for approximately two years without having the fire code
19 violations abated?

20 MR. GENITEMPO: There's no -- first of all, legal
21 advice between myself and the Commissioners is confidential.
22 However, there has been no legal advice. This was a problem
23 going back a long time. There's a hardwired alarm system in
24 the entire building that has existed for some time. There
25 was an issue about how this was going to be installed.

1 Fortunately, it has now been installed, but it didn't for a
2 while.

3 I don't know if they did go to Court or not. I
4 wasn't prosecuting at the time. I've been here since that
5 time. So I don't -- I can't answer your question.

6 MR. HENNING: Will that be something I can get an
7 answer to? I mean, the Commissioners could answer that.
8 They were here.

9 MR. GENITEMPO: I don't

10 MR. HENNING: Did you receive any advice from
11 counsel at the time?

12 MAYOR SCARPELLI: Mr. Genitempo is answering the
13 questions for us. Thank you.

14 MR. HENNING: The Town purchased the property in
15 June of 2016. Money was put aside at the closing to abate
16 fire code violations. Who's responsibility is it to manage
17 the property and was that done?

18 MR. GENITEMPO: I believe the closing was in
19 November, if I'm not mistaken.

20 MR. HENNING: You are mistaken.

21 MR. GENITEMPO: Okay. Thank you for correcting
22 me. But that -- there was money withheld and it was
23 corrected. It was done. So there was some issues getting
24 it done and how it was going to be done, but we did get it
25 done. MR. HENNING: When was it done?

1 MR. GENITEMPO: It was just completed, I think,
2 within -- in last month.

3 MR. HENNING: Would you say it was completed like
4 this past Monday?

5 MR. GENITEMPO: I'm not sure exactly when. I was
6 told it was going to be completed. So Mr. DeMaio and I have
7 been working to get that done.

8 MR. HENNING: My understanding is when buildings
9 change hands, the new owner is required within 20 days prior
10 to the transfer to file for a certificate of occupancy, is
11 that correct?

12 MR. GENITEMPO: That's a legal question and I'm
13 not here to answer your legal questions.

14 MR. HENNING: But that's what the --

15 MR. GENITEMPO: You know the code, Mr. Henning. Generally,
16 with a residential real estate closing, there is a
17 requirement. This was a different purchase. We have
18 certifications from the state for multi-use buildings. The
19 fire department was there. They did their inspections. So
20 there were inspections done.

21 I did provide to you the TCO this week. You asked
22 for it. I got it from Code Enforcement. I submitted it to
23 you. So you know that it exists.

24 MR. HENNING: I appreciate that you handed me the
25 TCO, but the TCO was dated October 27th of 2016. That's

1 four months after the Town purchased the building.

2 MR. GENITEMPO: I think you're wrong about the
3 purchase date, Mr. Henning.

4 MR. HENNING: I'm not, according --

5 MR. GENITEMPO: I'd be happy to go over it with
6 you tomorrow if you want to call me. I'll pull the file
7 again. I know I produced the whole copy to you. Look at
8 the deed, not the contract. I believe the contract may be
9 dated in June. I won't swear to it, but I'm pretty sure it
10 was closed in November.

11 MR. HENNING: Thank you. On the TCO, there's no
12 date for when this condition is supposed to be taken care
13 of. Why is that?

14 MR. GENITEMPO: I don't know. I didn't even look
15 at it. I just forwarded it to you because I know you were
16 waiting to get it and I didn't want to make you wait any
17 longer. I just forwarded it to you in an e-mail.

18 MR. HENNING: I appreciate you sending it to me,
19 but I'm pretty sure when you get a temporary certificate of
20 occupancy, there should be a date for when it's supposed to
21 be abated.

22 MR. GENITEMPO: I would probably agree with you.
23 Generally, that's probably correct.

24 MR. HENNING: So I would just request that perhaps
25 we let code enforcement know and we get that done then.

1 Thank you.

2 MR. GENITEMPO: Okay.

3 MAYOR SCARPELLI: Thank you, Mr. Henning.

4 MR. HENNING: And one last thing. In early 2016,
5 the Town closed on a property -- Town Commission
6 environmental impact that report -- and a finalized report
7 was given to David Berry showing that the soil paper
8 analytic results indicated exceeding in SV-1, SV-2, SV-3,
9 better known as Benzene and Chloroform. Based on these
10 results, they recommended that the sub-slab soil vapor
11 sampling be done. Was this done?

12 MR. GENITEMPO: Which property are you referring
13 to?

14 MR. HENNING: That's still the same property.

15 MR. GENITEMPO: I believe that entire report talks
16 about what needs to be done going forward. And they talk
17 about, depending on what the future use of the property is
18 going to be, that there should be some vapor studies. But
19 not with regard to the transfer of the property.

20 MR. HENNING: It said (indiscernible).

21 MR. GENITEMPO: So I read the report and it said
22 depending on what the future use may be, if they're going to
23 be digging into the soil, there may need to be some
24 additional soil testing. But from a phase one perspective,
25 it was fine. And that's what the report said.

1 MR. HENNING: I disagree with what that report --

2 MR. GENITEMPO: You can disagree. I'm just
3 telling you my interpretation of it.

4 MR. HENNING: I'll disagree with your
5 interpretation.

6 MR. GENITEMPO: I gave you the report. So I know
7 we both have read it.

8 MR. HENNING: I read the report. I read the
9 report.

10 MR. GENITEMPO: Okay.

11 MR. HENNING: And the report said that if it's to
12 be occupied, that further tests should be done. It didn't
13 say whether you're digging up the soil. It just said if you
14 -- if the buildings could be occupied, it should be done.
15 Nothing was done.

16 MR. GENITEMPO: It also said that potential
17 chemical might have come from a laundromat of more than a
18 couple hundred feet away.

19 MR. HENNING: I understand.

20 MR. GENITEMPO: And ultimately, that is not a
21 significant environmental concern. And that's what the
22 report says. So that's -- your interpretation may be
23 different than mine and that's fine, but I read the report.
24 I know what it says.

25 MR. HENNING: I also read the report and it did

1 say if it's to be -- the building is to be occupied, they
2 recommended -- I'm not saying that it's not coming from 100
3 feet away. Even they said, it may come from 100 feet away.
4 They said if it's to be occupied, they would recommend that
5 it would be done. I'm just asking if it was done.
6 Obviously it wasn't. That's fine.

7 MAYOR SCARPELLI: Thank you, Mr. Henning.

8 MR. HENNING: Thank you.

9 MAYOR SCARPELLI: Anybody else like to address the
10 Board of Commissioners this evening?

11 MS. BOZZA: Maria Bozza(ph), 209 Highfield Lane in
12 Nutley.

13 I'm here to talk about the school as well. I
14 think that if it is your intent to chase old time people out
15 of Nutley, you're doing a really good job because every
16 street you go up and down, you'll see all of these houses
17 for sale. And I talked to a lot of people and they tell me
18 that they're not staying in Nutley. They can't afford to.

19 Why is it that we need new schools in this Town?
20 These schools have been perfectly fine for many years.
21 There was a gentleman at a meeting we attended to -- in
22 Spring Garden who had all kinds of statistics relative to
23 growth and the future family and things like that. So they
24 didn't want to hear that.

25 What are you going to do in five years when we

1 don't need the schools anymore and people aren't having
2 children anymore. These trailers you could get rid of. But
3 you can't get rid of school buildings. I mean, why do we,
4 as taxpayers, have to -- we don't have a say in anything
5 that you people do. You just do it. Nobody cares what we
6 think, what we say, what we could afford or anything. I
7 know you're just listening and that's --

8 MAYOR SCARPELLI: We appreciate your comments.

9 MS. BOZZA: Yeah, you appreciate the comments,
10 but --

11 MAYOR SCARPELLI: I think your comments should be
12 addressed to the Board of Education.

13 MS. BOZZA: But they never -- yeah, but you're the
14 Commissioners. I thought that -- you know, I've read the
15 article as well in the paper and you're supposed to be the
16 head of this Town. I mean, we come to you for advice. We
17 come to you to try and help us. You work for us, but I
18 think it's the other way around. We seem to work for you
19 people.

20 MAYOR SCARPELLI: Thank you.

21 MS. BOZZA: Yeah, you're welcome.

22 MR. ODRIA: Michael Odria, 133 High Street.

23 First of all, I'd like to say thank you to Ms. Rabino
24 and her friend for speaking out. But I do want to say thank
25 you to someone in this community, the former police chief,

1 Robert DeLitta (ph), who actually said and sent you letters
2 saying, "I see Nutley losing its historical character and
3 forcing longtime residents out of Nutley because they can no
4 longer pay these taxes. The final result, in my opinion, is
5 the failure of the governing body to have empathy for the
6 citizens who hope to spend the rest of their lives in a
7 beautiful, wonderful Town."

8 It is true. I have gone to the Board of Ed and I
9 have expressed my concerns, not just for myself, but for my
10 neighbors. And just the other day, I'm driving on Prospect
11 Avenue, going to work, thank God for my job. I saw three
12 new houses go up for sale in one day. I found that very
13 shocking.

14 And another thing that was brought up during this
15 meeting was your historical background and how you handled
16 the budget, former Mayor Petracco. All I heard was your
17 budget going up and up except for one year that it went up 1
18 point something. And this is affecting our fellow
19 homeowners.

20 And yes, like the lady said before, we do look for
21 -- to you for advice. But more important, we looked forward
22 to you guys for protection. Because many of us, and I don't
23 mean the cop-thing protection. I mean protection in the
24 sense of allowing us to have the capacity to afford to stay
25 in this Town.

1 COMMISSIONER PETRACCO: Michael, let me just
2 interrupt you for one second. I don't understand what
3 you're trying to say to me because what I'm saying that it's
4 a team effort through the Township. We're -- I'm the
5 Department of Public Safety, he's DPW, Parks and Rec, and so
6 forth. And then we have our Board of Education. And we
7 have tried to toe the line on these taxes. However, what
8 I'm speaking of tonight is the public safety budget, okay?

9 Now, do you want me to start sending cops home or
10 maybe we should just -- should we eliminate the fire
11 department? Because this is the -- these are sometimes the
12 questions that I get. Because, you know what, it seems like
13 to me that nobody wants to pay for a cop or a fireman until
14 they need them. Then when their house is on fire and
15 they're rescuing your children or yourself, then all of a
16 sudden, they're the best people in the world.

17 Or when you have a call to your house, the police
18 can't get there quick enough. But you know what, there's an
19 expense to doing that. And what I -- I didn't say that my
20 budget has been flat every year, but I am very proud of the
21 increments that it has gone up. And it hasn't been easy.
22 There's a lot of things that are outside our control. The
23 health benefits. The pension contributions. All that
24 stuff.

25 So for you to come up there and just continually

1 to say to us that we're not doing our jobs, it's really --

2 MR. ODRIA: Well, actually, Robert DeLitta is
3 saying that, the former police chief of Nutley.

4 COMMISSIONER PETRACCO: Well, let me -- I was
5 really trying to bite my tongue on that, but I guess I'm
6 going to have to comment, being you're calling me out on it.
7 You know what --

8 MR. ODRIA: Yeah, please do.

9 COMMISSIONER PETRACCO: Listen, Bob DeLitta is a
10 personal friend of mine and he's chief of police, but I want
11 to ask you a question. Bob DeLitta is also collecting the
12 chief's pension and benefits. And --

13 MR. ODRIA: And I know we're paying for it.

14 COMMISSIONER PETRACCO: Okay. And we're the ones
15 paying for it.

16 MR. ODRIA: 90 percent of it.

17 COMMISSIONER PETRACCO: If you're going to
18 interrupt me, Michael.

19 MR. ODRIA: I'm sorry.

20 COMMISSIONER PETRACCO: Okay? So, you know, when
21 we have people and sometimes employees or past employees
22 write letters or come to the mic, I want to ask the question
23 like we can't have it every which way here. You've got the
24 people who don't want apartments in Town. Okay. Well, if we
25 only have a pot of -- what we have as far as

1 ratables right now and we don't increase the ratables, what
2 are we supposed to do up here? Because everything goes up.
3 Just like --

4 MR. ODRIA: I have the answer to the question.

5 COMMISSIONER PETRACCO: Okay.

6 MR. ODRIA: I have the answer. All right, look. I
7 have nothing against cops and firemen or these guys over
8 here making money. I have nothing against that. But when I
9 find and I look at the paperwork and the salaries, they're
10 making three times as much as I am.

11 I remember there was a time eight years ago, maybe
12 seven year --

13 COMMISSIONER PETRACCO: Michael, our salaries.

14 I'll speak for myself, Michael, as far as (indiscernible) --

15 MR. ODRIA: -- were more on par with the people --
16 with the homeowners.

17 COMMISSIONER PETRACCO: As far as the public
18 safety salaries, I will put them up against anywhere in the
19 county. Because if you go across the Passaic River, you
20 have cops -- there was a patrolman from Wayne today in my
21 store. He's making over 100 --

22 MR. ODRIA: 200,000?

23 COMMISSIONER PETRACCO: No, he's a patrolman.

24 MR. ODRIA: Okay.

25 COMMISSIONER PETRACCO: He's making over \$120,000

1 a year. There's a captain -- I'm sorry, a sergeant in Wayne
2 making over 150,000.

3 MR. ODRIA: The police chief was making 200,000.

4 COMMISSIONER PETRACCO: Yeah, well, but --

5 MR. ODRIA: I know all that.

6 COMMISSIONER PETRACCO: But let me finish,
7 Michael, please. That's not happening here. But we have to
8 be competitive somewhat to attract good people and also to
9 keep police officers in our Town. Because what do you think
10 police want to do? They want to -- just like all of us,
11 they want to make the most money they can. So they can
12 transfer to Bergen County where they're making a lot more
13 than here.

14 So we have to be competitive. Just like when you
15 go to work, Michael, for whatever your job function is -- I
16 do, I want a fair salary for the work that I'm doing. But
17 again, for you to come up to the mic and say like we're not
18 doing our jobs --

19 MR. ODRIA: But there's a difference.

20 COMMISSIONER PETRACCO: Last year, I handed back
21 \$700,000 to the municipality. I didn't go spend the money
22 foolishly. We're very conscious of the money that's spent
23 in public safety. And I'll say this to my fellow
24 Commissioners, I realize that I have the largest budget
25 here. But to point the figure, you can't have it both ways.

1 And if the community wants to come out and come to the mic
2 and we start getting people here and they say Commissioner
3 Petracco or Mayor Scarpelli, listen, we want a reduction in
4 staff. You know what, instead of having 70 cops that I
5 think we should have 100 because of what our borders are
6 starting to look like and the calls.

7 You should stop by the courtroom tomorrow morning
8 and see what's walking in and out of there and all the
9 activity that's there. So for you -- again, if the public
10 outcry is make -- instead of 70 cops, let's bring it down to
11 40, I could do that. I could do that because I've done it
12 in the past. I've laid off police and firemen in the past.
13 I've had 350 people crammed into this room because --

14 MR. ODRIA: I've been there.

15 COMMISSIONER PETRACCO: -- because I'm trying to
16 do the right thing with these taxes because we pay the taxes
17 also.

18 And to the senior citizens that are here. I have
19 my parents that are living here and that are stressed out
20 with these taxes and that stuff too. So we're not not
21 sympathetic to what we're doing here.

22 MR. ODRIA: Well, I just want to say --

23 COMMISSIONER PETRACCO: But there's got to be a
24 balance, Michael, that you strike that you could still get
25 the job done. We could still respond to the calls. And we

1 could still take care of our community.

2 MR. ODRIA: All I'm saying is this, your
3 competitiveness that you talk about is forcing a lot of
4 people out of this Town.

5 MAYOR SCARPELLI: Wrap it up, Michael.

6 MR. ODRIA: That's what -- and honestly, if I was a
7 public employee of this Town, if I was making 60 -- \$70,000 I
8 would be satisfied.

9 COMMISSIONER PETRACCO: Michael, it's easy to be a
10 critic.

11 MR. ODRIA: I'm just being -- you guys -- ladies
12 like that coming out now, now they're starting to come to the
13 mic.

14 COMMISSIONER PETRACCO: It's easy to be a critic
15 from that side of the mic. It's easy to be a critic from a
16 safe distance.

17 MR. ODRIA: I'm just being honest about it.

18 COMMISSIONER PETRACCO: Run next time. Run for
19 the Board of Commissioners.

20 MR. ODRIA: Trust me. I've been asked to.

21 COMMISSIONER PETRACCO: And we'll see what kind of
22 job you could do here.

23 MR. ODRIA: Definitely not Commissioner, I wouldn't
24 want that job. Mayor.

25 COMMISSIONER PETRACCO: Well, it's kind of the

1 same job. I've had both of them.

2 MAYOR SCARPELLI: Thank you, Michael. Anybody
3 else like to address the Board of Commissioners this
4 evening? Seeing none.

5 COMMISSIONER PETRACCO: Move to adjourn.

6 COMMISSIONER TUCCI: Second.

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. Good night, everybody.

15 MADAM CLERK: The time is 9:31.

16 (Meeting was adjourned at 8:31 P.M.)

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

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


Jamie Gallagher

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