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REGULAR MEETING AGENDA
OF THE BOARD OF COMMISSIONERS
OF THE TOWNSHIP OF NUTLEY, NEW JERSEY

PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS
)

DATE: Tuesday, May 16, 2017
TIME: 7 p.m.
HELD AT: Township of Nutley
Board of Commissioners
One Kennedy Drive
3rd Floor Commission Chambers
Nutley, New Jersey

IN ATTENDANCE:

Mayor: Joseph P. Scarpelli
Commissioners: Steven L. Rogers
Mauro G. Tucci
Thomas J. Evans (Via Phone)
Alphonse Petracco

PROFESSIONALS PRESENT:

Township Clerk: Eleni Pettas
Township Attorney: Alan Genitempo, Esq.

Job No. NJ2620664

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P R O C E E D I N G S

THE CLERK: Board of Commissioners Public Meeting,
Tuesday, May 16, 2017. The time is 7:02.

Pursuant to the requirements of the Open Public Meeting Act (Chapter 231, P.L.1975), notice of this meeting was published in the December 1, 2016 issues of The Nutley Sun and The Herald News, and the December 2, 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.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

THE CLERK: All present, Mayor. And Commissioner Evans is via phone.

MAYOR SCARPELLI: Okay. Commissioner Petracco, what do you have on the agenda tonight?

1 COMMISSIONER PETRACCO: Okay. I just have one
2 resolution for turnout on uniforms. I think that's what I
3 read, right? Yep.

4 MAYOR SCARPELLI: Commissioner Evans, what do you
5 have on the agenda?

6 COMMISSIONER EVANS: I just have the one
7 resolution for a refund of overpayment of taxes.

8 MAYOR SCARPELLI: Commissioner Rogers?

9 COMMISSIONER ROGERS: Pardon me?

10 MAYOR SCARPELLI: Agenda?

11 COMMISSIONER ROGERS: I have one resolution
12 honoring Women's Health. Thank you.

13 MAYOR SCARPELLI: Commissioner Tucci, thank you
14 for joining us tonight.

15 COMMISSIONER TUCCI: I have nothing this evening,
16 Mayor.

17 MAYOR SCARPELLI: I have approval for a raffle
18 application for the Essex County PBA, advertise for sealed
19 bids for roadway improvements and a proclamation for the
20 National Public Works week.

21 Madam Clerk?

22 THE CLERK: Yes. We have several correspondence
23 for raffle applications. And I wanted to know if three of
24 them that are for the spring concert on Franklin Avenue, we

1 can read them as one, Alan?

2 MR. GENITEMPO: Yeah, absolutely.

3 THE CLERK: Perfect. And that's it.

4 MAYOR SCARPELLI: Okay. Mr. Genitempo?

5 MR. GENITEMPO: We will need executive session.
6 It might be extended so (indiscernible).

7 MAYOR SCARPELLI: Let's do that after 'cause I'm
8 sure we're going to have a discussion about the preservation
9 ordinance. So --

10 Tonight we brought in the historic preservation
11 committee to talk about the historic preservation ordinance.
12 Mr. Genitempo, do you want to just give a little background
13 on some of the changes that were made to it?

14 MR. GENITEMPO: Sure. This all came about because
15 of a review of the ordinance and whether or not it provided
16 with the owners of properties notice that their property is
17 being considered for either designation of a historic
18 landmark or for some other designation by the Historic
19 Preservation Society. And so, with the help of Mr. Kozyra of
20 the planning board and Ms. McGovern from the Board of
21 Adjustment, we made some changes which are highlighted --
22 actually, though, this is the final version. I had sent you
23 over the redline version in the past that provided some
24 notice requirements regarding when decisions might be made

1 regarding the properties.

2 Ultimately, the planning board has to make a final
3 determination after a public notice, in other words, having a
4 public hearing at which point there could be an objection
5 stated if that was so.

6 So we just kind of -- that was the only thing we
7 really added. We cleaned it up a little bit. It had not
8 been amended for quite a long time, so that's what we did.

9 And then, obviously, I know the commissioners had
10 some questions about the overall -- the ordinance and how it
11 operates and I suggested that we bring the group in and let
12 them -- since they actually operate under it. So --

13 MAYOR SCARPELLI: So I think maybe -- and I don't
14 know who would be best to do this, I don't know if John or
15 John, but maybe just a little semi-history of the ordinance
16 because I know there's some questions that came up as far
17 as, for lack of a better word, forcing somebody into this.

18 So you guys want to just give a little history of
19 the ordinance going back, I don't know, six years? Seven
20 years?

21 MR. SIMKO: As the newest member and certainly not
22 a part of the board when the bank application happened, I'd
23 ask John who was certainly there for the whole thing to
24 provide the history.

1 MR. DEMMER: So do we want to speak specifically
2 on that?

3 MAYOR SCARPELLI: No. A preview of just the whole
4 ordinance itself and then you can through the specifics on
5 the bank and what led to some of the changes.

6 MR. DEMMER: Yeah. I think for a while it was
7 noticed that the historic preservation ordinance aspect
8 should be put into the master plan. So there was -- I
9 think, the earliest set of it was there was a ad hoc group
10 put together to investigate whether this is something that
11 would be beneficial for the town. And with many groups
12 afterwards and many years put into it, we worked on what we
13 thought was a fairly good basic ordinance. And obviously,
14 through trial and error, we found out that we were lacking
15 some key features in the first set. So we all got together
16 again and we reviewed what your changes are and most of them
17 were in agreement with and we feel that this -- we never
18 wanted this to be something that was enforced upon someone.
19 This was always a -- you know, you come to us kind of thing
20 where we've wanted people to be part of it, to recommend or
21 to come to the committee and say how do I get put on this
22 list of properties.

23 So I'm not sure where I know there was some major
24 concerns about the ordinance sort of strong-arming people or

1 locking them into something that they didn't want to do.
2 And I really don't feel it reads that way. I'm not sure
3 what your concerns were with it. I see how -- based on the
4 Bank of Nutley scenario, I see how we were lacking in some
5 of the communication, some of the mechanics of how this goes
6 through. But I really never saw this as an ordinance that
7 was going to be prohibitive or strong-arm anyone into doing
8 anything that they didn't want to do with their property.

9 COMMISSIONER TUCCI: Does it say anywhere in here
10 that it's voluntary?

11 MS. VAN STEEN No. And it doesn't say --

12 MR. CORVINO: gives It gives us -- I guess it
13 us the --

14 COMMISSIONER TUCCI: No, I understand that.

15 MR. CORIVINO: -- (indiscernible).

16 COMMISSIONER TUCCI: I understand it's silent both
17 ways.

18 MS. VAN STEEN: Yes.

19 COMMISSIONER TUCCI: All right? But I think it's
20 important --

21 MR. SIMKO: Okay.

22 COMMISSIONER TUCCI: I mean, I agree with the intent
23 of this ordinance. However, I think it is important to
24 preserve these buildings. All right? But I think it's

1 important not to be silent and to spell it out as best we
2 can.

3 MR. DEMMER: Understood. That's why I think the
4 new procedures that we want to put in place that some of
5 them which you've recommended make it absolutely clear to
6 everyone, homeowner, the committee, the building
7 department. Everyone understands where this is going. This
8 isn't something that we're trying to slide in on the side
9 here. So I think the communication is the key.

10 COMMISSIONER TUCCI: That was never the way --

11 MR. DEMMER: Okay.

12 COMMISSIONER TUCCI: -- it was interpreted that you
13 guys were going to slide one by us. That was never it. All
14 right? Just that it wasn't clear whether it was voluntary
15 or whether it was mandatory.

16 MR. SIMKO: Well, it is a bit of both. Right? I'm
17 going to say for -- I could see the next 20 years that we
18 could fill the coffers with homes that come to us
19 voluntarily.

20 MR. CORVINO: Our first three homes are where
21 that -- you know, that are interested, where people came to
22 us.

23 COMMISSIONER TUCCI: I think that's wonderful.

24 MR. CORVINO: So that's good.

1 COMMISSIONER TUCCI: Yeah.

2 MR. SIMKO: But I could foresee in the future that there is
3 either a commercial building or a home that is -- and there
4 is an owner who may not be absolutely willing that an
5 ordinance is that, isn't an ordinance something that does
6 require someone to do something as opposed to being totally
7 voluntary?

8 COMMISSIONER TUCCI: Well, it's a law. It's a law.

9 MR. SIMKO: Yeah. So again, while I think that
10 there needs to be some teeth in this ordinance, I almost
11 can't foresee for the next 10 to 20 years that we would have
12 buildings that would be problematic. And I know that
13 doesn't answer the legal question down the road when we come
14 up to one.

15 I think maybe one of the things that got us a bit
16 off track in the beginning was going with what did seem like
17 a slam dunk but a commercial building is, of course, a
18 little bit trickier than someone's private home. And
19 certainly, the next line of buildings that we've got, you
20 know, a dozen of them are all going forward to that private
21 home category where the owners are thrilled to be a part of
22 it and are willing, when they're a part of that, to take on
23 responsibility of when they sell their home, you know, that
24 this isn't an ordinance for the owner necessarily that could

1 be undone by the next owner of the building. It's something
2 that is for the building itself. And again if an owner
3 decides that --

4 COMMISSIONER TUCCI: So how do you plan on doing
5 that? Through a deed restriction?

6 MR. SIMKO: Well, the home is -- so let's say I put
7 my home on the historic preservation list. So that home is
8 there no matter who owns that or that -- it's on that list no
9 matter who owns it. So if you purchase the house from me,
10 you would be under the same requirements of the ordinance
11 that I was when I put the house on it.

12 I don't know. Does that answer the question?

13 MR. CORVINO: Not much unlike a variance.

14

15 COMMISSIONER ROGERS: I just want to follow up on
16 something. I'm a little concerned about something. I'm
17 going to ask --

18 MR. GENITEMPO: Just know -- let you know one
19 thing. This is a current ordinance. The one with our
20 changes is not this one.

21 COMMISSIONER ROGERS: Okay.

22 MR. GENITEMPO: So those changes really don't
23 notice requirements. Not the substance of this. You can
24 still use this as your guide.

1 COMMISSIONER ROGERS: Here's my concern. And I'll
2 defer to counsel. I'm concerned that -- and if I'm wrong,
3 please correct me. What I'm hearing is that whether it be
4 commercial or a private or proper homeowner that if it is in
5 the opinion of, for lack of a better term, the government,
6 the governing body --

7 COMMISSIONER TUCCI: The committee.

8 COMMISSIONER ROGERS: The committee, okay --

9 COMMISSIONER TUCCI: Not the governing body.

10 COMMISSIONER ROGERS: -- that the -- well, but
11 if it's an ordinance, doesn't it -- that becomes a governing
12 body.

13 COMMISSIONER TUCCI: Right, but the ordinance is
14 carried out by a committee.

15 COMMISSIONER ROGERS: Okay. I'm concerned
16 about --

17 COMMISSIONER TUCCI: (Indiscernible).

18 COMMISSIONER ROGERS: And I know it's not
19 government but for a lack of a better (indiscernible),
20 government (indiscernible), it seems like we're seizing
21 property from people against their will. You made a point
22 to say that, well, you want some teeth into this and if
23 there's a commercial property that we deem should be of
24 historical significance, getting to your point, how do you

1 enforce taking someone's property?

2 And, counsel, I'm deferring to you because I see
3 that as a real problem 20 years down the road.

4 MR. GENITEMPO: Well, I think that's --

5 MR. SIMKO: Taking -- seizing a
6 property.

7 MR. GENITEMPO: Well, let me clear -- I don't
8 think the word "taking" is probably (indiscernible). I
9 think what you're saying is limited or restricting someone's
10 property. So again, the new ordinance that you don't have
11 in front of you with the changes provides that the planning
12 board will have a public hearing and the owner of the
13 property will have notice to come and object to any
14 application or recommendation by the committee, the historic
15 committee, to deem the property a landmark.

16 The question is -- and it's not always clear in
17 the ordinance -- what happens at the planning board level
18 other than having a public hearing. Will the planning board
19 override an owner's desire not to deem it historic -- a
20 landmark? You've never been there, right? You haven't been
21 on that -- I don't think you guys have ever been to that
22 point.

23 MS. VAN STEEN: No.

24 MR. GENITEMPO: So I can't answer it 100 percent

1 'cause we haven't had any experience with that. It's a
2 permanent restriction of the designation of the property.

3 COMMISSIONER ROGERS: But there's my issue with it,
4 okay? You have someone who owns property, okay, and all of a
5 sudden, they're going to be told and correct me if I'm wrong
6 you know, I'm just trying to work through this myself -- that
7 your property is of historical significance so we are going
8 to determine that. Now counsel is saying there's going to be
9 a hearing. All right? And somewhere along the line,
10 somebody's going to make a decision over a property point. I
11 have a problem with that.

12 MR. GENITEMPO: Well, that's the gist of the
13 ordinance.

14 MR. CORVINO: (Indiscernible) ordinance.

15 MR. GENITEMPO: Right.

16 MR. CORVINO: Which you guys approved
17 originally.

18 MR. GENITEMPO: Maybe Sal can address this.

19 MR. CORVINO: I deal with this in New York --

20 MR. GENITEMPO: Sal, let me ask you one question
21 first. Just because a property is deemed historic doesn't
22 make it less valuable, correct?

23 MR. CORVINO: No. Actually, it might add value if
24 you take care of it and -- listen, we're here as an

1 educational group, too. People who come to us and
2 (indiscernible). We kind of steer them away from putting on
3 aluminum siding or vinyl siding. Try to use something
4 that's more appropriate. Avoid stucco. You know, making
5 suggestions to them to give value to their property. And
6 when renovating it, you know, we understand the cost
7 (indiscernible) involve it. Some of these procedures or
8 methods don't cost any more. It's just -- you know, it's
9 just smart -- you know, smart design.

10 MR. GENITEMPO: You're discussing issues of
11 renovations to the house.

12 MR. CORVINO: Right. But --

13 MR. GENITEMPO: I think the commissioners are
14 more --

15 MR. CORVINO: -- you understand the ordinance
16 doesn't even permit us -- doesn't prevent a homeowner or
17 anyone who has historic property from demolishing the
18 property. I mean, they could demolish the property. And
19 that goes even with the state ordinance and the federal
20 ordinance. For instance, you guys have properties here in
21 Nutley that are state and federal historic landmarks. You
22 shouldn't really have a problem taking those that are
23 already under state and federal which are probably more
24 restrictive, and turning them into a town landmark. I mean,

1 they're already approved by the state as a landmark. But we
2 couldn't impose any more restrictions on it by making
3 them -- so --

4 COMMISSIONER ROGERS: No. My only concern is --

5 MR. CORVINO: -- those are (indiscernible).

6 COMMISSIONER ROGERS: You know, and I don't want
7 to leave something for the next generation to be burdened
8 with -- we should do this as the commissioner said here same
9 thing about volunteering. But my concern is, I'm a property
10 owner, okay? Now I've been living there or I've had a
11 business there for 25 years. All of a sudden, the
12 committee's going to come to me and say, guess what? You
13 know what? We're going to designate or at least move to
14 designate your property as a historical site. And I'm going
15 to say no, I don't want that.

16 So my question is, do we go by the decision of the
17 homeowner or are we -- or, I'm sorry -- the property owner or
18 are we going to force that property owner to give up their
19 rights -- I see a giving up of a property owner's rights to
20 do what they want with their property. So that's my only
21 problem with it.

22 MR. CORVINO: I understand that part. And the
23 whole point of a historic ordinance which I assume was your
24 intent in approving the ordinance was to protect prop -- our

1 historic value to this town and the history of this town.
2 And I would think that you'd want to have some protections
3 on -- you know, really (indiscernible) the property.
4 There's no way that we really feel like we would force
5 something down someone's throat. We want to be able to have
6 a method by which we can at least give them guidance as to
7 how to renovate a property that might be historic -- we
8 might determine is historic.

9 We have to go through a lot of historic research
10 and proofs to bring this -- bring a building to the
11 committee, to the planning board. And it's the planning
12 board that's going to make the decision. We don't. You
13 know, we present a case but -- and again, I think that the
14 new regulations give us a better handle on having a
15 homeowner come in and make their arguments as to why they
16 don't want it. So that's kind --

17 MAYOR SCARPELLI: They actually have two
18 opportunities to object.

19 MR. CORVINO: Right.

20 MAYOR SCARPELLI: One would be at the committee
21 level --

22 MR. CORVINO: Yes.

23 MAYOR SCARPELLI: And one would be at the planning
24 board level if it got that far.

1 COMMISSIONER ROGERS: Well, you would hope, you're right.

2 MAYOR SCARPELLI: Right.

3 MR. DEMMER: I think the scenario you're
4 proposing, it certainly could happen. I think it's going to
5 be the exception not the rule. And I can't foresee too many
6 scenarios even in 20 years from now where we're going to so
7 aggressively go after a property that we would take
8 someone's rights away from them. That's not our intention.
9 And theoretically, could it happen the way it's proposed
10 here? Yes. Do I really feel it's going to go that far and
11 especially with the new revisions and the amount of
12 opportunities we're going to give the homeowners? If a
13 homeowner comes and objects and they have valid objections,
14 even the committee would probably back down at that point if
15 there's some (indiscernible) next one.

16 COMMISSIONER ROGERS: Will the committee 25
17 years from now?

18 MR. DEMMER: That's the responsibility of a
19 committee.

20 COMMISSIONER ROGERS: But I think it's the
21 responsibility. And listen, I -- you're a (indiscernible)
22 here. I have no argument. I think it's the responsibility
23 of a governing body no matter who we are because you're
24 taking individual rights of people. And I'm really, really

1 concerned about it. You know, we live in a litigant
2 society. And I can see somebody saying, hey, wait a minute.
3 This is my property for goodness sake. I've been here for
4 30 years. Now you're telling me that you're going to impose
5 -- and for lack of a better word, all right, but you're
6 going to impose your will on me. You see, that's what I'm
7 afraid of. I'm worried about that. I certainly wouldn't
8 want that to happen to me.

9 So I'm trying to avoid going down that road. And
10 I think the voluntary way is if we had in the ordinance,
11 look, education is great. Look, I would probably welcome
12 something like that. But then you got people who say, look,
13 it's my property, buddy. You know, so if you have something
14 built in there that makes it clear that it's not being
15 imposed on them, that it is voluntary.

16 MR. CORVINO: We don't have any problem --

17 MR. SIMKO: So what is your thought if
18 I put my house on and I agree to it and then I sell my house
19 in 10 years. Does that new owner get the right to --

20 COMMISSIONER ROGERS: No. I think --

21 UNIDENTIFIED SPEAKER: -- (indiscernible) that?

22 COMMISSIONER ROGERS: No. I would say that if
23 you agreed to it, it should be part of the (indiscernible)
24 so they know what they're getting into.

1 MR. CORVINO: And that's fair. Variances
2 go with the property. You can't go with the home owner

3 MAYOR SCARPELLI: Yeah.

4 UNIDENTIFIED SPEAKER: -- and property.

5 COMMISSIONER ROGERS: I think that's the fair --

6 MS. VAN STEEN: I was just going to say, I
7 live in a house that's on the National Registry. And I am
8 proud to live in a house that's on the National Register.
9 And, you know, being on the committee, I know what's going
10 on. But I know -- you know, we do not do anything to
11 disturb the house. You know, people call up and they want
12 to put aluminum siding or plastic on the house. And I slam
13 the phone down on them. And I'm not the only one. Some of
14 the others of us on the Enclosure do the same thing because
15 we do not want to have the house --

16 MR. CORVINO: It's a whole -- that's a whole
17 neighborhood that --

18 MS. VAN STEEN: Yes. Historic fabric.

19 MR. CORVINO: -- really (indiscernible) their whole
20 street. I mean, they're -- I was -- my property was
21 unofficially put on a Nutley -- was considered a Nutley
22 historic -- you know, the buildings --

23 MS VAN STEEN : Yes.

24 MR. CORVINO: -- in my property because

1 they had some historic value to the train system, the mail
2 system on the trains in that area. And there was a plaque
3 made by Nutley to say this is historic -- it wasn't -- it
4 was before the ordinance was in play.

5 But a lot of people come by and they
6 (indiscernible) little names on the names of the original
7 owners of the house. And there's plaques on our building.
8 And --

9 COMMISSIONER ROGERS: Well, if they're nice --

10 MR. CORVINO: -- people are always intrigued by it
11 and feel --

12 COMMISSIONER ROGERS: I agree with you 100
13 percent. But I'm stuck on that one problem of, you know,
14 just going into somebody -- you know, telling them, look,
15 this is your property but -- that's the only issue I have
16 with it. I agree with you. I think it's great. I've seen
17 houses on the enclosure. They've got the plaque. It's
18 great stuff. It really keeps the character of the town. But
19 I just have a little bit of problem with that.

20 MR. CORVINO: You know, and like I said, people
21 who come here got a hands full of people coming to us when
22 the (indiscernible) --

23 COMMISSIONER ROGERS: Yeah.

24 MR. CORVINO: -- houses on (indiscernible). Now I

1 know your concerns are probably somewhere down the line
2 selling the house but if the person is willing and wants to
3 help us --

4 COMMISSIONER ROGERS: I think that's fine.

5 MR. CORVINO: And other towns nearby seem to be
6 successful but I don't know if there's been issues in those
7 towns but I'm sure there's always a case here and there. Glen
8 Ridge or Montclair that may -- I've dealt with cases in
9 Montclair where I've had to -- I had to go in front of the
10 historic committee to do a renovation. But there was always
11 around -- you know, to negotiate a renovation to the house.
12 And (indiscernible) really they (indiscernible) just -- use
13 the right colors, use the right materials. Do what you want
14 to do but do it tastefully.

15 MAYOR SCARPELLI: And --

16 MR. CORVINO: And it always seems to work out.

17 MAYOR SCARPELLI: -- it doesn't include the
18 interior, right.

19 MR. CORVINO: No. It's exterior, correct. I had
20 to do a porch on (indiscernible) deck. It's (indiscernible)
21 historic neighborhood and we did -- you know, we worked it
22 out at the meeting and it was perfectly fine.

23 COMMISSIONER EVANS: This is Tom Evans. Just a
24 couple things. One is -- and I think Commissioner

1 Tucci would recall as well that when the first version of
2 this was originally put forth is that there was an intent
3 that the participation would be voluntary. And so, we -- I
4 was a bit surprised when I didn't see language in the
5 ordinance that referred to that.

6 So one of the questions that I had was in this
7 particular -- the latest version of the ordinance that I
8 read which had all of the notice requirements and
9 (indiscernible) requirements that were associated with
10 coming to the planning board, giving notice around all this.
11 Is it possible in the ordinance to create a sort of a
12 category which talks about voluntary participation that
13 doesn't require as much involvement of the resources of the
14 planning board, possibly any testimony or things like that
15 other than maybe a submission to the planning board which
16 they can discuss at their workshop meeting which, again, in
17 fact, approve it simply because of the voluntary nature so
18 that, as you said, many of these things will be people who
19 want to participate and would be -- if there was more of an
20 exception where there was some dispute whether or not the
21 building truly is historical and whether or not the owner
22 wanted to participate that they have the ability then to go
23 before the planning board with proper notices and so on.

24 So two things. One, it doesn't overly burden the

1 property owner. They're voluntarily wanting to participate I
2 think then it then allows for the preservation committee to
3 engage and giving them advice of counsel, things that are
4 important, which is very productive. And then -- and also
5 manages the calendar of the planning board, the resources of
6 the planning board in order to arrive at a decision.

7 So that was one question that I had about showing
8 some distinction in the ordinance.

9 And I just heard it and I wanted to also ask the
10 question -- excuse me -- the ordinance seems to focus
11 primarily on maintaining the external appearance of the
12 building that's designated of historical significance. It
13 didn't seem to address the significance of the fact that the
14 interior of the building might be significant historically as
15 well. Did I read that right?

16 MS. VAN STEEN: Yes.

17 MR. SIMKO: That is correct. Part of it is that
18 it's tough to know when somebody's tearing out a mantle
19 inside their house or something inside. The other part we
20 were thinking about the look of the town as somebody drives
21 through it. So not wanting to throw the sort of bath water
22 out with the baby, if we can't do the interior, which I'm
23 fine with, the exterior is what we were looking to preserve

24

1 the look of. So the interior, I think, is a whole nother
2 can of worms. I also think it brings up the question about
3 how do you really enforce. You know, it's clear when
4 somebody takes out windows or puts a new roof on the
5 building. They need a permit to do that. To do some
6 interior work that, as I say, takes a mantle or takes some
7 woodwork down is something that could be done without us
8 even being aware of it. And I think if we added the
9 interior into this, I don't know that we'd ever get anything
10 done, that we would ever get something done.

11 COMMISSIONER EVANS: If the owner was aware of it
12 and voluntarily participates, wouldn't they also want to
13 participate in preserving what's historically significant
14 regarding the interior?

15 MR. SIMKO: They would.

16 MS. VAN STEEN: Yeah. I think they would.

17 MR. CORVINO: Not all interiors --

18 COMMISSIONER EVANS: But I'd like just --

19 MR. CORVINO: Not all interiors are worthy. We
20 would have to probably determine in our findings and our
21 presentation whether or not the exterior and the interior
22 were just as important. More than likely, that's less of an
23 issue because there are so many changes inside. You know,
24 there are a few houses where the interiors are still worthy

1 of designation. If someone volunteered it, I think if it
2 was worth it, we would certainly --

3 MR. DEMMER: That would be fine if they
4 volunteered but we also felt we didn't want to go into this
5 -- we didn't want to go into people's homes. It's one thing
6 to do the exterior which is sort of a neighborhood thing
7 seen by all. But we kind of felt that going into a home --
8 but we did discuss that certain other ordinances do allow
9 for interior preservation. But that would certainly be on
10 maybe an as-needed basis or, you know, a very special
11 situation. But we didn't want to go in too heavy handed
12 with this. We didn't want to go into people's homes.

13 COMMISSIONER EVANS: Well, I guess I didn't
14 associate it as being heavy handed that if something is of
15 historical significance, I think there's less historical
16 significance to the exterior of a building if the interior
17 has been gutted and transformed into something else because
18 then you're really left with is the shell of what once was.
19 And it kind of calls into question is that if I change
20 the -- if I'm allowed to freely change the interior of the
21 building, what am I actually preserving. I'm preserving an
22 exterior look so if somebody drives by, they could say,
23 well, that's an historical building because there's some --
24 seems to be, to me, the significance of the historical

1 building is what has actually transpired inside the
2 building, not just the outside.

3 So I'm not suggesting that you have to be heavy
4 handed. I just was raising the question that it seems odd
5 to me that the ordinance would exclude the interior. And
6 it's possible like, for example, that there are things that
7 may be of historical significance that the owner
8 (indiscernible) say we're aware of it, would want to
9 preserve it as well.

10 There is also the fact that the code office in
11 issuing permits could have a check list or something that
12 says if this is a building that's of historical
13 significance, we just need to do an extra check with the
14 preservation committee or whoever is appropriate which could
15 be discussed and worked out to make sure that they don't
16 destroy something that's significant which, in effect,
17 dilutes -- ultimately then would dilute the value of why
18 we're preserving something to begin with.

19 And I can see ultimately down the road someone
20 saying the outside is historically significant but the
21 inside's been turned into something else. Why are we
22 actually preserving the shell of what was once valuable.

23 So two things. The thought that I had was around
24 reading the ordinance was if there's a way to simplify the

1 process for somebody who wants to volunteer into it versus
2 somebody who would be noticed who would have some type of
3 objection, there would be value in having that person have a
4 public forum which is the planning board to voice their
5 concerns and see if they can get resolved.

6 And I don't see that that addresses your point but
7 I think it's important for an owner to feel as though they
8 have a voice and that voice somehow is being heard.

9 So those are the two points that I had that were
10 significantly related to this revised ordinance.

11 MAYOR SCARPELLI: Mr. Genitempo, can you take a
12 look at adding some language to make it voluntary in nature
13 and investigate, you know, a two-prong approach of voluntary
14 -- you know, fast-tracking it, so to speak, and see if it
15 still cuts the mustard with the notice and anybody that would
16 object later on.

17 MR. GENITEMPO: Why don't I work with John and the
18 committee in trying to --

19 MR. CORVINO: Are we talking about making
20 everything voluntary or we would have to get permission from
21 anybody to designate something historic?

22 MAYOR SCARPELLI: I think that's what we're looking
23 at.

24

1 COMMISSIONER PETRACCO: Even if they volunteer
2 their house on their own? Somebody comes and volunteers
3 their house to be on the list, what would be --

4 MAYOR SCARPELLI: Mr. Genitempo is going to look
5 and see if there could be like a fast-track approach to --

6 MR. GENITEMPO: Exactly. He still --

7 MR. CORVINO: He was just saying that if somebody
8 volunteered, you wouldn't have to go through the same --

9 MR. GENITEMPO: Notice requirements.

10 MR. CORVINO: -- notice or even maybe --COMMISSIONER

11 PETRACCO: I just have one comment if I
12 can. Ironically, today I was in a house on Oak Crest --
13 that's why I'm looking at my phone. Oak Crest is right off
14 Daily. And it's one of those older homes that is fabulous.
15 And the guy -- the gentleman and his wife just got done
16 through a big remodeling job. And I have to say, as well as
17 the outside it was so tastefully done, I think these -- and
18 it's spectacular inside. Spectacular. They used all old
19 things. He got cut out beams from a (indiscernible) lumber
20 place. And my own opinion is that we should do anything we
21 can without disturbing somebody's rights because we don't
22 want to step on that area to preserve these old homes in
23 town because I think that they are demanding the most money
24 right now. I think they're very much in style. I think it

1 is the character of your town.

2 I was at the Nutley High School Millburn -- no,
3 not Millburn, Maplewood baseball game. And they had a bunch
4 of -- those old homes in Maplewood are demanding money that
5 I could not believe. And, you know, to lose that character
6 -- so I just want you to know that I'm very much on board in
7 doing whatever we can to preserve it. And I think that once
8 they get on that list, if it's volunteered that -- I don't
9 know if you can go as far as (indiscernible) deed restriction
10 but I've bought properties with deed restrictions that if
11 somebody knows what they're buying that it could be
12 restricted
13 that -- if you buy the house and the people that are
14 volunteering are signing up for it. So they know that they
15 might sell their house to a smaller group by doing that.
16 And maybe if they want to do it --

17 MR. CORVINO: I would think they'd probably want to
18 sell it to someone who has the same values in terms of
19 wanting to preserve the house. But you can be fearful of
20 selling a house to someone who didn't care about it who's
21 ready to --do major damage to it --

22 COMMISSIONER PETRACCO: And I think it's -- and
23 I'll just add one other thing. I think it's a shame all
24 those old Victorian homes that we have lost --

1 MR. CORVINO: We've lost a lot --

2 COMMISSIONER PETRACCO: -- in Nutley already. So
3 I think sure makes the town --

4 MR. CORVINO: For instance, we were speaking with
5 Jeff Blank was it that bought a property that was --

6 MR. DEMMER: Yes.

7 MR. CORVINO: -- an old --

8 MR. DEMMER: On Franklin Ave.

9 MR. CORVINO: -- on Franklin Ave that was --

10 MR. DEMMER: One of the last residential homes that
11 --

12 MR. CORVINO: Lampert (sp) property. And just
13 approached him and said, look, I know you're going to
14 renovate, you're going to do something. There was not a lot
15 left to it. It was already destroyed to a great degree. And
16 he's -- you know, just reasoning with him. He said, yeah.
17 Come in. If there's something of value. I'm going to
18 demolish the interior. Maybe you can take some of the pieces
19 and put it into a museum. So he allowed us to come in.
20 There wasn't much left so there wasn't really anything to
21 save.

22 COMMISSIONER ROGERS: He said you might find most
23 people doing that. So long as, you know, they're
24 volunteering, they're -- they may not even know the
historical significance.

1 MR. CORVINO: Right.

2 COMMISSIONER ROGERS: You're giving them that.

3 MR. CORVINO: And that's why you (indiscernible)
4 notification.

5 MR. SIMKO: They might then over
6 the next 10 or 15 years of let's say we strictly go
7 volunteer with this. And then we understand that that
8 designation goes with the house not the owner. Right? So
9 again, that point
--

10 COMMISSIONER ROGERS: Absolutely.

11 MR. SIMKO: --if you buy my house, you know what

12 COMMISSIONER ROGERS: Absolutely.

13 MR. SIMKO: -- you're buying. You know, 15 years
14 down the road, we're going to have some teeth-- right.
15 We're going to have 30, 40, 50 houses that do have
16 restrictions on them in a positive way because the owners
17 have signed on.

18 And so, I think what I'm saying with that is that
19 I think it's okay to probably go the volunteer --

20 COMMISSIONER ROGERS: Yeah. John, you're right.

21 MR. SIMKO: -- and build up the base.

22 COMMISSIONER ROGERS: If you show me a contract,
23 I'm buying a house --

24 MR. SIMKO: Right.

1 COMMISSIONER ROGERS: -- and it has all these
2 provisions regarding historical significance, up front I
3 know what I'm signing.

4 MR. SIMKO: Right. As opposed to telling me --

5 COMMISSIONER ROGERS: As opposed to telling --yeah.
6 Right.

7 COMMISSIONER TUCCI: Let me take this one step
8 further. All right? And I don't know how we do this but I
9 think it's something to think about. Maybe we should even
10 think about providing incentives for people.

11 MR. SIMKO: A beautiful plaque on their house. I
12 mean, they're part of a nice club --

13 COMMISSIONER TUCCI: And I don't know if it's a
14 house. I don't know if it's some type of assistance. I
15 don't what form that could take. But I wouldn't be opposed
16 in a voluntary situation --

17 MR. CORVINO: For people to want to --

18 COMMISSIONER TUCCI: -- to provide incentive to
19 people, all right, so that they can preserve the property.

20 COMMISSIONER EVANS: How about an autographed
21 8 x 10 signed by the commissioners?

22 COMMISSIONER TUCCI: If I consider that, we might
23 have to take out the part here about the funding.

24 COMMISSIONER ROGERS: Make them part of an

1 exclusive historical culture in Nutley.

2 MR. DEMMER: Yeah. Well, that's what the list is.
3 That's basically what it is.

4 COMMISSIONER EVANS: Yeah. I agree. Anything we
5 can do to demonstrate the significance of it and the value, I
6 think that it -- there should be a -- maybe there's a Nutley
7 registry that goes up on the web page and identifies --

8 MR. CORVINO: There you go.

9 COMMISSIONER EVANS: -- you know, that identifies
10 say the historical significance of these properties. There
11 may be some historical information that's provided. Anything
12 that can showcase that I think is wonderful.

13 I just have two minor thoughts. It was suggested,
14 I think, that there would be ultimately a notation on the
15 deed as well as I'm adding that there should be a notation on
16 the certificate of occupancy which Nutley has a requirement
17 you need a CO in order to transfer title. Those are just two
18 other points to make people aware of the fact that it has
19 historical significance. I don't recall seeing that in the
20 ordinance. So however, Alan, you look at it, however that --
21 whatever that language is, you know, that it needs to be
22 there, I think that's important, too.

23

24

1 MR. CORVINO: Alan, I also had a conversation with
2 Dave Berry and Pat Intindola. They really don't have a
3 method by which -- you know, I spoke with Antonette. She said
4 we probably could add something in our computer system to
5 kind of -- an asterisk or something that says this is a
6 historic property.

7 UNIDENTIFIED SPEAKER: I was going to ask you, do
8 you have a list --

9 MR. CORVINO 'Cause they're the ones who have to
10 police when someone comes in to do some work.

11 MR. GENITEMPO: Do you have a current list
12 of houses and/or properties that are on the list already?

13 MR. CORVINO: We have --

14 MR. GENITEMPO: You have a current list of
15 --

16 MR. DEMMER: We have lists of ones that
17 we want to designate but there's no designations yet.

18 MR. CORVINO: No designations.

19 MR. GENITEMPO: But you said there are
20 buildings that are on the --

21 MR. DEMMER: National.

22 MR. CORVINO: Oh, the national.

23 MR. CORVINO: Federal. I think the state would

24 --MR. CORVINO: They would still have to be --
there

1 are houses. They're actually listed in -- I think it was in
2 the ordinance. There were five neighborhoods. And it wasn't
3 a building. There were some neighborhoods that were --

4
5 MS. VAN STEEN: Not in this ordinance.

6 CORVINO: No, no.

7 MS. VAN STEEN: In the master --

8 MR. CORVINO: In the master plan.

9 MR. GENITEMPO: Oh, in the master plan.

10 MR. CORVINO: But they're not on Nutley's
11 historic --

12 MR. DEMMER: Right. We'd still have --

13 MR. CORVINO: But I didn't see any problem maybe
14 grandfathering those in to Nutley to do a fast-track because
15 they're already on the state and federal. So I didn't want
16 to have to go -- this is a process. I know what it is to go
17 through a zoning board or a planning board case. And you're
18 asking us to make an application, send out notices, allow
19 the homeowner and people within --

20 MR. GENITEMPO: Well, we could correct the
21 language --

22 MR. CORVINO: -- (indiscernible) to actually --

23 MR. GENITEMPO: I think that whole provision of
24 notice was really to make sure that the homeowner knew.

1 MR. CORVINO: Right.

2 MR. GENITEMPO: And if they objected, they'd have
3 a method of objecting and appealing the (indiscernible) of -
4 -

5 MR. CORVINO: But we're also allowing people within
6 200 feet or anyone else in the public to come and object as
7 well, if you go through at that same process

8 MR. DEMMER: Yeah. I'd like to discuss that a
9 little later.

10 MR. CORVINO: I know what I charge for a zoning
11 board and planning board case for every house that we want to
12 designate, that's a process and it costs money to make that.

13 MR. GENITEMPO: We can look at that.

14 MR. CORVINO: We have to look at a simpler way to --

15 MR. GENITEMPO: We try to just mirror the Land Use Act
16
17 (indiscernible) notice provisions (indiscernible) system.

18 MR. DEMMER: I got you. It just seems weird to
19 notify people and say, hey, nothing's changed but we're --
20 Hey 200 people. We're not doing anything over here.

21 But I think the bottom line of the main discussion
22 (indiscernible) is the committee would really have -- at this
23 time, have no objection if you would feel more

24

1 comfortable putting something about a voluntary -- if you
2 want to do that, I'm sure the committee will be absolutely
3 fine with that. And if that would make everyone feel better
4 about it, we're willing to do that because we're going to
5 have our hands full with voluntary submissions.

6 MAYOR SCARPELLI: Mr. Genitempo, you'll take care
7 of that?

8 MR. GENITEMPO: Yes, sir.

9 MAYOR SCARPELLI: Thank you, guys, for coming in.

10 MR. SIMKO: Thank you.

11 MAYOR SCARPELLI: We appreciate it.

12 COMMISSIONER EVANS: Thank you.

13 MR. CORVINO: Thank you, guys.

14 MAYOR SCARPELLI: Do we go outside?

15 (Off the record)

16 THE CLERK: Can you hear us? Can you hear us?

17 (Pause)

18 MAYOR SCARPELLI: Everybody, please stand for the
19 flag, please.

20 (Pledge of Allegiance)

21 MAYOR SCARPELLI: Madam Clerk?

22 THE CLERK: Yes, Mayor. Board of Commissioners
23 public meeting, Tuesday, May 16, 2017. The time is now
24 7:43.

1 Pursuant to the requirement of the Open Public
2 Meeting Act (Chapter 231, P.L. 1975), notice of this meeting
3 was published in the December 1, 2016 issues of The Nutley
4 Sun and The Herald News, and the December 2, 2016 issue of
5 The Star Ledger. A copy of this notice has been posted on
6 the Nutley Town Hall bulletin board and a copy is on file in
7 the Municipal Clerk's Office.

8 Commissioner Rogers?

9 COMMISSIONER ROGERS: Here.

10 THE CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Here.

12 THE CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Here.

14 THE CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Here.

16 THE CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Here.

18 THE CLERK: All present, Mayor.

19 MAYOR SCARPELLI: Communications, Madam Clerk?

20 THE CLERK: Yes. The Friends of the Nutley
21 Library have submitted an application for a Social Affair
22 Permit to hold their Evening Tea and Book Signing event on
23 Wednesday, May 17, 2017 at the Nutley Public Library, from
24 6:30 to 9:00 p.m.

1 I need a motion, please.

2 COMMISSIONER TUCCI: Move it.

3 COMMISSIONER PETRACCO: Second.

4 THE CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 THE CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 THE CLERK: The Nutley Education Foundation has
15 submitted an application for a Social Affair Permit to hold
16 their Showcase Awards event on Wednesday, June 14, 2017 at
17 the Nutley Museum, located at 65 Church Street, between the
18 hours of 6:30 p.m. and 8:30 p.m. The application has been
19 reviewed and approved by the Chief of Police.

20 COMMISSIONER TUCCI: Move it.

21 COMMISSIONER PETRACCO: Second.

22 THE CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 THE CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 THE CLERK: Jim Dandy's of Nutley, LLC, GLO Group,
9 LLC T/A Bella Luce, and The Foursum, LLC T/A Cubanelle has
10 submitted applications for an Extension of Premises to
11 participate in the Spring Concert on Franklin Avenue on
12 Thursday, June 15, 2017 between the hours 6:00 and 10:00
13 p.m. Their applications have been reviewed and approved by
14 the Chief of Police. The rain date is Friday June 16, 2017.

15 COMMISSIONER TUCCI: Move it.

16 COMMISSIONER EVANS: Second.

17 THE CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 THE CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 THE CLERK: And that's it for communications,
4 Mayor.

5 MAYOR SCARPELLI: Bills?

6 THE CLERK: Yes, Mayor.

7 Bill list for May 16, 2017:

8 Public Affairs: \$93,641.75;

9 Revenue and Finance: \$3,161,208.39;

10 Public Safety: \$35,030.24;

11 Public Works: \$452,588.53;

12 Parks and Public Property: \$99,997.80;

13 Total Payroll: \$820,407.28;

14 For a grand total of \$4,662,873.99.

15 COMMISSIONER EVANS: Move the bills.

16 COMMISSIONER TUCCI: Second.

17 THE CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 THE CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 THE CLERK: And that's it for bills, Mayor.

4 MAYOR SCARPELLI: Public comment on agenda items
5 only. Madam Clerk?

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

20 MAYOR SCARPELLI: Would anybody like to address
21 the board of commissioners on agenda items only?

22 MS. LANDRY: First time I'm using the new mic.
23 Pennie Landry, 135 Lakeside Drive.

24 On the bill list, which was an agenda item, I have

1 a question about purchase order 17-01233. Vendor is Nutley
2 Free Library. And it was a bill through Public Works for
3 \$406,000. What would that be for?

4 MAYOR SCARPELLI: Ms. Landry, that's paid out of
5 the mayor's office. So that's our portion to the library to
6 help fund them through tax dollars.

7 MS. LANDRY: So is this the transitional aid?

8 MAYOR SCARPELLI: No.

9 MS. LANDRY: Okay. So --

10 MAYOR SCARPELLI: It's just the money we collect
11 in taxes. Part of that money goes to fund the library.
12 That's the portion -- I'm assuming it goes quarterly or --

13 MS. LANDRY: Okay. So the library --

14 MR. GENITEMPO: Mayor --

15 MS. LANDRY: The lib --

16 MR. GENITEMPO: -- I believe that's statutory.
17 They're required to make that --

18 COMMISSIONER TUCCI: That is a statutory
19 appropriation, yes.

20 MS. LANDRY: Okay. I was just wondering why it
21 came out of public works.

22 MAYOR SCARPELLI: It comes out of the mayor's
23 office.

24 MS. LANDRY: So it's listed -- there's no --

1 there's no column here for "Mayor's Office".

2 MAYOR SCARPELLI: No.

3 MS. LANDRY: Will we split that out of the bill
4 list in the future given that it's a different department?

5 MAYOR SCARPELLI: It's not a different department.
6 It's only five departments.

7 MS. LANDRY: Okay. So public works and mayor's
8 department are consolidated? 'Cause I think it's listed
9 separately on the budget. I'm just wondering why it's not
10 separately --

11 MAYOR SCARPELLI: Ms. Landry, we'll look into
12 that. All right?

13 MS. LANDRY: Okay. I'd like to make a request
14 that it be looked into. Thank you.

15 MAYOR SCARPELLI: Anybody else would like to
16 address the board on agenda items only?

17 Seeing none, can I have a motion to close the
18 public portion of this meeting?

19 COMMISSIONER TUCCI: Move it.

20 COMMISSIONER PETRACCO: Second.

21 THE CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 THE CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 Commissioner Rogers?

8 COMMISSIONER ROGERS: Resolution number 115-17.

9 Excuse me. Are we skipping over board of commissioner
10 announcements?

11 MAYOR SCARPELLI: I'm sorry, Commissioner.

12 COMMISSIONER TUCCI: I just have two quick ones.
13 This Friday evening, we're holding our annual Relay for Life
14 at DeMuro Park. It begins at 7 p.m.. And on Saturday
15 morning at 8:30 a.m., we will be holding our fishing contest
16 that has been postponed for the last two weeks because of
17 weather.

18 Thank you, Mayor.

19 MAYOR SCARPELLI: Any other commissioner
20 announcements?

21 COMMISSIONER PETRACCO: I do, Mayor. I know we've
22 been talking a lot about our parking situation with the
23 commuting parking and the Hoffmann LaRoche site, the two-
24 hour parking. I know I mentioned about decals, all that
stuff.

1 So this past week, with our traffic safety police officer and
2 my assistant, Sam Carella, I went to Highfield Lane because
3 we had them on as far as passing that two-hour --and I don't
4 know if you remember that gentleman spoke and asked some
5 questions at the mic.

6 While I was there, I saw what a burden it is on
7 the residents because people are really clogging up those
8 streets, the commuters into the city. And instead of going
9 to a decal because I know that we are concerned about that,
10 is the word -- we're concerned about that, I was wondering
11 if -- and we could discuss this. But I'm just saying this
12 on the mic because I know Edison Avenue has been in my store
13 and asking me what's going on with it. I was wondering if
14 maybe the solution instead of a decal, if we could try
15 something -- the two-hour parking from like maybe 6 a.m. to
16 9 a.m. because that's when it seems like everybody's parking
17 there for those hours, or maybe till noon, and then instead
18 of going to a decal, it would give the residents a right to
19 park in front of their houses the rest of the way.

20 It was just a bell that went off in my head at
21 that time when I visited the site. So I think it's just
22 something to think of because I do want to take some type of
23 action very soon because people are asking me what's going on
24 with that. Okay.

1 MAYOR SCARPELLI: Thank you, Commissioner.

2 Commissioner Rogers?

3 COMMISSIONER ROGERS: I have an announcement.

4 MAYOR SCARPELLI: An announcement. Good.

5 COMMISSIONER ROGERS: Sunday at 4 p.m., the 21st
6 of May, we'll be holding our annual POW/MIA service at St.
7 Mary's Church. Always well attended and it's a great thing
8 to see World War II vets who live in this town come and
9 receive medals and be honored. So the public is invited.
10 And each commissioner, you were invited and a letter was
11 sent to your office.

12 Okay, Mayor. Ready?

13 MAYOR SCARPELLI: Resolutions.

14 COMMISSIONER ROGERS: Here we go. Resolution
15 number 115-17. Recognizing May 14th through May 20th as
16 National Women's Health Week. So move.

17 COMMISSIONER TUCCI: Second.

18 THE CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 THE CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 Commissioner Evans?

5 COMMISSIONER EVANS: Yes. Thank you.

6 Resolution 116-17. BE IT RESOLVED, by the Board
7 of Commissioners of the Township of Nutley, in the County of
8 Essex, State of New Jersey, that the Treasurer be and she is
9 hereby authorized to refund overpayments of the tax charges
10 in the amount of \$2,467.31 for Block 2400 Lot 22. So move.

11 COMMISSIONER PETRACCO: Second.

12 THE CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 THE CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 THE CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 THE CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 THE CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 Commissioner Evans?

23 COMMISSIONER EVANS: Thank you, Mayor.

24 MAYOR SCARPELLI: Commissioner Petracco.

1 COMMISSIONER PETRACCO: Yes.

2 WHEREAS, sealed bids for furnishing and delivering
3 Police, Dispatchers and Crossing Guard Uniforms and
4 Equipment were publicly opened and read on April 26, 2017;
5 and

6 WHEREAS, Turnout Uniforms was the lowest bidder;
7 and

8 WHEREAS, the funds, in the amount of \$48,000.00
9 are available in an appropriation entitled 7-01-310-200
10 "Police and Dispatcher Maintenance and Allowance" and the
11 funds, in the amount of \$12,500.00 are available in an
12 appropriation entitled 7-01-308-200 "Crossing Guards
13 Allowance" and has been certified by the Chief Financial
14 Officer, said certification being attached to this
15 resolution; and

16 NOW, THEREFORE BE IT RESOLVED by the Board of
17 Commissioners of the Township of Nutley, County of Essex,
18 State of New Jersey that a contract for furnishing and
19 delivering Police, Dispatchers and Crossing Guard Uniforms
20 and Equipment, consistent with the 2017 clothing voucher
21 allocation be and is hereby awarded to Turnout Uniforms, 195
22 Paterson Avenue, Little Falls, New Jersey 07424

23 I move the resolution.

24 COMMISSIONER ROGERS: Second.

1 THE CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 THE CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 COMMISSIONER PETRACCO: That's all I have.

12 MAYOR SCARPELLI: Thank you, Commissioner.

13 WHEREAS, a raffle application has been received
14 from the following organization:

15 Essex County PBA Conference Scholarship Fund
16 License No. 28-17 Off-Premise 50/50 Cash Raffle to be held
17 on Thursday, November 30, 2017;

18 WHEREAS, the application has been reviewed and
19 approved by the Municipal Clerk and the Police Department;
20 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 the aforementioned license is
24 approved and the Municipal Clerk is authorized to issue the

1 raffle license.

2 I move the resolution.

3 COMMISSIONER TUCCI: Second.

4 THE CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 THE CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 BE IT RESOLVED by the Board of Commissioners of
15 the Township of Nutley, County of Essex, State of New
16 Jersey, that the Township Clerk is hereby authorized to
17 advertise for sealed bids for the 2017 Roadway Improvements,
18 in the Township of Nutley, to be received on behalf of the
19 Board of Commissioners, in the Commission Chambers, Township
20 Hall, 1 Kennedy Drive, Nutley, NJ, 07110, on Wednesday, June
21 14, 2017 at 3:00 p.m. prevailing time, at which time they
22 will be opened and read.

23 I move the resolution.

24 COMMISSIONER TUCCI: Second.

1 THE CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 THE CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 WHEREAS, public works services provided in the
12 Township of Nutley are an integral part of our citizens'
13 everyday lives;

14 NOW, THEREFORE, BE IT RESOLVED by the Board of
15 Commissioners of the Township of Nutley, County of Essex,
16 State of New Jersey do hereby proclaim the week of May 21,
17 2017 as NATIONAL PUBLIC WORKS WEEK in the Township of Nutley
18 and call upon all citizens and civic organizations to
19 acquaint themselves with the issues in providing public
20 works and to recognize the contributions which public works
21 employees make every day to our health, safety, comfort and
22 quality of life.

23 I move the resolution.

24 COMMISSIONER TUCCI: Second.

1 THE CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 THE CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 THE CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 THE CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 THE CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 That concludes the business portion of our
12 meeting.

13 Madam Clerk, will you read the announcement?

14 THE CLERK: Yes, Mayor.

15 All persons addressing the Board of Commissioners
16 regarding community concerns should approach the microphone
17 and provide their name and address for the record. Unless
18 further time is granted by the Board, each person shall
19 limit their address to five minutes. All remarks to the
20 board and its individual members must be addressed to the
21 Mayor. Th Mayor may defer citizens' comments to the
22 appropriate member of the Board. Dialogue between citizens
23 and others addressing the Board shall be allowed unless the
24 Mayor or presiding officer or the majority of the membership

1 the Board shall determine that the interest of decorum and/or
2 the expeditious conduct of municipal business are being
3 adversely affected by such dialogue.

4 MAYOR SCARPELLI: Would anybody like to address the
5 Board of Commissioners this evening?

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

7 In the written conditions, the closing on the
8 Davis property, there was a stipulation that there be a
9 valid and filed (indiscernible) easement for the property to
10 Church Street. Why was that stipulation put in?

11 MAYOR SCARPELLI: Mr. Genitempo?

12 MR. GENITEMPO: You're talking about the easement
13 going out to Church Street?

14 MR. HENNING: Yes.

15 MR. GENITEMPO: First, let me -- Mayor, may I
16 comment on another issue? I wanted to apologize for the last
17 meeting. I was insistent on the closing date and I was wrong
18 and you were right and I apologize. I confused it with the
19 other closing and I do apologize. I wanted to publicly
20 apologize because you were right.

21 MR. HENNING: I appreciate that.

22 MR. GENITEMPO: As to your question, I'm not sure.
23 I have to take a look at it. It showed up on the map
24 relative to the area, the map of -- the survey of the

1 property. And we wanted to maintain that easement if it
2 existed for the property. There may be an issue as to
3 whether that easement belongs to that property -- to the
4 property purchased or to the properties in front of it. You
5 know what I'm saying? So I'm looking -- I'm actually
6 looking at that. But my understanding is that, according to
7 the survey, it was recorded as an easement for the Davis
8 property. So whether or not that will be an ingress or
9 egress easement at some point, we don't know.

10 MR. HENNING: The reason for the question is
11 because in there, it said that contract would become void if
12 it wasn't proven that it was an easement or not.

13 MR. GENITEMPO: Well, that representation usually
14 would only last until closing.

15 MR. HENNING: Right.

16 MR. GENITEMPO: And then the representations --

17 MR. HENNING: But I figured then you would know
18 whether --

19 MR. GENITEMPO: Right.

20 MR. HENNING: -- we had the easement --

21 MR. GENITEMPO: We did title work and we did a
22 title search and it came up on the survey. So we're pretty
23 confident that it is.

24 MR. HENNING: Okay. In February 2013, the Davis

1 property passed their fire inspection. Then they failed in
2 July of 2014 for having a windowless basement without a
3 supervised automatic sprinkler system. How is it possible
4 for it to pass in 2013 and not 2014?

5 MR. GENITEMPO: It's possible because the only
6 reason that, I understand, it was violated in '14 was
7 because there was now things stored in the basement that
8 were potentially inflammable. So that --

9 Did I say inflammable? Flammable.

10 And I think -- I believe -- and I'm not 100
11 percent sure that that was one of the reasons why they were
12 violated. And that was emptied when he left. The basement
13 was completely empty. But we still -- obviously, as you
14 know from last meeting, I felt it still needed to be
15 installed and that's what was done.

16 MR. HENNING: Well, it would be 'cause the fire
17 code --

18 MR. GENITEMPO: Not timely but later.

19 MR. HENNING: 'Cause the fire code specifies that
20 it needs to be installed, does it not?

21 MR. GENITEMPO: I'm not an expert on the fire
22 code. I'm only telling you what I know historically from
23 what I was told about the property. I'm not an expert on
24 the fire code.

1 MR. HENNING: Well, I have the fire code here.

2 MR. GENITEMPO: I'm not going to dispute you
3 because you have it in front of you.

4 MR. HENNING: And it does -- it does say that it
5 is required. And so did it say that it was required in the
6 report from the fire commissioner. So I would say that is
7 all well and fine. But that still doesn't answer the
8 question of how it could have passed a windowless basement
9 in 2013 with no fire suppression system and then in 2014 it
10 did pass -- or opposite. Sorry.

11 MR. GENITEMPO: I don't know the answer. I really
12 don't.

13 MR. HENNING: Okay.

14 On February 26th, 2016, Davis attorney wrote to
15 Mr. Genitempo stating that the property would be sold as is
16 and that they would not be installing the required fire
17 system. Following day, Mr. Genitempo's office wrote to
18 Commissioner Evans specifically bringing his attention to
19 this matter.

20 Can you tell us what Commissioner Evans' response
21 was to this letter?

22 MR. GENITEMPO: No. I think conversations between
23 the commissioner and I would be attorney/client privilege.
24 I don't actually remember, I can tell you that much. And

1 the purpose of the letter was obviously to identify what the
2 terms were of the contract which are clear in the letter that
3 you received by way of the OPRA request. But I don't
4 remember any conversation, frankly.

5 MR. HENNING: Did Commissioner Evans consult any
6 other Commissioners or the Mayor regarding this?

7 MR. GENITEMPO: You're asking me?

8 MR. HENNING: I'm asking the Mayor.

9 MAYOR SCARPELLI: What date was that?

10 MR. HENNING: It was February 26th so it would
11 have been sometime after that, of 2016.

12 MAYOR SCARPELLI: I wasn't Mayor until May.

13 MR. HENNING: Right.

14 UNIDENTIFIED SPEAKER: ??.

15 MR. HENNING: But you were a Commissioner. You
16 were a Commissioner before that, though.

17 MAYOR SCARPELLI: I don't remember getting any
18 communication.

19 COMMISSIONER TUCCI: Don't recall any communication.

20 MR. HENNING: He didn't consult with anybody?

21 MR. HENNING: So why did he not consult with the
22 other commissioners on that matter? And did he make a
23 unilateral decision then on his own?

24 MR. GENITEMPO: I don't know what decision you're

1 referring to, Mr. Henning.

2 MR. HENNING: The decision --

3 MR. GENITEMPO: Obviously, we were --

4 MR. HENNING: The decision of the letter was --

5 MR. GENITEMPO: Excuse me. Wait. Let me finish.
6 Obviously, we were negotiating the contract for the purchase
7 of the property. At the time, everything was confidential,
8 as you know, when we're dealing with a contract. We had
9 multiple conversations with Commissioner Evans who was
10 spearheading the purchase on behalf of the township. And I
11 don't recall every conversation. I don't know if the
12 Commissioner does. But we had multiple conversations about
13 the terms of the contract. You have a copy of the final
14 draft that was signed. Those are -- the documents are the
15 best recollection of what happened.

16 THE CLERK: Time.

17 MAYOR SCARPELLI: One more question, Mr. Henning.

18 MR. HENNING: You want me to keep coming back?

19 MAYOR SCARPELLI: One more question.

20 MR. HENNING: You want me to keep coming back
21 every --

22 MAYOR SCARPELLI: No.

23 MR. HENNING: -- two weeks to get this out? I
24 have a bunch of questions on this property that should be

1 answered.

2 UNIDENTIFIED SPEAKER: You had (indiscernible)
3 time.

4 MAYOR SCARPELLI: Mr. Henning, we have a five-
5 minute -- we have a five-minute rule, Mr. Henning, and we
6 try to keep to it. I'm giving you one more chance. So go.

7 UNIDENTIFIED SPEAKER: Like you did last time.

8 MR. HENNING: If you want, after I'm done, you can
9 go up and read my questions.

10 Okay. An application for zoning certificate for
11 the resale of the Davis property was submitted on January
12 15, 2016 without there being an answer to the question to is
13 there a fire alarm present.

14 MR. GENITEMPO: What's your question?

15 MR. HENNING: The application for the zoning
16 certificate for the resale of the Davis property was
17 submitted on January 15, 2016 without there being an answer
18 to the question is there a fire alarm present and with no
19 signature. Wouldn't or shouldn't such an application be
20 rejected as incomplete?

21 MR. GENITEMPO: Mr. Henning, I'm not sure I
22 understand the purpose of your questions. Are you just
23 trying to point out --

24 MR. HENNING: Here's what --

1 MR. GENITEMPO: Let me finish. I'm talking. I'm
2 answering your question. Are you asking whether everything
3 was done 100 percent the way you want it to be? I don't
4 think so. We've had this discussion offline. And you can
5 go through every single document if you want but the
6 answer's the same. We knew there was a violation. We got a
7 concession from the seller to have it installed. It didn't
8 get done right away. We finally got it done. It's now been
9 installed. I'm not really sure what the purpose of your
10 questions are. Obviously, you can ask them. But I don't
11 know what document you're referring to. I wasn't involved
12 with it. I didn't complete the document. It's a zoning
13 document. If you want to show it to me later, I'll be --
14 call zoning and see if I can get an answer for you.

15 MR. HENNING: I guess the question is there's been
16 a lot of shoddy work done here. That's the point of these
17 questions. It wasn't one department that dropped the ball
18 on this. It was multiple departments. It was the
19 commissioner's. It was you. It was the building and
20 grounds. It was code enforcement. And it was the fire
21 department. That's a lot of government issues over a three-
22 year period. So that's the point of the questions --

23 MR. GENITEMPO: Okay.

24 MR. HENNING: -- is to try to get to the bottom of

1 how this could happen and how do we make it where it does
2 not happen again and we're ensured that there's none of
3 these out there now. That's the point of the question.
4 That's the point of these questions. Now I can keep coming
5 back every two weeks until I get to the bottom of all the
6 questions. Or you can do it tonight. That will be better
7 for the Mayor.

8 Thank you.

9 MAYOR SCARPELLI: Thank you, Mr. Henning.

10 MR. MOORE: Rory Moore, 462 Chestnut Street.

11 I'm sorry. What is this for? Is this important?

12 THE CLERK: Yes. Can you please put that down?
13 Put that down.

14 MR. MOORE: I just wanted to know what it was.

15 Mr. Scarpelli, Mr. Evans has been calling in quite
16 a few times by phone. I believe that's because he has an
17 ailment that's bothering him. Is there a reason that the
18 general public would not be able to call in and put a
19 question on the record through their phones in a similar
20 fashion?

21 MAYOR SCARPELLI: Mr. Genitempo, do you have an
22 answer to that?

23 MR. GENITEMPO: No, I don't have an answer to
24 that. I don't know if it's ever been attempted or done or

1 whether there's -- I don't know that there's any prohibition
2 against it.

3 MR. MOORE: I believe they're doing something like
4 it in Belleville. Mr. Tucci could attest whether or not
5 they do that or not.

6 COMMISSIONER TUCCI: Doing what, Mr. Moore?

7 MR. MOORE: They can call in on the phone. A
8 handicapped individual wants to attend a meeting. They can
9 call in in a similar fashion and listen. And if they wanted
10 to, they could go on the record with a question.

11 COMMISSIONER TUCCI: I'm not aware of that ever
12 happening.

13 MR. MOORE: I believe Belleville --

14 COMMISSIONER TUCCI: I'm not saying it didn't.
15 I'm just saying I'm not aware of it.

16 MR. MOORE: Okay. Okay. That's fine. But under
17 the handicap law, I believe that you've now opened the door
18 to allow handicap individuals to call in in a similar fashion
19 and should be able to pose a question on the record if they
20 want to.

21 COMMISSIONER TUCCI: Interesting question.

22 MAYOR SCARPELLI: Is that a question, Mr. Moore?

23 MR. MOORE: Yes, it is a question. Who --

24 MAYOR SCARPELLI: We'll have Mr. Genitempo look

1 into that.

2 MR. MOORE: I don't think he's the techy expert on
3 this one but there is a system that allows an individual to
4 call in, as right now, and they would be able to hear the
5 record as everybody would speak. At a time for the
6 questioning, they would be able to be added into the record
7 in a question mode. It's done on the internet all the time.
8 It's very simple. But now you've opened this door to allow
9 this to happen 'cause you now have a system that is available
10 to handicap individuals.

11 When would there be --

12 MAYOR SCARPELLI: As I said to you, we're going to
13 have Mr. Genitempo look into it.

14 MR. MOORE: Good. I'll come back up again next
15 time and ask the question.

16 MAYOR SCARPELLI: Anybody else like to address the
17 Board of Commissioners this evening?

18 MR. PALMA: Good evening. Gregory Palma, 119
19 Church Street.

20 I was here just about a year ago and I started my
21 comments by stating I wasn't here to put anyone on the spot,
22 that I waited till after the election so there was no
23 negativity involved. And I'm here again because nothing has
24 taken place since then. And this is regarding the Clover

1 Street property and the decaying chicken coops and sheds
2 that are there and how literally myself and my neighbors
3 cannot use our backyards because of the infestation of
4 mosquitoes. County mosquito control has been out numerous
5 times. They've actually fogged the entire neighborhood and
6 they said until that property is cleared, this problem will
7 continue. Now with the rains that we've had, I can only
8 imagine how bad it's going to be this year. I am not
9 exaggerating when I say we're smacking three, four, five at
10 a time. They haven't started yet. But that's how bad it
11 is. And these are even neighbors -- I live on 119 Church
12 Street. The property's behind me and to my left facing my
13 house. But even my neighbors across the street have the
14 same problem.

15 So this is a huge problem. I'm here for
16 assistance. I do realize that some have said that if myself
17 and the neighbors didn't challenge the development, that was
18 going to go in there. This all would have been over.
19 However, if the planning board had done the right thing --
20 well, I won't even get into the whole summary of it. But if
21 things were done the proper way, this all would have been
22 over with. If the township had taken the county executive's
23 offer of funding to make it a park, this would have been
24 over with.

1 But there's a lot of ifs involved. And whereas
2 yesterday was seven years since my father's passing, if the
3 frog had wings, he wouldn't bump his rear end every time he
4 jumped. And I'll leave the one about the queen out of this,
5 as my father was fond of saying.

6 So there's a lot of ifs involved. The bottom line
7 is we pay a lot of taxes and we literally cannot use our
8 backyards. So whoever responsibility this is, whether it's
9 health department, code enforcement, please, we're looking
10 for some relief here. We want to be able to use our yards
11 this upcoming season.

12 Just the last thing regarding this development.
13 When the four houses were proposed, I spoke on behalf of the
14 neighbors thanking the developer for reducing it to four
15 houses stating we had no problem with the four houses. And
16 the developer said he would immediately clear the property.
17 I think that was three or four years ago. In the meantime,
18 these big old chicken coops and sheds -- the rooves have
19 collapsed and hence the problem of mosquitoes.

20 So I'm here asking for help.

21 COMMISSIONER ROGERS: Mr. Mayor --

22 MR. PALMA: Thank you.

23 COMMISSIONER ROGERS: -- yeah. He is absolutely
24 correct. He has been very, very patient. I've been up

1 there myself last year. We have the -- we had the health
2 officer go up there, the county go up there. And everything
3 he's saying is absolutely on target. So -- but there's
4 nothing I can do to, you know, remove that stuff. It is a
5 sore eye. It's not good for any neighborhood. So maybe
6 something we could figure out.

7 COMMISSIONER TUCCI: So is this a property
8 maintenance issue?

9 COMMISSIONER ROGERS: Well, it could be. Maybe
10 it's the owner. Whoever owns that property needs to --

11 MR. PALMA: That I don't know.

12 COMMISSIONER ROGERS: -- needs to step up and take
13 care of that. I mean, we're powerless, at least I am and
14 the health department.

15 MR. PALMA: I've heard of things in the past that
16 the town could tear properties down and put a lien on it.
17 If that's what needs to be done -- I mean, we really need
18 some relief here.

19 MAYOR SCARPELLI: Mr. Genitempo, could we look
20 into who owns the property?

21 MR. GENITEMPO: Sure.

22 MAYOR SCARPELLI: Commissioner Evans?

23 COMMISSIONER EVANS: Yeah. Mayor, just if I can
24 respond.

1 Greg, I did pick up your message actually a little
2 earlier this evening. I've been checking my messages as I
3 can. So I'm not ignoring you. I will notify the code office
4 tomorrow to do a property maintenance inspection. And, yes,
5 if there is something that is on the property that could be
6 --could endanger and be a danger to citizens, we'll make sure
7 they address that.

8 MR. PALMA: Great. Thank you.

9 MAYOR SCARPELLI: Thank you, Mr. Palma.

10 Anybody else like to address the board of
11 commissioners this evening?

12 MS. LANDRY: Pennie Landry, 135 Lakeside Drive.

13 Interesting that today is May 16th, 2017. And a
14 significant date last year was May 17th, 2016. It was the
15 date each of you gentleman took your oath of office after
16 the election. I congratulate you on a year of service to
17 our town. And I have a question that I'm hoping each of you
18 will answer on the anniversary of your one year as
19 commissioners and as mayor.

20 To each of you starting with the mayor, what is
21 your number one priority that you hope to accomplish for
22 your constituency for the taxpayers for the citizens of
23 Nutley in the next 12 months of service?

24 MAYOR SCARPELLI: Didn't know we were going to

1 have a debate tonight.

2 What I'd like, Ms. Landry that the Roche property
3 get redeveloped and we replace all the ratables that were
4 lost when Roche left us.

5 MS. LANDRY: They'll like that one. Anyone else?

6 COMMISSIONER ROGERS: I would really like to
7 maintain our services because we in this community have a
8 statewide, if not a national wide reputation, of having
9 great services for citizens of all ages, et cetera. But at
10 the same time, to -- at the very least stabilize our taxes.
11 And I believe every commissioner is on board with that. But
12 that's so very important. So we're kind of caught between a
13 rock and a hard place.

14 MS. LANDRY: Okay. Thank you.

15 COMMISSIONER ROGERS: But that's what I'd like.

16 MS. LANDRY: Thank you.

17 COMMISSIONER EVANS: Mayor, if I may?

18 MAYOR SCARPELLI: Sure, Commissioner.

19 COMMISSIONER EVANS: Pennie, to your question, I
20 want to thank you for asking that. We do think it's a very
21 important question and I think it's always valuable to have
22 time to reflect. And so, I didn't actually prepare anything
23 for tonight 'cause I didn't anticipate that question. But I
24 would tell you that from my standpoint, making sure that, as

1 the mayor said, that we continue to focus on the transition
2 of the Roche property. I think that's paramount now.

3 Also, we are the benefactors of five and a half
4 million dollars worth of aid that provides a tax relief not
5 only for the municipal side of the government but also
6 relief for our school as well as the county. As you know, a
7 hundred percent relief for the tax bill. So, for me, making
8 sure that we are able to retain that aid and ultimately
9 see the light where either Roche provides us with the revenue
10 we need (indiscernible) looking at our future and making sure
11 Nutley remains a -- and continues to be a vibrant place not
12 only for our existing generation or historical generation but
13 for future generations. And my
14 (indiscernible) Nutley attractive, making sure we're doing
15 that so that we can ultimately achieve a fair tax
16 (indiscernible) how we could be guided by recognizing that
17 we need to watch our pennies.

18 So, for me, not losing that state aid especially
19 after the transition to the next administration remains a
20 significant priority for me.

21 MS. LANDRY: Right. If you were here, I'd hug you
22 if you're saying that we actually receive the same 5.5 as we
23 did last year as opposed to the 4.6 that we were
24 anticipating.

1 COMMISSIONER EVANS: Well, I'm hoping that -- the
2 hope that you can hug me in June.

3 MS. LANDRY: I'll look forward to that. And --

4 MAYOR SCARPELLI: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Yes. Thank you.

6 Obviously, I was the mayor at the time when Roche gave their
7 notice that they were leaving. And as I've always said, I
8 thought it was a joke when we first found out. Actually,
9 Mauro Tucci was the first one to call me. Remember Maur?

10 COMMISSIONER TUCCI: Yes, I do.

11 COMMISSIONER PETRACCO: -- about Assemblyman Caputo
12 notifying him. So, obviously, I would really like to see
13 that Roche property you know flourish for us and really get
14 what we want there and see that through.

15 I also think that the communication between our
16 board and what we do up here to the residents, I would like
17 to really see our residents get a full picture of what we're
18 trying to accomplish. Just this past weekend -- is my time
19 up?

20 MS. LANDRY: Your time is up.

21 COMMISSIONER PETRACCO: Okay.

22 MS. LANDRY: You always --

23 COMMISSIONER PETRACCO: It's not so much fun when
24 you're on this side of the mic and your time gets shut down.

1 But thank you for extending it.

2 However, I talked to Commissioner Evans over the
3 weekend about a resident that came in my store. And he said
4 to me, you know, geez Al, I can't believe all these
5 apartments and why you guys doing so much building and, you
6 know, I've been from Nutley my whole life. And I know you're
7 from Nutley your whole life. And, you know, what's the story
8 here and, you know, why is this stuff taking place? And as I
9 said to him, you know, I grew up in this town and I don't
10 want to see the characteristics change at all. But the fact
11 is after I explained to him what was at stake at Roche, what
12 we were collecting at a ratable. You know, thank God for the
13 transitional aid but if that goes away and what the
14 projections are at Roche for the future collectibles might
15 not be what Roche was paying. And we were trying to fill a
16 hole in our budget. This way the taxes do not keep
17 increasing at the rate that they are. And it was very
18 important for me to notify this gentleman and other
19 residents that I speak about that. You know, we don't want
20 to change the characteristics of the town. However, you
21 can't not cover -- I'm sorry -- you can't not expand your
22 ratables and think taxes are going to stay the same or go
23 down. So as salaries go up and all the costs and the
24 benefits like I said at the last meeting, it's really --

1 what I've always tried to do is strike a balance, you know,
2 where the taxes aren't going up that we're chasing every
3 senior citizen out of here and you know what, if we have to
4 do some development to give them relief and have them stay
5 in our community and even make it attractive for our young
6 people to stay here or our children to stay here. Because
7 as we all know in our neighboring towns, what has happened is
8 the children, especially in my age group, didn't re-buy in
9 those towns and look what happened.

10 So, to me, it's all about striking a balance,
11 preserving what we have here and really getting our message
12 out there so people understand why we are doing what we are
13 doing.

14 MS. LANDRY: Thank you.

15 MAYOR SCARPELLI: Commissioner Tucci?

16 COMMISSIONER TUCCI: Yes. I'll finish this up.
17 As the steward of the parks and public property, obviously,
18 one of my main priorities is to maintain the 110 acres of
19 parkland that we have and all the public buildings that we
20 have, all the programs that we offer and to expand the
21 programs not only for our youth but for our seniors and
22 everyone in between. Obviously, the repurposing and
23 redevelopment of Hoffmann-LaRoche as Commissioner Petracco
24 stated, we started that several years ago. It's continuing

1 on under Mayor Scarpelli and the rest of the commissioners.
2 So we need to make sure that that's done and that's done
3 right so that our future generations can benefit from that.

4 I think we need to think about the entire school
5 overcrowding issue and how we address that and how we
6 communicate that with the board even though they are a
7 separate board making their own decisions. I think we need
8 to pay attention very carefully and make sure that those
9 decisions are the right ones for future generations.

10 Affordability is always an issue. Tax relief is
11 always an issue. All right? And I think honest and open
12 government, all right, is paramount to this town continuing
13 to thrive.

14 MS. LANDRY: Thank you. And I look forward to a
15 town wide update on the Prism redevelopment ON-3 very soon
16 because I know Prism has said they had planned one and I hope
17 it will be a collaborative effort between Prism Redevelopment
18 Group and our township leaders.

19 Thank you very much and good luck in the next 12
20 months.

21 MAYOR SCARPELLI: Thank you, Ms. Landry.

22 Anybody else like to address the board of
23 commissioners this evening?

24 Motion to go into executive.

1 COMMISSIONER ROGERS: Motion to close.

2 COMMISSIONER PETRACCO: Second.

3 MAYOR SCARPELLI: Go to executive.

4 COMMISSIONER ROGERS: Go into executive?

5 COMMISSIONER PETRACCO: Move it.

6 MR. GENITEMPO: ?? on issues of potential
7 litigation and contract negotiations.

8 THE CLERK: WHEREAS, Section 8 of the Open Public
9 Meeting Act, Chapter 231 (P.L 1975) permits the exclusion of
10 the public from meeting in certain circumstances; and

11 WHEREAS, the public body is of the opinion that
12 such circumstances exist;

13 WHEREAS, the Board of Commissioners of the Township
14 of Nutley in the County of Essex in the State of New Jersey
15 desires to proceed to closed executive session; and

16 NOW, THEREFORE, BE IT RESOLVED by the Board of
17 Commissioners of the Township of Nutley move into closed
18 executive session to discuss potential litigation and
19 contract negotiations;

20 BE IT FURTHER RESOLVED that at the time when such
21 discussions may be disclosed to the public shall be when any
22 such disclosure may be made without adversely affecting the
23 Township of Nutley pending and/or anticipated legal or
24

1 personnel contractual matters, and other matters within the
2 exceptions provided for by statute.

3 Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 THE CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 THE CLERK: The time is 8:24.

14 MAYOR SCARPELLI: We will be coming back. It's a
15 public session. No action will be taken.

16 (Off the record)

17 THE CLERK: We need a motion.

18 COMMISSIONER ROGERS: I make a motion to adjourn.

19 COMMISSIONER ROGERS: Motion we adjourn.

20 COMMISSIONER PETRACCO: Move it.

21 THE CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 THE CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 THE CLERK: And the time is 10:19.

6 (Whereupon, at 10:19 p.m., the meeting was adjourned)

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

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



Lisa Beck

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