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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

August 28, 2017

BEFORE:

- Commissioner Steven Rogers
- Mayor Joseph Scarpelli
- Commissioner Mauro Tucci
- Commissioner Alphonse Petracco (Absent/excused)
- Commissioner Thomas J. Evans (Absent/excused)

Job No. NJ2694347

P R O C E E D I N G S

(Pledge of allegiance)

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Yes, Mayor. Thank you. Board of Commissioners public meeting, Monday, August 28th, 2017. The time is 7:04.

Pursuant to the requirements of the Open Public Meeting Act (Chapter 231, Public Law 1975), notice of this meeting was published in the May 25th, 2017 issues of The Nutley Sun. 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.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans will be joining us via phone. Commissioner Petracco will be joining us shortly.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor, except for Commissioner Tucci and Commissioner Evans at the moment.

COMMISSIONER TUCCI: Excuse me?

MADAM CLERK: I'm sorry, did I -- I'm sorry. No,

1 I'm sorry, Commissioner Evans and Commissioner Petracco.

2 Yes, you're here.

3 COMMISSIONER TUCCI: Thank you.

4 MADAM CLERK: Sorry.

5 COMMISSIONER TUCCI: You were scaring me.

6 MAYOR SCARPELLI: All right, just for everybody's
7 edification, we're going to be going into executive session
8 shortly. But before we do, we have no agenda items on
9 today. But we are going to open up for public comment.

10 So, Madam Clerk, please read the notice.

11 MADAM CLERK: Yes, Mayor.

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

25 MAYOR SCARPELLI: Would anybody like to address

1 the Board of Commissioners this evening?

2 MS. ROSSI: Hello. My name is Tammy Rossi (ph). I
3 reside at 28 Colonial Terrace. I've been hearing quite a bit
4 about apartment multi-purpose buildings being put up and
5 apartment buildings and apartments being constructed. And
6 it's not only a concern of mine, but speaking to my
7 neighbors and with others around town, there is a very real
8 concern about the burden on our town with regards to our
9 schools, the traffic and congestion.

10 Is there going to be any possible way to implement
11 some type of restriction on the number of occupants per
12 apartment in these new structures going up?

13 MAYOR SCARPELLI: I think there's some legal
14 issues with that kind of ordinance, but I'll turn it over to
15 our legal counsel. Mr. Genitempo?

16 MR. GENITEMPO: Sure, Mr. Mayor.

17 The -- I mean, Tammy, you're speaking very broadly
18 about the ability to limit a developer. Under our current
19 Code, we really don't have that kind of restriction, other
20 than they have to go through Zoning Board approval or site
21 plan approval through the Planning Board, first the Zoning
22 Board or the Planning Board. And they are charged with the
23 responsibility to make sure that the development is sized
24 properly, if they need variances, whether they are entitled
25 to the variances.

1 MAYOR SCARPELLI: My fault, Mr. Genitempo. I hit
2 the wrong button.

3 MR. GENITEMPO: If you want to mute me, just let
4 me know. I'll stop.

5 MAYOR SCARPELLI: I hit the wrong button.

6 MR. GENITEMPO: And so we don't have a specific,
7 what's called a density ordinance that limits by square foot
8 or acre or certain number of units, which again, could be
9 exceeded even if the plan -- if the Board of Adjustment
10 allowed that.

11 So development is not exactly black and white in
12 terms of numbers. It never is in any town. So, you know, I
13 think the Commissioners understand the concern. There's a
14 debate as to what effect it actually has on the school,
15 dollar-wise, student-wise. But I -- you know, I could tell
16 you I know the Commissioners have it in the front of their
17 mind and there are a lot of issues, though. It's not just --
18 at Hoffmann-LaRoche, we have developer's agreement, which is
19 different. So, you know, that could be a direct negotiation.
20 So -- but none of that has happened yet, other than the
21 medical school.

22 So it's hard to answer that question because it's
23 a general question and you and I could sit down and debate
24 it about what's right and what's wrong, but in terms of
25 mandating, the Town can only set ordinances and guidelines.

1 The Zoning Board, the Planning Board also has authority to
2 adjust numbers up or down. So that's my answers. That's
3 the one I --

4 MAYOR SCARPELLI: And I may have misunderstood her
5 question. I thought she was talking about the number of
6 occupants in a single apartment. Was that --

7 MS. ROSSI: Yes. So right. So for example, a one
8 bedroom, if someone were to try to bring in a child with
9 them.

10 MR GENITEMPO: Okay.

11 MS. ROSSI: And then that's an additional child in
12 the school system.

13 MR. GENITEMPO: Well, there are state laws on the
14 number of occupants per square feet that our Zoning
15 Department is aware of. And if they find someone who's
16 exceeding that, they can cite them.

17 So if we -- and I believe we have. Basement
18 apartments, things like that where people are living
19 illegally, we do address that. So we can do that through
20 the Zoning Department in terms of enforcement.

21 MS. ROSSI: Thank you.

22 MAYOR SCARPELLI: Thank you. Anybody else like to
23 address the Board of Commissioners this evening? Seeing
24 none, can I have a motion to go into executive session to
25 discuss --

1 MADAM CLERK: Potential anticipated litigation.

2 COMMISSIONER ROGERS: I make the motion.

3 COMMISSIONER TUCCI: Second.

4 MADAM CLERK: Whereas, Section 8 of the Open
5 Public Meetings Act, Chapter 231, P .L. 1975, permits the
6 exclusion of the public from a meeting in certain
7 circumstances; and

8 Whereas, the public body is of the opinion that
9 such circumstance exists; and

10 Whereas, the Board of Commissioners of the
11 Township of Nutley, in the County of Essex, and State of New
12 Jersey desires to proceed to closed executive session; and

13 Now, therefore, be it resolved, by the Board of
14 Commissioners of the Township of Nutley move into closed
15 executive session to discuss potential anticipated
16 litigation.

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

23 MADAM CLERK: Commissioner Rogers?

24 MR. GENITEMPO: Wait one second. Just -- I also,
25 Mayor -- Mr. Mayor, there may be some discussion of property

1 acquisition also. Thank you.

2 MADAM CLERK: And property acquisition.

3 Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 MADAM CLERK: Okay. The time is 7:11.

10 MAYOR SCARPELLI: We will be going into executive
11 session. We will be coming back out to close the meeting in
12 public, but no action will be taken. Thank you.

13 (End of audio)

14 MAYOR SCARPELLI: Madam Clerk?

15 MADAM CLERK: Yes, we need a motion to adjourn.

16 MAYOR SCARPELLI: Motion to adjourn.

17 COMMISSIONER ROGERS: Second.

18 MADAM CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 MADAM CLERK: And the time is now 9:07.

25 (Meeting was adjourned at 9:07 P.M.)

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


Jamie Gallagher

Date: September 15, 2017

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