

1 TOWNSHIP OF NUTLEY, NEW JERSEY

2 BOARD OF COMMISSIONERS

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5 PUBLIC MEETING

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TRANSCRIPT OF

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PROCEEDINGS:

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8
9
10 August 15, 2017

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12
13 BEFORE:

14 Commissioner Steven L. Rogers

15 Commissioner Mauro G. Tucci

16 Commissioner Thomas J. Evans (TELEPHONIC)

17 Commissioner Alphonse Petracco

18 Mayor Joseph P. Scarpelli

19
20 Municipal Clerk: Eleni Pettas, RMC

21 Municipal Attorney: Alan Genitempo, Esq.

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25 Job No. NJ2684148

P R O C E E D I N G S

MADAM CLERK: Board of Commissioners public meeting, Tuesday, August 15th, 2017. The time is 7:12. Pursuant to the requirements of the Open Public Meeting Act (Chapter 231, Public Law 1975), notice of this meeting was published in the December 1st, 2016 issues of The Nutley Sun and the Herald News, and the December 2nd, 2016 issue of the Star Ledger. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk's Office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor, and Commissioner Evans is on the phone.

MAYOR SCARPELLI: Commissioner Petracco, what do you have on the agenda today?

COMMISSIONER PETRACCO: Today, I have -- or this

1 evening I have -- I believe it's 1, 2, 3, 4 -- or is it 5
2 ordinances.

3 MADAM CLERK: It's six.

4 COMMISSIONER PETRACCO: How many?

5 MADAM CLERK: Five, sorry, five.

6 COMMISSIONER PETRACCO: And I believe they were
7 all for the police contract. Am I correct, Eleni?

8 MADAM CLERK: Yes. And one is for a parking spot, I
9 think, right? For handicapped parking.

10 COMMISSIONER PETRACCO: Okay. So the -- I guess
11 it's four for the Police Department about their contract. I
12 decided to defer that tonight in thinking we're going to
13 talk about budgets tonight. Yeah. So we're going to defer
14 that to the next meeting. And then I believe I have a
15 parking spot one, Eleni? You said that I'm --

16 MADAM CLERK: So we're holding the four for the
17 salary, is that what you said?

18 COMMISSIONER PETRACCO: Yeah, we're going to --
19 I'm going to defer that tonight.

20 MADAM CLERK: Okay.

21 COMMISSIONER PETRACCO: And then I have -- let's
22 see. I don't see that.

23 COMMISSIONER EVANS: Second one.

24 MAYOR SCARPELLI: Second one, sorry.

25 COMMISSIONER PETRACCO: Okay. I've got it. Okay.

1 That's the limited parking. Thank you, Commissioner Evans.
2 You're even good over the phone. And then I have a couple
3 resolutions tonight. One is drive sober, I saw. One is
4 authorizing a refund. Made overpayment with Hazmat. And
5 authorize of abandoned vehicles pursuant to the Division of
6 Motor Vehicle. And it's also my son Salvatore's 10th
7 birthday today.

8 MAYOR SCARPELLI: Happy birthday, Salvatore.

9 COMMISSIONER PETRACCO: So I will be looking to
10 escape early. So if I get up suddenly, Tom, if you don't
11 hear my voice, you know that I'm at a birthday party.

12 MAYOR SCARPELLI: Happy birthday to Salvatore.

13 COMMISSIONER PETRACCO: Thank you. That's all I
14 have.

15 MAYOR SCARPELLI: Commissioner Rogers.

16 COMMISSIONER ROGERS: I'll be introducing an
17 ordinance tonight that is focusing in on pet shops. Now, we
18 don't have any in Nutley, but there have been thousands of
19 communities across the country are actually passing
20 ordinances like this to prevent pet shops from getting
21 animals that have been in inhumane breeding conditions and have
22 come from puppy mills, and cat mills, and it's going to
23 heighten community awareness of animal welfare.

24 Mr. Larry Cohen is here tonight who helped --
25 he's from the Humane Society, who helped author a good part

1 of this ordinance. So I'll be just introducing that
2 tonight. That's all I have, Mayor.

3 MAYOR SCARPELLI: Commissioner Evans?

4 COMMISSIONER EVANS: Yes. Steve, I have a couple
5 questions on the ordinance that we can go over. But as far
6 as my agenda items, I have three resolutions. One is a tax
7 exempt status for Michael Walsh, who's met the requirements
8 to be exempt from tax given military disability. And then I
9 have two resolutions related to refunds, one for overpayment
10 of taxes, the other one on an application fee. And that's
11 what I have. I also have a need for us to be in executive
12 for contract negotiations and personnel.

13 MAYOR SCARPELLI: Okay. Commissioner, do you want
14 to address your questions to Commissioner Rogers?

15 COMMISSIONER EVANS: I can do that. Just that
16 when I read the ordinance, I wasn't clear if -- are we --
17 which chapter or code section we're actually putting this
18 ordinance in under. I think it needs to have it --
19 basically a designated (indiscernible). I didn't see that
20 in the resolution itself.

21 I just had a question as well, I totally agree in
22 terms of the welfare of animals. I'm a big supporter of
23 that and the nature of what could happen with puppy mills
24 and kitten mills. And I understand we don't have any pet
25 stores in Nutley now. I was just wondering why we went from

1 allowing them to not allowing them completely. And maybe
2 there is something -- if someone followed an ordinance that had
3 requirements in it, would we be able to, in effect, have a
4 pet shop so that --

5 COMMISSIONER ROGERS: Sure they will.

6 COMMISSIONER EVANS: -- the residents of Nutley,
7 they can go there with confidence that this is a valid
8 place. It's under -- it's being watched and it's
9 following the rules. I was just curious, this particular
10 ordinance would prohibit it. And I just -- and therefore if
11 somebody wanted to open up a pet store, it would require
12 them to incur the expense of a variance, which would be a use
13 variance that would go before the Board of Adjustment. So
14 aside from the application fees, the attorney's fees, and
15 things like that, I was just wondering is there something a
16 little bit more in the middle that wouldn't prohibit it, but
17 would establish criteria.

18 And I wasn't -- the other question I had was, we
19 say that it was going to reduce costs, and I appreciate
20 that, but we don't have any pet shops. So what costs would
21 we be reducing?

22 COMMISSIONER ROGERS: Well, this is primarily to
23 the -- for the consumers. It's to make sure that these pet
24 stores are not bringing in animals from puppy mills. Many
25 of them -- many pet stores around the country have had

1 animals -- have purchased animals from puppy mills and from
2 very inhumane conditions. The consumer doesn't even know
3 this. So the pet store owners are going to actually be
4 prevented from bringing such animals in that are not well
5 taken care of. So it's helping the consumers and it's
6 something that is going on nationwide with regard to the
7 care and treatment of animals. So it's to protect the
8 consumer and to protect the animals.

9 COMMISSIONER EVANS: Absolutely. Steve, I
10 absolutely agree with all of that. And the more we can do
11 to make sure that the residents of Nutley and the general
12 consumer can come to town and with confidence buy a pet
13 that's going to give them all of the support of the love and
14 care and so (indiscernible), that the consumer will care for
15 the pup, or cat, or whatever that animal may be. I -- so
16 let me just ask it a different way. Maybe I misread it.

17 Does this ordinance prohibit pet stores completely
18 or just add restrictions that would create a confidence that
19 a pet store in Nutley would not be from a -- they wouldn't
20 be buying puppies or cats from any puppy or cat mill.

21 COMMISSIONER ROGERS: Yeah, it doesn't prohibit
22 pet stores. It gives them guidelines with regard to the
23 types of animals that are coming in and where they're coming
24 from. So no one is being restricted. It's a good question.
25 The pet store owner is not being restricted and neither is -

1 - are the consumers. But it gives guidelines with regard to
2 where they're getting these animals from. And it's good for
3 the consumers to know and frankly, it probably would be a
4 lot better off for these pet store owners because they may
5 not even know where they're getting some of these animals
6 from. They may be getting them through second or third
7 parties.

8 So they'll be -- so it'll be helpful to everyone
9 all around.

10 COMMISSIONER EVANS: I agree. Thank you for
11 clarifying that.

12 COMMISSIONER ROGERS: Thank you.

13 COMMISSIONER EVANS: I was reading this as -- that
14 it would prohibit pet stores in Nutley and I wasn't sure
15 that was the direction we would want to go to prohibit a
16 business that could actually do quite well given our
17 population and so on. So between cats and dogs, we must
18 give out 2,000 licenses a year. So there's a very
19 significant membership of our community that are pet lovers
20 and they should have that ability to be more confident in
21 what they purchase is going to be from a place that we would
22 all be proud of, like breeders and so on.

23 COMMISSIONER ROGERS: Yeah, that's right.

24 COMMISSIONER EVANS: As long as we're on that and
25 we're clear, I'm more comfortable. I don't know whether or

1 not the upfront fee in terms of reducing costs is
2 necessarily accurate because we don't have any. Where
3 there's nothing that we had in existence that we're
4 streamlining. So just -- I was just curious
5 (indiscernible). You don't have to answer me. I just --
6 that was my reaction when I read it.

7 COMMISSIONER ROGERS: Okay. And believe me, we'll
8 go over this again and if there needs to be any changes,
9 we'll make them.

10 COMMISSIONER EVANS: Very well.

11 COMMISSIONER TUCCI: So I just want to understand
12 the rationale behind this. All right. So this is to
13 prevent overbreeding, inbreeding and minimal to non-existent
14 veterinary care --

15 COMMISSIONER ROGERS: Yes.

16 COMMISSIONER TUCCI: -- for puppies so that anyone
17 who wanted to purchase a pet in Nutley, a cat, a kitten,
18 what have you, all right, would be assured that they came
19 from someplace other than a puppy mill.

20 COMMISSIONER ROGERS: Exactly, you want to make
21 sure you're getting a quality pet that's been taken care of,
22 that's had its shots, that has not come from a breeder that
23 frankly would put for months 10, 15 dogs in one cage.

24 COMMISSIONER TUCCI: Right. So the intention here
25 is to curb the demand for puppy mill pets --

1 COMMISSIONER ROGERS: Yes.

2 COMMISSIONER TUCCI: -- all right, so that they're
3 provided by bona fide breeders who do things the correct
4 way.

5 COMMISSIONER ROGERS: Exactly.

6 COMMISSIONER TUCCI: All right. Okay.

7 COMMISSIONER ROGERS: Thank you.

8 MAYOR SCARPELLI: Commissioner Tucci?

9 COMMISSIONER TUCCI: Yes. I don't have anything
10 as interesting as Steve's, but I do have a couple of things.
11 I have a request for qualifications for Township Forester.
12 And this is something we do periodically. And I also want
13 to advertise for sealed bids for the Park Avenue cellular
14 antenna installation. And that's all I have.

15 MAYOR SCARPELLI: I have -- on behalf of the Board
16 of Commissioners, I have a public hearing on the Historic
17 P reservation ordinance, which we've gone over numerous
18 times. And I have approval for various raffles, a contract
19 to D&L Paving for Harrison Street improvements, which is a
20 DOT grant. And we have, which we'll take out of order, we
21 have a dedication to J.W. Reid, Sr. and the family is
22 scheduled to be here. So we'll do that when we can.

23 Madam Clerk?

24 MADAM CLERK: Yes, Mayor. We have regular meeting
25 minutes and executive session minutes for approval. And we

1 have two organizations that are looking for approval for --
2 one is for a Sunday raffle and the other one is for a
3 Beefsteak. And that's it.

4 MAYOR SCARPELLI: Counselor?

5 MR. GENITEMPO: We have a need for executive
6 session regarding litigation, COAH, and on a
7 contract.

8 COMMISSIONER TUCCI: Potential litigation.

9 MR. GENITEMPO: Potential litigation.

10 MAYOR SCARPELLI: Mr. Iglesiasino, welcome.

11 MR. IGLESINO: Thank you very much, Mr. Mayor.

12 MAYOR SCARPELLI: Can I have a motion to go into
13 executive session?

14 COMMISSIONER TUCCI: Move.

15 COMMISSIONER PETRACCO: Second.

16 Whereas, Section 8 of the Open Public Meeting Act
17 Chapter 231, Public Law 1975 permits the exclusion of the
18 public for meeting in certain circumstances; and whereas
19 the public body is of the opinion that such circumstances
20 exist; and whereas the Board of Commissioners of the
21 Township of Nutley, in the County of Essex, in the State of
22 New Jersey desires to proceed to closed executive session;

23 And now, therefore, be it resolved by the Board of
24 Commissioners of the Township of Nutley, move into closed
25 executive session to discuss litigation, COAH, and potential

1 litigation.

2 MR. GENITEMPO: Yes.

3 MADAM CLERK: Be it further resolved that the time
4 when special discussion may be disclosed to the public shall
5 be when and as such disclosure may be made without adversely
6 affecting the Township of Nutley pending and/or anticipated
7 legal, personnel, contractual matters, and other matters
8 within the exceptions provided for by statute.

9 Commissioner Rogers?

10 COMMISSIONER ROGERS: Here. Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 MADAM CLERK: The time is 7:26.

20 (End of audio)

21 (Pledge of Allegiance)

22 MAYOR SCARPELLI: We apologize that you all had to
23 wait this evening. We had counsel in the back and we
24 apologize again for having you waiting so long.

25 Madam Clerk?

1 MADAM CLERK: Yes, Mayor.

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

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Here.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Here.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Here.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Here.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Here.

19 MADAM CLERK: All present, Mayor.

20 MAYOR SCARPELLI: All right. We're going to skip
21 right to resolution in honor of J.W. Reid, Sr. Our
22 condolences to the family on the loss of your father and
23 your brother, your grandfather. And I'm going to read this
24 resolution in honor of Mr. Reid, who I remember as a young
25 boy. He had a station wagon that he used to drive around

1 in. And he'd be parked in front of Fred's candy store,
2 going in to get a cup of coffee. But good man and we're
3 sorry for your loss.

4 Whereas, Joseph Wilbert Reid, known to many as
5 "J.W.", was born on December 4th, 1929. He married the love of
6 his life, Malissie E. Richardson on January 29th, 1951 and
7 moved to Nutley to raise his family; and

8 Whereas, in his early life, Joseph Wilbert Reid,
9 Sr., was a Golden Gloves boxer and a singer contestant at
10 the famed Apollo Theater in New York City. He was no
11 stranger to hard work, and was an original 'serial
12 entrepreneur'. He operated a shoe shine business, several
13 hot dog stands, drove a taxi, owned an ice cream vendor
14 business and worked as a postal carrier in Nutley. He was a
15 Boy Scout Leader, a member of the Kiwanis Club and United
16 Upholstery Guild; and

17 Whereas, Joseph joined the U.S. Army at the age of
18 17. Following his military service, he launched Reid's
19 Interior Decorating & Upholstery in Orange, New Jersey in
20 1949, which he and his wife operated this successful
21 business for over 54 years; and

22 Whereas, Joseph always put his love for his family
23 and God above everything. Joseph was a dedicated and
24 faithful Deacon at First Baptist Church in Nutley and was
25 among several Deacons who pledged their home up as

1 collateral to help fund the church construction. Joseph
2 Wilbert Reid, Sr. retired as Deacon Emeritus; and

3 Whereas, Joseph W. Reid, Sr. and his wife retired
4 to Red Oak, North Carolina in 2001. They became members of
5 the Pine Chapel Baptist Church family in Hollister, North
6 Carolina where he was a member of the choir; and

7 Whereas, Joseph Wilbert Reid, Sr. is survived by
8 his wife, Malissie E. Reid, five children, Malissie L. Reid,
9 Joseph Wilbert Reid, Jr., Melinda R. Gerrard, Anthony D.
10 Reid, Jonathan A. Reid; daughters-in-law Danilova Reid, Lisa
11 Reid; son-in-law Robert Gerrard; 10 grandchildren; 2 great
12 grandchildren; siblings Ruth Veney, Hester Davis, Joel Reid;
13 sisters-in-law Helen Reid, Virginia Reid, Magnolia
14 Richardson, Berlene Richardson, Jean Richardson, Sally Mae
15 Brinson, Eveline Jones, Laura Richardson, Connie Silver;
16 brothers-in-law Delano Richardson, Clinton Richardson, Mark
17 Delano Richardson, John Silver, Milton Brinson and a host of
18 nieces, nephews, family and friends.

19 Now, therefore, be it resolved, by the Mayor and
20 the Board of Commissioners of the Township of Nutley, County
21 of Essex, State of New Jersey that the Township remember
22 Deacon Joseph Wilbert Reid, Sr. for his distinguished
23 contributions and service to the Township of Nutley; and

24 Be it further resolved, that the community extends
25 its sincerest condolences to the family and friends of

1 Deacon Joseph Wilbert Reid, Sr.

2 I proudly move this resolution on behalf of the
3 Board of Commissioners.

4 COMMISSIONER TUCCI: Second.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Evans? Commissioner
8 Evans?

9 COMMISSIONER EVANS: Yeah, sorry, it was on mute.
10 Sorry. Yes. Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: I'd just like to say, what
15 a tribute in all of those names on the list to leave -- what
16 you leave behind is really all that matters and apparently
17 he left a lot behind. I vote aye.

18 MADAM CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye. Commissioners, do you have
20 anything you'd like to add?

21 COMMISSIONER TUCCI: Malissie, you and I go back
22 many, many years. I just want to, once again, the mayor
23 said it very eloquently, but I want to extend my condolences
24 to you and your family. It's the recognition that we're
25 bestowing upon your dad tonight is well deserved and I'm

1 just proud to be part of it.

2 COMMISSIONER ROGERS: You know he was a good man,
3 a good American, but I believe so profoundly important in
4 this day and age, a real good role model for many, many
5 people to follow. Thank you for sharing him with us and God
6 bless your family.

7 MAYOR SCARPELLI: Commissioner Evans?

8 COMMISSIONER EVANS: Can I? Thank you. I just
9 wanted to share that I didn't know your father, but I was so
10 impressed with his commitment to helping others and being a
11 genuine, caring individual. I didn't want to miss voting on
12 this tonight, so I'm calling in. Unfortunately, I can't be
13 there in person. But as it has already been conveyed, my
14 condolences to your family and thank you for allowing him to
15 do the fine work that he did.

16 MAYOR SCARPELLI: Anybody from the family like to
17 address the Board? If not, we have some resolutions for you
18 to take in honor of your dad. Come on up, Malissie.

19 MS. REID: I just want to thank all of the board
20 members for bestowing this honor on my dad and our family. We
21 appreciate it.

22 MAYOR SCARPELLI: Thank you.

23 I don't know if you guys want to come up to get
24 those or you want us just to get --

25 (Pause)

1 MAYOR SCARPELLI: I know that Commissioner Rogers
2 has pulled one of his ordinance introductions, but are we
3 going to hear from Mr. Cohen tonight? Mr. Cohen, do you
4 want to come up and address the Board?

5 COMMISSIONER ROGERS: Ladies and gentlemen, I'm
6 going to table ordinance number 3368. It involves the
7 protection of consumers and the protection of pets. Mr.
8 Larry Cohen, you've been very patient. We've been talking a
9 lot, but I have a couple of questions. But before I ask,
10 can you please give the Board of Commissioners an idea of
11 where we're going with this?

12 MR. COHEN: Sure, absolutely. And I have some
13 packets here for each board member that I think has some
14 really great information that will help educate you on this
15 situation.

16 Basically, towns across the country, as well as
17 the State of California, one legislative step away from
18 doing this, and the State of Massachusetts where this has
19 been introduced, are looking to try and dry up the demand
20 for dogs that come from large commercial breeders, mostly in
21 the Midwest, referred to as puppy mills because of the
22 conditions in which they are bred.

23 Unfortunately, in New Jersey, by law, pet stores
24 must source their animals from USDA licensed breeders.
25 Henceforth, these large commercial breeders in the Midwest.

1 New Jersey only has two USDA licensed breeders. They don't
2 sell to New Jersey pet stores. So despite what you may
3 hear, pet stores in New Jersey can't source their dogs from
4 hobby breeders or backyard breeders, anything like that. So
5 to maximize profits, they go to these huge breeders in the
6 Midwest.

7 They are legislated by the Animal Welfare Act,
8 which among other things, allows legally for the confinement
9 of dogs 24/7 and allows dogs to be bred at their first heat
10 cycle and every one thereafter. It does not mandate
11 continuous water for dogs or socialization or human contact.
12 It allows dogs, when a breeder is done with them, to be
13 killed.

14 So you've got hundreds of thousands of dogs that
15 are being bred in these terrible, inhumane conditions.
16 You've got dogs that are being used as, I guess, puppy
17 slaves and then being killed once they're done with them.
18 And this is what's coming into the State of New Jersey. And
19 people aren't aware of that.

20 And there are many problems very often with these
21 puppies that don't arise until after somebody has bought the
22 dog and brought them home. New Jersey has tried to
23 legislate this. Something called the Pet Purchase
24 Protection Act was passed a couple of years ago. But there
25 are a couple of problems and one recent one that has made

1 this a critical problem. First, the pet stores had to be
2 dragged into this transparency that they now tout. They
3 will argue that they are the most regulated industry in the
4 nation, that everything is above board. They fought this
5 tooth and nail before it was enacted.

6 And then they had to be fined into compliance.
7 Six months after the Pet Purchase Protection Act was passed,
8 the state went out and inspected the 29 stores at the time
9 that were selling puppies. 26 of them were in violation of
10 the law and they were all fined. And they pay these fines
11 as a course of doing business.

12 The state has yet to go out again. There have
13 been efforts to try and get the state to go out again. They
14 don't have the time or the manpower, or frankly, in some
15 cases, the will to do so. So the part of this law that was
16 supposed to reign this problem in was the fact that these
17 breeders -- these stores, I'm sorry, had to post in their
18 stores cards which listed their breeders, where these dogs
19 came from, and the history of these breeders, and most
20 importantly, what these breeders' inspection reports looked
21 like.

22 The USDA is supposed to go out and inspect these
23 breeders. They don't do a very good job with it, which I
24 can document.

25 In February of this year, the USDA, which had

1 provided those inspection reports publicly, and that's what
2 all kinds of groups, like the Humane Society and everybody
3 else, used to keep these pet stores in check, the USDA wiped
4 these inspection reports from its website. So when you try
5 and get an inspection report now, you have to file a
6 request. It takes -- this one took us three months. And
7 this is what they look like now. You get nothing. Every
8 single piece of information is redacted.

9 So there is absolutely no way at this point to
10 know what is happening with any breeder that any pet store
11 in New Jersey is using. And the fact of the matter is, and
12 I have all of this in this packet for you, just about a year
13 ago, the Humane Society did a thorough, investigative report
14 of pet stores in New Jersey. And at the time, they were
15 able to look up the inspection reports of their breeders.
16 Pet stores have to submit a list.

17 As a former middle school teacher, I know that I
18 run the risk of losing your attention once you start to look
19 at this, but that's okay. Pet stores have to submit a list
20 to their towns where they operate by May 1st of every year,
21 listing all the breeders that they've used the previous
22 year. I have a couple of these lists because it's public
23 information.

24 This is from a pet store in Whitehouse Station.
25 So groups took these lists and cross-checked them against

1 the inspection reports of the breeders. In 2015, 19 New
2 Jersey pet stores purchased puppies from USDA breeders with
3 multiple and severe violations, which state law prohibits.
4 Now, we don't know what's happening because we cannot -- you
5 cannot, nobody can access these reports.

6 So the truth of the matter is if a store were to
7 open in Nutley and decide to sell puppies, you would have no
8 idea what kind of breeders they were sourcing those puppies
9 from. You would have no idea if those breeders were in
10 compliance with even the Animal Welfare Act, which has
11 horrendous standards of care, or if they were violating it.

12 And unfortunately, when we say violating it, we
13 are talking about very disturbing situations and if you open
14 your packet, on the left side, you'll see the Humane
15 Society's investigative report. That talks about a lot of
16 these violations that these breeders were found to have been
17 committing. Behind that, I've listed what the Animal
18 Welfare Act allows. So you can see how minimal these
19 standards are. And then behind that, I've given each of you
20 some examples of actual breeder inspection reports that we
21 were able to get before the USDA wiped them clean.

22 One in particular, which obviously we will all
23 find horrifying is an inspection report where the breeder, a
24 woman in Iowa, listed on her own program of veterinary care
25 that the routine way that she euthanized her animals was

1 gunshot to the brain at close range. Those are her words on
2 her veterinary program. And it's in the report. And the
3 USDA inspector noted that in the report and at the bottom,
4 they list what the resolution is. And basically what they
5 said is, you have to stop doing this. There are not
6 penalties. There are not fines for the most part. The USDA
7 is not interested in prosecuting these horrible actors.

8 They basically say, "when we come back in a year or
9 six months, you shouldn't be doing this anymore". Now, the
10 saddest part of this is even that horrendous report is not
11 that much of an outlier if you look at some of the other
12 ones. I mean, these reports are filled with things like
13 dogs with jaw bones that are exposed. They're infested with
14 ticks. Oozing wounds all over the place. It goes on, and
15 on, and on.

16 And to give you an idea of where the pet stores
17 are in this issue, first of all, the Humane Society and
18 ASPCA petitioned the USDA and asked them to upgrade their
19 standards of care in the Animal Welfare Act. Not one pet
20 store signed on to that request. And the USDA to this point
21 has done nothing about it, other than acknowledge its
22 receipt.

23 But I think what's more telling is there are some
24 pet stores that have started to follow us around to council
25 meetings like this and they have tried to dissuade councils

1 from believing these things that we are documenting, that we
2 are giving you. And when I bring this up about this breeder
3 in Iowa who shot her dogs in the head, oftentimes, the pet
4 store owner -- one of the pet store owners who bought dogs
5 from this breeder has been present, and he has spoken, and
6 he may speak to you, or you may hear from him via e-mail.
7 You're probably going to hear from a lot of those people via
8 e-mail.

9 Never once has he ever said, "I condemn what this
10 woman did or I was abhorred to find out about this. I
11 denounce her. I made a terrible mistake". Never. Not one
12 word. In fact, at the last meeting in Clark, what he did do
13 instead was he handed me a generic cease and desist order,
14 "To Whom It May Concern," dated December 21st, 2016. So he
15 had these business cards. And it basically said that
16 anybody who says something about this particular breeder, in
17 this lawyer's opinion is defaming them and legal action
18 could ensue.

19 COMMISSIONER ROGERS: Mr. Cohen, I have a
20 question.

21 MR. COHEN: Absolutely.

22 COMMISSIONER ROGERS: I talked to some breeders.
23 I talked to some trainers and they do support what you're
24 doing here. But I have a question with regard to Section 2,
25 the restriction on the sale of animals, which I see the

1 intent. I'm going to read it. And maybe we could reword
2 it, because I think there could be a misinterpretation.

3 It says here that, "No pet store shall sell,
4 deliver, offer for sale, barter, auction, give away, or
5 otherwise transfer or dispose of dogs or cats. And nothing
6 in this section shall prohibit pet stores from collaborating
7 with animal care facilities, rescue organizations,
8 etcetera."

9 What comes out at me is it's almost saying to the
10 pet store owner, you can't sell dogs or cats, period.

11 MR. CO HEN: Correct.

12 COMMISSIONER ROGERS: All right. Now --

13 MR. CO HEN: That's the intent.

14 COMMISSIONER ROGERS: Okay. But if they're
15 getting these dogs and cats within the guidelines that you
16 have here from animal care facilities and rescue
17 organizations, can they not sell them? In other words, what
18 I'm driving at, is it going to hurt -- is it going to
19 ultimately hurt someone's business?

20 MR. CO HEN: No. The answer to that question, I
21 would say, is a resounding no. First of all, the pet supply
22 industry is a billion dollar industry. Twenty four of the 25
23 largest pet store chains in the nation do not sell dogs and
24 cats. The two biggest, PetSmart and Petco, have in their code
25 of -- their mission statement, that they never will sell dogs

1 or cats because they believe in how wrong it is. And that
2 instead, they will partner with rescue groups and shelters
3 to provide space on occasion to do so.

4 COMMISSIONER ROGERS: Well, here's what I'm
5 driving at. I hear what you're saying. I get it. But what
6 if you got a breeder, a reputable, good breeder and he goes
7 to the local pet store and he says, look, I've got my dog,
8 but I'd like you to help me sell it.

9 MR. CO HEN: By law, he can't do that.

10 COMMISSIONER ROGERS: He wouldn't be able to do
11 that?

12 MR. CO HEN: New Jersey law prohibits pet stores
13 from sourcing their animals from anyone other than a USDA
14 licensed breeder.

15 COMMISSIONER ROGERS: Okay. Okay. All right.

16 MR. CO HEN: This does nothing to harm a
17 responsible hobby breeder. It has nothing to do with it.

18 COMMISSIONER ROGERS: Okay.

19 MR. CO HEN: You know, if you know of a responsible
20 breeder, we would encourage you to go to them. You'll see
21 in the packet, statements from breed clubs that are part of
22 the American Kennel Club. Ninety six percent of those breed
23 clubs say that they would not or do not sell to pet stores.

24 COMMISSIONER ROGERS: I did talk to a trainer at
25 Petco and they confirmed what you said. They will not sell

1 dogs.

2 MR. CO HEN: Right. Neither will responsible
3 breeders.

4 COMMISSIONER ROGERS: Okay. I --

5 MR. CO HEN: Responsible breeders want to meet a
6 potential owner.

7 COMMISSIONER ROGERS: Right. So the intent of
8 this law is to ensure that the animals are protected, that
9 we're not getting animals that have been through some
10 inhumane treatment from puppy mills, etcetera. We're
11 heightening public awareness of the problem. It's not going
12 to hurt businesses because they're not selling them anyway.

13 MR. CO HEN: Currently, there are 22 stores in the
14 state that sell puppies. But the problem is, given this,
15 there may be reversal of that trend because they know they
16 can get away with whatever they want.

17 COMMISSIONER ROGERS: Okay. All right. Here's
18 what I'm going to do. I advised my colleagues that we're
19 going to table this. I'd like to go over with this with
20 you. I like it. It's good. Everybody here's a pet lover,
21 right? We all own dogs. You've got two. I've got a big
22 one, German Shepherd that ate my Chihuahua. What do you
23 think of that?

24 MR. CO HEN: I'd like to emphasize also that this
25 is not about somebody who may have bought their dog from a

1 pet store. If you bought your dog from a pet store, God
2 bless you. I hope you love your dog. I hope your dog is
3 healthy.

4 COMMISSIONER ROGERS: Mr. Cohen, it's a good -- in
5 my view, all right, it's a good law. Okay. It really -- I
6 believe it helps the consumer from getting an animal that is
7 ill. I've seen that happen over the years. It's good to
8 protect the animals. I just want to refine it to ensure
9 that all of our T's are crossed and I's are dotted. And
10 make this so that we have its intent be fulfilled.

11 So I'm going to have someone get in touch with you
12 tomorrow and next week, why don't we meet?

13 MR. COHEN: Absolutely. Love to.

14 COMMISSIONER ROGERS: How's that? I appreciate
15 you coming here. This is a good thing. And hopefully we'll
16 be able to talk soon.

17 MAYOR SCARPELLI: Mr. Cohen, thank you. We
18 appreciate your passion.

19 MR. COHEN: Thank you very much.

20 MAYOR SCARPELLI: I want to take a five minute
21 break and just have Commissioners offer their condolences to
22 the Reid family.

23 (Pause)

24 MAYOR SCARPELLI: All right. Commissioners --

25 COMMISSIONER ROGERS: Listen, Mayor, thank you for

1 the time that we took. I appreciate that.

2 MAYOR SCARPELLI: No problem, Commissioner.

3 That's what we're here for.

4 Madam Clerk, minutes.

5 MADAM CLERK: Yes, Mayor. We have regular minutes
6 for June 20th, 2017, July 5th, 2017, and July 18th, 2017.

7 COMMISSIONER TUCCI: Move it.

8 COMMISSIONER PETRACCO: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 MADAM CLERK: We have executive session minutes
20 for May 16th, 2017, June 8th, 2017, June 20th, 2017, July
21 5th, 2017, July 18th, 2017, and August 1st, 2017.

22 COMMISSIONER TUCCI: Move it.

23 COMMISSIONER PETRACCO: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Yes, on all but August 1st.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: I think I was out August
7 1st as well, so aye on all the rest.

8 MADAM CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 MADAM CLERK: And that's it for minutes, Mayor.

11 MAYOR SCARPELLI: Correspondence?

12 MADAM CLERK: Did you say communications, Mayor?

13 MAYOR SCARPELLI: Communications, yes.

14 MADAM CLERK: We have the Nutley Junior Raider
15 Booster Club is requesting permission to hold raffle during
16 their breakfast event on Sunday, October 22nd, at Park
17 Avenue. I need a motion, please.

18 COMMISSIONER TUCCI: Move it.

19 COMMISSIONER PETRACCO: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans? Commissioner
25 Evans?

1 COMMISSIONER TUCCI: That's you again.

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 MADAM CLERK: St. Mary's Church has submitted an
8 application for a Social Affair Permit for their Oktoberfest
9 event to be held on Friday, September 29th, 2017 from 6:00
10 p.m. until 11:00 p.m. on 17 Monsignor Owens in Nutley. I
11 need a motion.

12 COMMISSIONER TUCCI: Move it.

13 COMMISSIONER PETRACCO: Second.

14 MADAM CLERK: Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 MADAM CLERK: And that's it for communications.

25 MAYOR SCARPELLI: Bills.

1 MADAM CLERK: Bill list for Tuesday, August 15th,
2 2017. Public Affairs, \$95,696.17; Revenue & Finance,
3 \$2,290,102.58; Public Safety, \$38,746.63; Public Works,
4 \$62,599.36; Parks and Public Property, \$162,684.23. Total
5 payroll, \$812,947.80. For a grand total of \$3,462,776.77.

6 COMMISSIONER EVANS: Move the bills.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

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

19 MAYOR SCARPELLI: Public comment on agenda items
20 only. Madam Clerk?

21 MADAM CLERK: Yes, Mayor.

22 All persons addressing the Board of Commissioners
23 regarding community concerns should approach the microphone
24 and provide their name and address for the record. Unless
25 further time is granted by the Board, each person shall

1 limit their address to three minutes. All remarks to the
2 Board and its individual members must be addressed to the
3 Mayor. The Mayor may defer citizens' comments to the
4 appropriate member of the Board. Dialogue between citizens
5 and others addressing the Board shall be allowed unless the
6 Mayor or presiding officer, or the majority of the
7 membership of the Board, shall determine that the interest
8 of decorum and/or the expeditious conduct of municipal
9 business are being adversely affected by such dialogue.

10 MAYOR SCARPELLI: Would anybody like to address
11 the Board of Commissioners on agenda items only? Seeing
12 none, could I have a motion to close the public portion?

13 COMMISSIONER TUCCI: Move it.

14 COMMISSIONER ROGERS: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 Board of Commissioner announcements. Any

1 announcements, Commissioners?

2 COMMISSIONER TUCCI: Nothing this evening.

3 COMMISSIONER PETRACCO: I would just like to
4 officially wish my 10 year old son a happy birthday on the
5 mic. Hopefully, he'll be watching one of these years to
6 come. But I wish him a happy birthday.

7 MAYOR SCARPELLI: Happy birthday, Salvatore.

8 COMMISSIONER TUCCI: Yes, happy birthday, Sal.

9 COMMISSIONER PETRACCO: Thank you.

10 MAYOR SCARPELLI: Ordinance introduction, that's
11 been pulled. Public hearings. We have the historic
12 preservation ordinance, ordinance number 3361. An ordinance
13 to amend an ordinance codified in the Code of the Township
14 of Nutley, Chapter 410, entitled Historic Preservation.

15 I open the public hearing. Would anybody like to
16 be heard on ordinance number 3361? Seeing none. Can I have
17 a motion to close the public hearing?

18 COMMISSIONER PETRACCO: Move it.

19 COMMISSIONER TUCCI: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye. Move the ordinance.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 Commissioner Petracco, ordinance number 3363.

17 COMMISSIONER PETRACCO: This is an ordinance to
18 amend an ordinance codified in the Code of the Township of
19 Nutley, Section 11 of the Chapter 228 entitled, "Parking
20 time limited" to add to the location set forth thereon.

21 This ordinance is for Highfield Lane to Washington
22 Avenue and also includes Conduit Place to Highfield Lane to
23 White Terrace.

24 This is what we're going to try to solve this
25 problem with the commuter parking. It is going to be

1 enacted from 6:00 a.m. to 10:00 a.m., so it gives the
2 residence a chance to park in front of their own homes as
3 well and hopefully dilutes a little bit the commuter
4 parking. And I'm hoping that this works and that we could
5 institute it on streets like Edison Avenue, people came
6 before us before and all other areas where we're having
7 parking issues. So I move the ordinance.

8 MAYOR SCARPELLI: Ordinance number 3 -- does
9 anybody want to be heard on ordinance number 3363?

10 MR. MOORE: Rory Moore, 462 Chestnut Street. I
11 just have one question. Does that include handicapped
12 placards? Are they included in this or not?

13 COMMISSIONER PETRACCO: I believe handicapped
14 placards are excluded from getting any tickets.

15 MR. MOORE: I can't hear.

16 COMMISSIONER PETRACCO: I'm speaking into the
17 mic, can you hear?

18 MR. MOORE: Yeah.

19 COMMISSIONER PETRACCO: I believe that handicapped
20 stickers, handicapped people are excluded from any of these
21 parking prohibitions.

22 MR. MOORE: That's all I wanted to know. Thank
23 you.

24 MAYOR SCARPELLI: Anybody else like to be heard on
25 the ordinance? Seeing none.

1 COMMISSIONER PETRACCO: I move the ordinance.

2 COMMISSIONER ROGERS: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER PETRACCO: I'm sorry, I move to close
5 the public portion of the meeting.

6 COMMISSIONER ROGERS: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 MADAM CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 COMMISSIONER PETRACCO: I move the ordinance.

18 COMMISSIONER ROGERS: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 All right. The other public hearings have been
5 deferred -- tabled -- deferred. So we'll move to
6 resolutions. Commissioner Tucci?

7 COMMISSIONER TUCCI: Yes. Thank you, Mayor.

8 Whereas, the Township of Nutley has a need to
9 acquire specialized professional services as a fair and open
10 contract pursuant to the provision of N.J.S.A. 19:44 A-20.5;
11 and

12 Whereas, the Department of Parks and Public
13 Property has a need to acquire specialized professional
14 services for a New Jersey Licensed Certified Tree Expert for
15 forestry services throughout the Township of Nutley; and

16 Whereas, the Municipal Clerk is hereby authorized
17 and directed to advertise for a Request for Qualifications
18 for Township Forester.

19 Now, therefore, be it resolved, that the Request
20 for Qualifications shall be due on Thursday,
21 September 7th, 2017 at 3:00 P.M. addressed to Municipal Clerk,
22 Nutley Township Hall, One Kennedy Drive, Nutley, New Jersey.

23 I move the resolution.

24 COMMISSIONER PETRACCO: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 MADAM CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 COMMISSIONER TUCCI: Be it resolved by the Board
11 of Commissioners of the Township of Nutley, County of Essex,
12 State of New Jersey, that the Township Clerk is hereby
13 authorized to advertise for sealed bids for the Park Avenue
14 Cellular Antenna Installation, in the Township of Nutley, to
15 be received on behalf of the Board of Commissioners, in
16 Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley,
17 New Jersey on Thursday, October 26th, 2017 at 3:00 P .M.
18 prevailing time, at which time they will be opened and
19 publicly read.

20 I move the resolution.

21 COMMISSIONER PETRACCO: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

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

8 MAYOR SCARPELLI: Commissioner Evans?

9 COMMISSIONER EVANS: Thank you, Mayor. Before I
10 begin, just a question for Alan. I'd like to summarize my
11 three resolutions by their title and reintroduce them in
12 that fashion. Would that be acceptable?

13 MR. GENITEMPO: That's not a problem,
14 Commissioner. Go ahead.

15 COMMISSIONER EVANS: Thank you. Resolution number
16 170-17. Mr. Michael Walsh has met the requirements for full
17 tax exemption for a disable war veteran pursuant to N.J.S.A.
18 54:4-3.30.

19 I move that we adopt -- we pass this resolution,
20 which would recognize his tax exemption as of July 30th,
21 2017 and all subsequent years.

22 So moved.

23 MAYOR SCARPELLI: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 COMMISSIONER EVANS: Resolution number 171-17,
9 authorizing the refund of overpayment of tax charges for 112
10 Walnut Street in the amount of \$1,310.93. I move this
11 resolution.

12 MAYOR SCARPELLI: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 COMMISSIONER EVANS: Resolution number 172-17, my
22 last resolution, authorizes a permit application fee refund
23 for Applied Services Corp. located at 145 Franklin Avenue in
24 the amount of \$330. It met all of the requirements of --
25 that would allow for that refund.

1 I move this resolution.

2 MAYOR SCARPELLI: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 COMMISSIONER EVANS: Thank you, Mayor.

12 MAYOR SCARPELLI: Thank you, Commissioner.

13 Commissioner Petracco?

14 COMMISSIONER PETRACCO: Yes. In order to save a
15 little time because we're running so late, I'll just read
16 these by title. This is resolution number 173-17,
17 supporting the "Drive Sober or Get Pulled Over" campaign over
18 the statewide 2017.

19 I move the resolution.

20 COMMISSIONER ROGERS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 COMMISSIONER PETRACCO: Be it resolved, by the
5 Board of Commissioners of the Township of Nutley, in the
6 Essex County, State of New Jersey that the Township
7 Treasurer be and she is hereby authorized to refund \$500 to
8 Elliott Rogoff, 60 Crest Drive, South Orange, New Jersey,
9 07079 for reimbursement of overpayment made on a HazMat job.

10 I move the resolution.

11 COMMISSIONER ROGERS: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 COMMISSIONER PETRACCO: My next resolution, 178-
23 17, is a resolution that is allowing us to put out for
24 auction cars that have been abandoned and are at the towing
25 company's yard. It will be on -- the auction will be held

1 at 757-1000 Page Avenue in Lyndhurst, New Jersey on
2 Thursday, September 14th, 2017 at 10:00 a.m.

3 If anybody is interest, there's a list of vehicles
4 that will be auctioned off. I move the resolution.

5 COMMISSIONER ROGERS: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 COMMISSIONER PETRACCO: That's all I have.

17 MAYOR SCARPELLI: Thank you, Commissioner.

18 Whereas, raffle applications have been received
19 from the following organizations;

20 VFW Post #493, License No. 39-17 , On-Premise
21 Merchandise Raffle to be held Friday, September 22nd, 2017;

22 Nutley Junior Raider Booster Club, License No. 40-
23 17, Off-Premise 50/50 Cash Raffle to be held Sunday, October
24 22nd, 2017;

25 Nutley High School Soccer Booster Club, License

1 No. 41-17, Off-Premise 50/50 Cash Raffle to be held Tuesday,
2 November 21st, 2017;

3 Whereas, the applications have been reviewed and
4 approved by the Municipal Clerk and the Police Department;

5 Now, therefore, be it resolved by the Board of
6 Commissioners of the Township of Nutley, County of Essex,
7 State of New Jersey that the aforementioned licenses are
8 approved and the Municipal Clerk is authorized to issue the
9 raffle licenses.

10 I move the resolution.

11 COMMISSIONER TUCCI: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 Whereas, bids for the Harrison Street Improvement
23 Project (Franklin Avenue - Bloomfield Avenue) were received
24 and opened on Wednesday, July 12th, 2017; and

25 Whereas, D&L Paving Contractors, 675 Franklin

1 Avenue, Nutley, New Jersey was the low bidder; and

2 Whereas, the Base Bid for the Harrison Street
3 Improvement Project is in the amount of \$273,173.99 for a
4 total bid amount of \$273,173.99; and

5 Whereas, funds are available from Ordinance #3362
6 in the amount of \$252,504 from monies received via a grant
7 from New Jersey Department of Transportation, Ordinance
8 #3321A in the amount of \$20,669.99 and subject to this
9 caveat have been certified by the Chief Financial Officer,
10 said certification being attached to this resolution.

11 Now, therefore, be it resolved, by the Board of
12 Commissioners of the Township of Nutley, County of Essex,
13 State of New Jersey, that a contract be awarded to D&L
14 Paving Contractors, not to exceed \$273,173.99 and that the
15 Mayor and Township Clerk are hereby authorized to enter into
16 and sign said contract for the Township of Nutley.

17 I move the resolution.

18 COMMISSIONER TUCCI: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 That concludes the business portion of our
5 meeting. Madam Clerk?

6 MADAM CLERK: Yes, Mayor.

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

20 MAYOR SCARPELLI: Would anybody like to address
21 the Board of Commissioners this evening?

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

23 Mr. Scarpelli, this evening I received an OPRA
24 request from the Essex County Prosecutor's Office. The
25 accident investigation is closed now. Moving forward, are

1 we going to be able to have the OPRA's for the investigation
2 now answered by the Town?

3 MAYOR SCARPELLI: Mr. Genitempo?

4 MR. GENITEMPO: That is the only -- I saw the
5 document this afternoon, Mr. Moore. That's the only
6 document that we have. So there's nothing else to provide to
7 you. I will double check that, but now that we know that it's
8 been closed --

9 MR. MOORE: It's closed.

10 MR. GENITEMPO: Let me check and make sure there's
11 nothing else. If there is, you'll get it.

12 MR. MOORE: I spoke to the attorney --

13 MR. GENITEMPO: No, I hear you. I'm saying if --
14 I understand it's closed. If there's anything else that we
15 have, we will send it to you.

16 MR. MOORE: Okay. Great. Thank you.

17 MR. GENITEMPO: No problem.

18 MAYOR SCARPELLI: Would anybody else like to
19 address the Board of Commissioners this evening? Seeing
20 none, could we have a motion to close the public portion of
21 the meeting?

22 COMMISSIONER PETRACCO: Move it.

23 COMMISSIONER ROGERS: Second.

24 MADAM CLERK: Are we going into executive?

25 MAYOR SCARPELLI: Let's close this portion first.

1 MADAM CLERK: Sure.

2 Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 Can I have a motion to go back into executive
13 session?

14 COMMISSIONER TUCCI: Move it.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 We will going back into executive. We will come

1 back and go back on the record. No action will be taken.

2 (End of audio)

3 MAYOR SCARPELLI: All right, Madam Clerk. We are
4 back on the record. The time is?

5 MADAM CLERK: The time is now 10:44.

6 MAYOR SCARPELLI: Commissioners, I need a motion
7 to continue this meeting to August 22nd at 10:00 a.m.

8 COMMISSIONER TUCCI: So moved.

9 COMMISSIONER ROGERS: Second.

10 MADAM CLERK: Okay. Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 MADAM CLERK: Okay. That's it. We're all set.

19 (Meeting was adjourned at 10:44 P.M.)
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22
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C E R T I F I C A T I O N

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


Jamie Gallagher

Date: August 31, 2017

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