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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

PUBLIC MEETING) TRANSCRIPT OF

) PROCEEDINGS

)

October 3, 2017

BOARD OF COMMISSIONERS

BEFORE:

Commissioner Steven L. Rogers

Commissioner Mauro G. Tucci

Commissioner Thomas J. Evans

Commissioner Alphonse Petracco

Mayor Joseph P. Scarpelli

Township Clerk

Job No. NJ2725601

Transcribed by: Pamela A. Skaw

1 P R O C E E D I N G S

2 MADAM CLERK: Yes, Mayor.

3 MAYOR SCARPELLI: (Inaudible).

4 MADAM CLERK: Ready?

5 MAYOR SCARPELLI: (Inaudible).

6 MADAM CLERK: Board of Commissioners Public
7 Meeting, Tuesday, October 3rd, 2017. The time is 7:09.

8 Pursuant to the requirements of the Open Public
9 Meeting Act, Chapter 231, Public Law, 1975, notice of this
10 meeting was published in the December 1st, 2016 issues of
11 The -- issues of The Nutley Sun and the Herald News and the
12 December 2nd, 2016 issue of the Star Ledger.

13 A copy of this notice has been posted on the
14 Nutley Town Hall bulletin board and a copy is on file in the
15 Municipal Clerk's office.

16 Commissioner Rogers?

17 COMMISSIONER ROGERS: Here.

18 MADAM CLERK: Commissioner Tucci.

19 COMMISSIONER TUCCI: Here.

20 MADAM CLERK: Commissioner Evans?

21 (Pause)

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Yeah. Here.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Here.

1 MADAM CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Here.

3 MADAM CLERK: All present, Mayor.

4 (Pause)

5 MAYOR SCARPELLI: Commissioner Petracco, what do
6 you have on the agenda tonight?

7 COMMISSIONER PETRACCO: I have the public hearing
8 for the police contract.

9 I see I have a rescind of a Resolution, Alan.
10 What am I rescinding?

11 MR. GENITEMPO: You're rescinding a Resolution...

12 MADAM CLERK: For --

13 (Pause)

14 COMMISSIONER PETRACCO: Number 205-17. And I also
15 have a request --

16 (Indiscernible conversation)

17 COMMISSIONER PETRACCO: -- for an insertion --
18 I guess a grant. (Pause) For the bullet-proof vests?

19 COMMISSIONER EVANS: Yeah.

20 COMMISSIONER PETRACCO: That insertion?

21 COMMISSIONER EVANS: The insertion is for the
22 bullet-proof vests.

23 COMMISSIONER PETRACCO: All right.

24 COMMISSIONER EVANS: Chapter 159.

25 COMMISSIONER PETRACCO: Yeah.

1 (Pause)

2 COMMISSIONER PETRACCO: All right.

3 MR. GENITEMPO: The budget amendment for
4 Safe and Secure Communities Grant is rescinded.

5 COMMISSIONER PETRACCO: What is it?

6 MR. GENITEMPO: It's the Chapter 159 Budget
7 Amendment, Safe and Secure Communities Grant. You're
8 rescinding that. It was adopted on September 19th.

9 MADAM CLERK: Yeah. You read it in the previous
10 meeting but it was already a budget line item. So, Ro is
11 taking it off and put the -- the vests on.

12 COMMISSIONER PETRACCO: Okay.

13 Are we going to -- (indiscernible) people are
14 texting me, are we going out at seven thirty or do we have an
15 executive session or --

16 MAYOR SCARPELLI: We have an executive but we're
17 hoping to keep it short, right, counsel?

18 MR. GENITEMPO: We're going to have a one-issue
19 executive and go out and, then, if we need to come back,
20 come back.

21 COMMISSIONER PETRACCO: Because Ramon's coming.
22 So, he texting me.

23 COMMISSIONER TUCCI: One or two?

24 MR. GENITEMPO: Oh, he is? Then, I'd tell him
25 come late.

1 COMMISSIONER PETRACCO: Huh?

2 MR. GENITEMPO: Come later.

3 COMMISSIONER PETRACCO: What time?

4 COMMISSIONER TUCCI: (Indiscernible).

5 MR. GENITEMPO: Eight o'clock. Eight thirty.

6 COMMISSIONER PETRACCO: A half hour for
7 everything, for real?

8 MR. GENITEMPO: Well, it's quarter after seven.
9 We'll go out at seven thirty.

10 COMMISSIONER PETRACCO: Is there any way we could
11 just do it and come back to that? And have the executives
12 for after the meeting?

13 MR. GENITEMPO: That's what we're saying.

14 MAYOR SCARPELLI: We're going to have the
15 executive after anyway.

16 MR. GENITEMPO: That's what I'm saying, after the
17 regular meeting, we'll come back.

18 COMMISSIONER PETRACCO: So, then, we'll --

19 MR. GENITEMPO: So, tell him to come at like eight
20 fifteen.

21 COMMISSIONER ROGERS: (Indiscernible) --

22 COMMISSIONER PETRACCO: No. He's coming for the
23 police contract.

24 M R. GENITEMPO: Oh.

25 COMMISSIONER PETRACCO: So, can he be -- so, seven

1 thirty we're going to go out?

2 COMMISSIONER TUCCI: Just comes --

3 MR. GENITEMPO: Well, it's up to you guys when --

4 COMMISSIONER EVANS: Yeah. Seven thirty, seven
5 forty-five, yeah.

6 COMMISSIONER TUCCI: (Indiscernible) --

7 MR. GENITEMPO: You need him to address the
8 Commissioners in executive? Al, is that what you're
9 saying?

10 COMMISSIONER ROGERS: Is he bringing a
11 (indiscernible)?

12 COMMISSIONER PETRACCO: No.
13 (Indiscernible conversations)

14 MR. GENITEMPO: Oh, okay. All right.

15 UNIDENTIFIED SPEAKER: (Indiscernible).

16 MAYOR SCARPELLI: Commissioner Evans.

17 COMMISSIONER EVANS: I have four Resolutions,
18 I have a need for an executive on personnel.

19 COMMISSIONER PETRACCO: I hope so.

20 COMMISSIONER EVANS: Then I have four Resolutions
21 tonight. One is for recognizing (indiscernible) the 3.6
22 million in transitional aid, \$3,675,000 in transitional aid.

23 I have a refund of overpayments of taxes and water
24 charges and I'm happy to -- I have Resolution tonight
25 appointing Kathy Rempusheski as our Qualified Purchasing

1 Agent. She's taken all the courses. She's obtained the
2 certification and I'm very pleased to be able to
3 do that tonight.

4 MAYOR SCARPELLI: Congratulations, Kathy.
5 Commissioner Rogers.

6 MR. GENITEMPO: Trying to intimidate me.
7 (Indiscernible).

8 (Laughter)

9 COMMISSIONER ROGERS: Yes, Mayor. I have a final
10 reading on Ordinance No. 3368 with reference to sale of dogs
11 and cats. And I have a Resolution on cancer, breast cancer
12 awareness month.

13 That's all I have, Mayor.

14 MAYOR SCARPELLI: Commissioner Tucci.

15 COMMISSIONER TUCCI: I have a Shade Tree report
16 for the month of September. I have a bond ordinance on
17 second reading for the improvements to Father Glotzbach Park,
18 and I have three Resolutions; one, awarding the contract to
19 Primepoint, this is for our Affordable Care Act Reporting.
20 The second is a change order with Viridian Environmental
21 Consultants for our underground storage tanks in the amount
22 of \$299.06.

23 And I have a Resolution saluting and
24 congratulating the Columbus Day parade dignitaries.

25 And that's all I have.

1 COMMISSIONER EVANS: Excuse me. I have two
2 reports; one is for the third quarter from the Code
3 Enforcement Department; the other one is for September
4 (indiscernible).

5 MAYOR SCARPELLI: Thank you.

6 I have a proclamation for the Third Half Club Hall
7 of Fame.

8 I have three ordinance introductions. They're all
9 bond ordinances.

10 COMMISSIONER ROGERS: (Indiscernible) read all
11 (indiscernible).

12 MAYOR SCARPELLI: And I have a Resolution for a
13 raffle license and a Resolution to authorize the contract
14 with Mott MacDonald. And I have a Resolution for amendment
15 of the redevelopment agreement that we need to talk about in
16 executive before we go (indiscernible).

17 Madam Clerk.

18 MADAM CLERK: Yes, Mayor.

19 We have -- this evening we have regular board of
20 commissioner meeting minutes. We have executive session
21 minutes and we have two Correspondence; one is for Santa's
22 Arrival and the other one is for the Friends of Nutley
23 Library. They want to have -- hold a Social Affair permit
24 on Wednesday, October 11th.

25 Thank you. And that's it, Mayor.

1 MAYOR SCARPELLI: Mr. Genitempo.

2 MR. GENITEMPO: Just executive.

3 MAYOR SCARPELLI: Okay. So could I have a motion
4 to go into executive session to discuss --

5 MR. GENITEMPO: Contract -- contract --

6 MAYOR SCARPELLI: -- negotiation.

7 COMMISSIONER ROGERS: Personnel.

8 MR. GENITEMPO: Contract first.

9 COMMISSIONER ROGERS: Or personnel.

10 MR. GENITEMPO: Not yet. That will be later.

11 COMMISSIONER TUCCI: Okay. I'll move it.

12 MR. GENITEMPO: Unless you do, I'm sorry.

13 COMMISSIONER TUCCI: I'll move it.

14 (Laughter)

15 COMMISSIONER TUCCI: I can (indiscernible) I don't
16 know. You (indiscernible) that's why I asked.

17 MR. GENITEMPO: Oh, okay. I'm sorry.

18 COMMISSIONER TUCCI: (Indiscernible) he has it.

19 (Laughter)

20 MR. GENITEMPO: I don't know why I
21 (indiscernible).

22 (Laughter)

23 COMMISSIONER EVANS: Mauro moved it. I seconded
24 it.

25 MAYOR SCARPELLI: Okay.

1 MR. GENITEMPO: Sorry, Commissioner,
2 it's been a long day.

3 COMMISSIONER TUCCI: I'm easy. I understand.
4 (Laughter)
5 (Pause)

6 MADAM CLERK: WHEREAS, Section 8 of the Open
7 Public Meeting Act, Chapter 231, P.L. 1975 permits the
8 exclusion of the public from a meeting in certain
9 circumstances;

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

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

15 NOW, THEREFORE, BE IT RESOLVED by the Board
16 of Commissioners of the Township of Nutley will move into
17 closed executive session to discuss contract negotiations
18 for RDA.

19 BE IT FURTHER RESOLVED that the time when such
20 discussions may be disclosed to the public shall be when and
21 as such disclosure may be made without adversely affecting the
22 Township of Nutley pending and/or anticipated legal,
23 personnel, contractual matters and other matters within the
24 exceptions provided for by statute.

25 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 MADAM CLERK: The time is seven sixteen.

11 (Whereupon, the meeting was adjourned for executive session)

12 MAYOR SCARPELLI: So, I guess the first order of
13 business is the amendment to the --

14 (End of Conference Session audio)

15 (Public Meeting Session Begins)

16 (Pledge of allegiance)

17 (Pause)

18 MAYOR SCARPELLI: Madam Clerk.

19 MADAM CLERK: Yes, Mayor. Thank you.

20 Board of Commissioners Public Meeting, Tuesday,
21 October 3rd, 2017. The time is 7:32.

22 Pursuant to the requirements of the Open Public
23 Meeting Act, Chapter 231, Public Law, 1975, notice of this
24 meeting was published in the December 1st, 2016 issues of
25 The Nutley Sun and the Herald News and in the December 2nd,

1 2016 issues of the Star Ledger.

2 A copy of this notice has been posted on the
3 Nutley Town Hall bulletin board and a copy is on file in the
4 Municipal Clerk's office.

5 Commissioner Rogers?

6 COMMISSIONER ROGERS: Here.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Here.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Here.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Here

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Here.

15 MADAM CLERK: All present, Mayor.

16 MAYOR SCARPELLI: I'd like everybody to take a
17 moment of silence of -- for the victims of the shooting in
18 Las Vegas.

19 (Pause)

20 MAYOR SCARPELLI: Thank you.

21 Madam Clerk, minutes.

22 MADAM CLERK: Yes, Mayor. We have regular meeting
23 minutes for August 15th, 2017; August 22nd, 2017, continued
24 meeting of August 15th; August 28th, 2017; September 5th of
25 2017 and September 11th of 2017.

1 I need a motion, please.

2 COMMISSIONER EVANS: Move the minutes.

3 COMMISSIONER TUCCI: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Yes with the exception of
8 September 5th and September 11th.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Yes.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 MADAM CLERK: We have executive session minutes
16 for August 15th, 2017 for sessions one and two; August 22nd,
17 2017; August 28th, 2017; September 5th of 2017 and September
18 11th of 2017.

19 I need a motion, please.

20 COMMISSIONER EVANS: Move the minutes.

21 COMMISSIONER TUCCI: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Again with the exception --

1 Aye with the exception of September 5th and September 11th.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

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

9 MAYOR SCARPELLI: I'm going to skip around a
10 little bit.

11 Let's do correspondence, Madam Clerk.

12 MADAM CLERK: Yes, Mayor.

13 The Nutley Chamber of Commerce has submitted an
14 event application to host Santa's Arrival at the Nutley Park
15 Oval on Friday, November 24th, 2017 between the hours of two
16 and three p.m. with the rain date of Saturday, November 25th
17 between the hours of eleven and twelve p.m.

18 I need a motion.

19 COMMISSIONER TUCCI: Move it.

20 COMMISSIONER EVANS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 MADAM CLERK: The Friends of Nutley Library have
7 submitted a Social Affair Permit application to hold their
8 lifetime achievement award event on Wednesday, October 11th,
9 2017 between five and nine p.m. at 93 Booth Drive in Nutley.

10 COMMISSIONER TUCCI: Move it.

11 COMMISSIONER EVANS: 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 MADAM CLERK: And that's it for communications,
23 Mayor.

24 MAYOR SCARPELLI: Let's go to reports.

25 Commissioner Tucci.

1 COMMISSIONER TUCCI: Yes. I have a Shade Tree
2 Report for the month of September, 2017.

3 MAYOR SCARPELLI: Commissioner Evans.

4 COMMISSIONER EVANS: Yes. I have a Code
5 Enforcement Report for the third quarter of 2017 as well as
6 a Code Enforcement Report for the month of September, 2017.

7 MAYOR SCARPELLI: Thank you.

8 Madam Clerk, go to bills.

9 MADAM CLERK: Yes, Mayor. Tuesday, October 3rd,
10 2017: Public Affairs, \$98,522.75; Revenue and Finance,
11 \$2,532,363.32; Public Safety, \$21,957.56; Public Works,
12 \$294,224.01; Parks & Public Property, \$707,563.72; total
13 payroll, \$793,969.75; for a grand total of \$4,448,601.11.

14 COMMISSIONER EVANS: Move the bills.

15 COMMISSIONER TUCCI: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 MADAM CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

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

2 MAYOR SCARPELLI: We have some special guests here
3 tonight. So, we're going to do a Proclamation and, then,
4 Commissioner Tucci's going to do some Resolutions.

5 So, it's my privilege to read this Proclamation on
6 behalf of the Board of Commissioners, the Township of
7 Nutley.

8 WHEREAS, the Third Half Club of Nutley will host
9 the Nutley High School Athletic Hall of Fame Induction
10 Ceremony on Thursday, October 12th, 2017; and as a result of
11 their outstanding individual accomplishments, the following
12 athletes have been selected for enshrinement as members of
13 the NHS Athletic Hall of Fame.

14 WHEREAS, Albert "Albie" Hallam, NHS Class of 1971
15 was a multi-talented athlete quietly demonstrating
16 excellence in football, basketball and baseball. He
17 received All-Essex County and all-State Honors; and

18 WHEREAS, Sam Battaglia, NHS Class of 1964 made his
19 mark on the football field being selected to the All-Essex
20 County and the All-State Honors. Sam received a full
21 scholarship to play for the University of Maryland, playing
22 four years. He was active in the community, having served
23 on the Board of Education, Board of Commissioners and the
24 long-time president of the Third Half Club; and

25 WHEREAS, John Monaco, Class of 1962, was the only

1 wrestler to have won the New Jersey State Championship in
2 his junior year. He became a three time national champion
3 at Montclair State and was designated an All American; and

4 WHEREAS, Dawn Marie Rose, NHS Class of 1983 was a
5 multi-sport athlete excelling in soccer, basketball and
6 softball. She earned ten varsity letters, was female
7 athlete of the year and continued her success at the
8 University of South Carolina and Fairleigh Dickinson
9 University; and

10 WHEREAS, Andy Joyner, NHS Class of 1984. Andy was
11 an extraordinary pitcher for the Raider baseball team
12 earning All-Essex County and All-State Honors before
13 matriculating to Fairleigh Dickenson and continuing his
14 successful baseball career; and

15 WHEREAS, Donald Sellari, NHS Class of 1993, was
16 the captain of 1992 Nutley High School New Jersey State
17 Championship football team, earning All-Essex County, All-
18 State, an Honorable Mention, All American Honors. Don
19 continued his career at Rutgers University; and

20 WHEREAS, Korzanga Alan Branigan, NHS Class of
21 1993, was a supremely talented soccer player earning All-
22 Essex County and All-State Honors. At Rutgers University,
23 he was an All American and All-Big East before being drafted
24 to play for Major League Soccer. He played professionally
25 for four years; and

1 WHEREAS, Kim DiVincenzo, NHS Class of 1999, was
2 one of the finest female athletes of her time, earnings
3 eight varsity letters. She excelled in basketball and
4 softball. She earned All-Essex County, All-State Honors in
5 both sports as well as being recognized as NHS Female
6 Athlete of the year; and

7 WHEREAS, the 1992 Nutley High School softball team
8 earned the New Jersey Section II Group 3 State Championship
9 and the New Jersey Group 3 Championship.

10 AND, NOW, THEREFORE, I, Joseph Scarpelli, Mayor of
11 the Township of Nutley and the Board of Commissioners wish
12 to congratulate the 2017 inductees into the Nutley High
13 School Hall of Fame and commend them for the outstanding
14 examples they have set for the student athletes of today.

15 And I hereby do -- I do hereby proclaim October
16 12th, 2017 as the Third Half Club of Nutley, Nutley High
17 School Athletic Day, Hall of Fame Day.

18 (Applause)

19 MAYOR SCARPELLI: I see Mr. Battaglia and Mr.
20 Searle and Mr. Barry in the back. Do you want to come
21 up and say a few words and maybe take a picture?

22 (Pause)

23 MAYOR SCARPELLI: Congratulations, Sam.

24 MR. BATTAGLIA: Thank you.

25 On behalf of the Third Half Club, Steven and Jack,

1 we greatly appreciate the continued support by all of the
2 Commissioners here. We are very proud of the 78 years'
3 worth of support to our youth and the foundation of this
4 Hall of Fame. And we're greatly privileged that this year I
5 have had the opportunity to be selected to go in.

6 So, again, we appreciate the proclamation. We'll
7 make sure all of our attendees and hopefully we see you all
8 next week.

9 MAYOR SCARPELLI: We have copies for the honorees
10 and you want to take a picture with us?

11 MR. BATTAGLIA: Yeah. Why not?

12 MAYOR SCARPELLI: All right.

13 (Pause)

14 MAYOR SCARPELLI: Commissioner Tucci.

15 COMMISSIONER TUCCI: Yes. Thank you, Mayor.

16 Let me get my glasses here.

17 WHEREAS, on Sunday, October 8th, 2017, the Nutley-
18 Belleville Columbus Day & Italian Heritage Month Parade
19 Committee will celebrate its 35th Annual Columbus Day Parade
20 festivities commemorating Columbus' historic voyage to the
21 New World; and

22 WHEREAS, The Parade Committee has a long history
23 of commemorating Columbus Day each year in the Township of
24 Nutley, which is looked forward to and enjoyed by both
25 spectators and participants alike; and

1 WHEREAS, The Nutley-Belleville Columbus Day &
2 Italian Heritage Month Parade Committee celebrated its
3 Annual Honoree Dinner on Thursday, September 28th, 2017 at
4 Nanina's in the Park; and

5 WHEREAS, this year's Grand Marshal is Al Lembo
6 Jr.; and

7 WHEREAS, Al Lembo Jr. is joined by the Lifetime
8 Achievement Award recipient, Anthony Iannarone; the Italian
9 Heritage Award recipient, Dr. Louis Crupi; Belleville Woman
10 of the Year, Cindy Sica; Belleville Man of the Year, Police
11 Chief Mark Minichini; Nutley Woman of the Year, Marie
12 Vicchiariello; Nutley Man of the Year, Police Chief Thomas
13 Strumolo; 2017 Renaissance Man, Henry Meola; 2017 Italian
14 Business Leader, John Apicella; along with Community
15 Excellence Award recipient Ruth Bedford;

16 NOW THEREFORE, BE IT RESOLVED that the Board of
17 Commissioners of the Township of Nutley, County of Essex,
18 join with the citizens of Nutley to salute and congratulate
19 all the recipients as they are honored here this evening.

20 I very proudly move this Resolution.

21 COMMISSIONER EVANS: 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: Mayor, if I might, these
8 Resolutions will be presented on behalf of the Board of
9 Commissioners at our ceremony on Sunday at 11 p.m. in front
10 of the Columbus statue.

11 MAYOR SCARPELLI: Anybody here tonight?

12 COMMISSIONER EVANS: (Indiscernible).

13 COMMISSIONER TUCCI: I'm sorry.

14 COMMISSIONER EVANS: You said 11 p.m.

15 COMMISSIONER TUCCI: A.M., I'm sorry.

16 MAYOR SCARPELLI: Nobody's here from the
17 committee, right?

18 COMMISSIONER TUCCI: I don't believe so.

19 MAYOR SCARPELLI: Don't see anyone. Okay. All
20 right. Public comment on agenda items only.

21 MADAM CLERK: Yes, Mayor.

22 All persons addressing the Board of Commissioners
23 regarding community concerns should approach the microphone,
24 provide their name and address for the record.

25 Unless further time is granted by the Board, each

1 person shall limit their address to three minutes.

2 All remarks to the Board and its individual
3 members must be addressed to the Mayor. The Mayor may defer
4 citizens' comments to the appropriate member of the Board.

5 Dialogue between citizens and others addressing
6 the Board shall be allowed, unless the Mayor, or presiding
7 officer or the majority of the membership of the Board,
8 shall determine that the interests of decorum and/or the
9 expeditious conduct of municipal business are being
10 adversely affected by such dialogue.

11 MAYOR SCARPELLI: Would anybody like to address
12 the Board of Commissioners this evening on agenda items
13 only?

14 MR. FERRARO: Good evening to the entire
15 Commission.

16 My name is Gerald Ferraro. I live at 34 Roosevelt
17 Street.

18 I was here on September 19th and made my initial
19 presentation for a three-tiered nursing home to be part of
20 the Hoffmann-LaRoche Redevelopment project.

21 I have with me now, and I'll give it to the
22 officer to give to the Town Clerk as she is the keeper of
23 records, 45 additional signatures provided by a third party
24 that's assisting me, Blaire Rzempoluch of Nutley.

25 And I still continue to be assisted by Penny

1 Landry and Ms. Terry Quirk.

2 Again, I renew my initial, verbal application to
3 the Commission to collectively present all this to
4 Mr. Gene Diaz, the CEO and project manager of the Roche
5 redevelopment project.

6 I have reached out for Dr. Stanton, the Dean of
7 Academia, to tell her I was going to be here tonight. She's
8 the Dean of Academia for Seton Hall and I did reach out for
9 Mr. Diaz. I didn't get a response but, hopefully, the
10 Commission can, at some other juncture.

11 And, again, I thank you for whatever assistance
12 that you could provide to me and to all the citizens of
13 Nutley, Clifton and the surrounding area with regard to my
14 request.

15 Thank you.

16 MAYOR SCARPELLI: Thank you, Mr. Ferraro.

17 Anybody else want to be heard on agenda items
18 only?

19 Seeing none, can we close the public comment?

20 COMMISSIONER ROGERS: Move it.

21 MADAM CLERK: I need a second.

22 COMMISSIONER PETRACCO: Second.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 Board of Commissioners, any announcements?

9 Commissioner Tucci.

10 COMMISSIONER TUCCI: Yes. My first announcement
11 this evening is that the Department of Parks and Recreation
12 is excited to announce that beginning with this school year,
13 which just started, we've gone paperless. So, we will have
14 the information up on the web. You can sign up for e-alerts
15 at www.nutleynj.org, Facebook/Nutley Parks and Rec. You can
16 (indiscernible) paper, registrations and other items through
17 Community Pass and we will be completely paperless moving
18 forward.

19 My second announcement of this evening, Mayor, is
20 that I just want to thank all of our Parks and Recreation
21 personnel for the hard work they did this weekend with the
22 return of the Festival in the Park. It was attended by
23 thousands of people. It's been gone for many years. We're
24 bringing it back better and stronger than ever.

25 We have a good prototype to follow because it was

1 done so very well over the years. I'd just like to thank
2 all of our residents who supported it and all the vendors
3 who participated. And, of course, the entire Board of
4 Commissioners, especially Public Safety, with Police, Fire
5 and First Aid and Rescue and the Health Department for
6 assuring that everyone was up to snuff as far as the
7 sanitary requirements are concerned.

8 So, thank you everyone for your support.

9 That's all I have, Mayor.

10 MAYOR SCARPELLI: A very great event. It was a
11 great even.

12 COMMISSIONER TUCCI: Thank you.

13 COMMISSIONER EVANS: Mayor, just a quick comment.

14 And, Commissioner Tucci, as we discussed, on -- at
15 the actual festival, there's many things that represent
16 Nutley.

17 COMMISSIONER TUCCI: Uh-huh.

18 COMMISSIONER EVANS: We have many new residents in
19 town and, so, actually being able to resurrect something that
20 actually is representative of what Nutley is and what Nutley
21 is about, especially in the Memorial Park section.

22 I think many people don't realize that even the trees that are
23 there are commemorative to the World War I veterans who've
24 actually died in World War I and it's actually commemorating
25 them.

1 So, there's a lot of history attached to that
2 section of the park. But, also, the nature of the culture
3 that was there without the alcohol, as we discussed.

4 COMMISSIONER TUCCI: Uh-huh. That's correct.

5 COMMISSIONER EVANS: I think it was very valuable
6 because what you saw was families were out and children were
7 out, having fun, and I -- as I walked, people were
8 commenting that it's been a long time since we've had
9 something like this in Nutley.

10 So, again, congratulations to you and your team.

11 COMMISSIONER EVANS: Thank you, Commissioner. You
12 make a very good point because we need to acclimate our new
13 residents as to what our history is; all right? And what
14 our traditions have been over the years so that they also
15 can join our larger Nutley family and keep this town the
16 great place that it is.

17 So, thank you for your comments, Commissioner.

18 MAYOR SCARPELLI: Any other Commissioner
19 announcements or --

20 COMMISSIONER ROGERS: Yeah. I'd like to ditto
21 what Commissioner Evans said. There's one word the
22 Commissioner used and I know it's close to everyone's heart
23 here is family.

24 Bringing families together in a day and age when
25 we don't see much of that anymore. But here, in Nutley, to

1 keep that alive, I really commend you Commissioner Tucci for
2 the work you're doing.

3 COMMISSIONER TUCCI: Thank you.

4 COMMISSIONER ROGERS: And thank you.

5 MAYOR SCARPELLI: Let's move onto ordinance
6 introductions. I have three of them.

7 Ordinance No. 3370. BOND ORDINANCE PROVIDING FOR
8 THE IMPROVEMENT OF THE WATER SUPPLY AND DISTRIBUTION SYSTEM
9 IN AND BY THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX,
10 NEW JERSEY, APPROPRIATING \$169,000 THEREFOR AND AUTHORIZING
11 THE ISSUANCE OF \$161,000 BONDS OR NOTES OF THE TOWNSHIP FOR
12 FINANCING PART OF THE COST THEREOF.

13 I move that this ordinance be passed to a second
14 reading and advertised in the Nutley Sun together with the
15 notice required by law and that further consideration of
16 said ordinance for final passage by the Board of
17 Commissioner be held at a second reading on November 8th,
18 2017.

19 I move the Ordinance.

20 COMMISSIONER TUCCI: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 ORDINANCE NO. 3371 . BOND ORDINANCE PROVIDING FOR
7 THE RECONSTRUCTION OF VARIOUS ROADWAYS AND SIDEWALKS IN THE
8 TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY,
9 APPROPRIATING \$409,000 THEREFOR AND AUTHORIZING THE ISSUANCE
10 OF \$388,550 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING
11 PART OF THE COST THEREOF.

12 I move that this ordinance be passed to a second
13 reading and advertised in the Nutley Sun together with the
14 notice required by law and that further consideration of
15 said ordinance for final passage by the Board of
16 Commissioner be held at a second reading on November 8th,
17 2017.

18 I move the Ordinance.

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.

5

6

7 ORDINANCE NO. 3372

8

9 BOND ORDINANCE APPROPRIATING \$1,181,300 AND AUTHORIZING THE
10 ISSUANCE OF \$1,122,234 BONDS OR NOTES OF THE TOWNSHIP FOR
11 VARIOUS IMPROVEMENTS OR PURPOSES AUTHORIZED TO BE UNDERTAKEN
12 BY THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW
13 JERSEY.

14 I move that this ordinance be passed to a second
15 reading and advertised in the Nutley Sun together with the
16 notice required by law and that further consideration of
17 said ordinance for final passage by the Board of
18 Commissioner be held at a second reading on November 8th,
19 2017.

20 I move the Ordinance.

21 COMMISSIONER TUCCI: 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 All right. Public hearings. Commissioner
8 Petracco.

9 COMMISSIONER PETRACCO: Yes.

10 This is for a police contract. It's a four-year
11 contract and I'll read the individual tonight.

12 But, before I read them, I did bring our labor
13 attorney here. I don't know if you wanted to speak at the
14 public portion of it or if we could bring him up. But,
15 before you come up, Ramon, I do have a couple comments to
16 make.

17 I have a whole folder going back and forth , and
18 this contract has been a long drawn out process. And
19 there's been a lot of talk, you know, all over town. Is
20 three percent of an increase too much of a raise to give to
21 anybody in the Township, you know, in light of Roche leaving
22 and everything else that's going on in the town.

23 So, you know, when we went through this and I
24 worked very hard with Sam Carella on it, and I want to
25 thank her, too, and Ramon, I have a lot of facts up here

1 that I don't want to bore everybody with.

2 But this is the biggest thing that was the turning
3 point for me was getting back longevity, you know, for all
4 the new hire policemen moving forward.

5 And I -- you know, we've talked about it a lot at
6 these commission meetings and there's been a lot of talk
7 back and forth. And I actually went and reviewed these
8 numbers again after our last meeting because I want
9 everybody, and all the residents, to know that, you know, I
10 would never give the store away, so to speak.

11 But I want to be fair to our police officers. And
12 with cops being villainized all over the country today, you
13 know, traditionally, you know, I guess, it would have been a
14 two percent increase, even though I think for that one
15 point, it's advantageous for us to get back that longevity
16 and that's a savings that will endure forever here in
17 Nutley.

18 But I have -- having three sons myself, I don't
19 really know that I could ever push anybody into the law
20 enforcement, anyway, my kids, because of what these guys are
21 up against. So, I'll let Ramon go over a couple of the
22 details that -- what's going on around in the State.

23 But I just urge before we vote on this, to the
24 police officers, one of the biggest reasons why I did my
25 part up here for you guys is because I really want the

1 morale to be high and I know that you guys have a tough job
2 going out there every day and night and be in these streets
3 and dealing with what you deal with. And, then, have
4 somebody, you know, videotape you and hang you up on every
5 word, you know.

6 My incentive to do this was to give you guys
7 incentive to keep pulling cars over and to keep Nutley safe,
8 which it is, a very safe community compared to what's going
9 on, well, through our area as well.

10 So, with that being said, you know, I will hold
11 your feet to the fire as well, you know, and the Chief's
12 feet to the fire as well as, you know, keep up the good work
13 that you guys are doing and I think, you know, after we
14 vote, you'll see the support in your Township that stands
15 behind all of you.

16 And, just in closing, I see a lot of people every
17 day. And I have to tell you, since I've been a
18 Commissioner, and the Nutley Police Department and I have
19 been through a lot, you know, we've been through
20 arbitration, layoffs, you name it. We've been through a
21 lot. I'll just leave it at that.

22 But whenever I go through Nutley or if I'm in my
23 store, I have to tell you, people say one thing to me. Pay
24 the cops. There's not one resident that ever came in my
25 store or in my passing and said, you know, these guys make

1 too much money. What are we doing? You know what? The
2 residents of this town really appreciate the job that you
3 do.

4 So, you know, I hope we have a full Board support
5 tonight and I just want to thank you guys for being patient.
6 I know this took a lot of time. We had a lot of ups and
7 downs and far as the transitional aid, losing some of that
8 this year and, you know, working together, we've managed
9 that to the best of our abilities.

10 But, again, you know, I just want you guys to
11 leave here knowing that, you know, when you're up in the air
12 about pulling a car over or doing, you know, going above and
13 beyond, think of tonight because if your Township goes to
14 bat for you guys, I think that you should, you know, keep up
15 that good level of policing that's kept Nutley a great town.

16 Ramon, I'll turn it over the you.

17 MAYOR SCARPELLI: Mr. Rivera.

18 MR. RIVERA: Good evening, Commissioners,
19 administrators. Thank you for having me. Again,
20 Ramon Rivera from Scarinci & Hollenbeck.

21 And, as Commissioner Petracco stated, we did spend
22 a lot of time with the PBA Union working on this contract
23 and other contracts and, by way of background, I don't know
24 if you remember, but we did go to interest arbitration in
25 the prior contract, and this contract, we were able to

1 successful resolve without going to arbitration. So, I
2 thought that was a credit to everyone involved. And I just
3 wanted to start there.

4 I'm not going to go over the details because I'm
5 sure you're familiar with the terms. But one of the points
6 I did want to emphasize is that in this agreement, we did
7 not make any adjustments to healthcare contributions, which
8 in all of the other negotiations that I'm doing around the
9 State, most unions are pushing hard to freeze or reduce the
10 Chapter 78 contributions.

11 And by this contract, which, you know, goes
12 through 2020, your health benefit contributions that you're
13 getting from all your public employees including police
14 will not change and you'll continue to benefit from their
15 contributions towards the cost of your premiums.

16 In addition, the clothing and maintenance
17 allowances were adjusted as well as others which are going
18 to lead to savings for the Township.

19 Now, there are many other contracts in the State
20 which are, either at three percent or close to three percent
21 and, so, it's not necessarily a unique situation to award
22 p olice or fire three percent.

23 I can just point out that in Asbury Park, Brick
24 and Belleville, they all negotiate three percent deals for
25 2016 - 2017, and going beyond, particularly in Bloomfield, a

1 place where I'm negotiating a contract right now and
2 with the FMBA but where we successfully negotiated
3 with the PBA. That contract exceeded two percent. It didn't
4 get quite to three. But we did change health benefit
5 contributions there. And that was a requirement that the
6 PBA pushed back on in order to settle the contract.

7 So, there are trends now that are seen showing
8 these contracts moving up toward three percent at the same
9 time reducing the contributions toward health benefits.

10 The longevity piece, I mean, you know, to
11 eliminate longevity for new hires is a value that will
12 exceed the extra additional cost if you're going to say it's
13 above the two percent. Two percent is the minimum. That's
14 the -- that's what you get with the interest arbitration
15 statute.

16 But you can, and are allowed to go above that,
17 certainly under the law. But the justification for that is
18 what you get back. Eliminating longevity for these
19 additional new hires will save you in the long term and,
20 quite candidly, it's a fairer distribution of your town's
21 assets because everyone's going to benefit from the
22 percentage as opposed to just those who hit those longevity
23 milestones.

24 So, there are -- those are some of the reasons why
25 I think it's a fair contract for the police as well as the

1 Township. And there are trends throughout the State that
2 are showing that the average is moving up toward three
3 percent for your police, fire and particularly for your
4 teachers.

5 Thank you.

6 COMMISSIONER PETRACCO: Thank you.

7 MAYOR SCARPELLI: Thank you, Mr. Rivera.

8 COMMISSIONER PETRACCO: And, before I read it,
9 also, I know Commissioner Evans and I both talked to the DCA
10 and this is a very important point to me.

11 I know his first name was John, Tom? What -- do
12 you recall his last name?

13 COMMISSIONER EVANS: Estenson (sp).

14 COMMISSIONER PETRACCO: Exactly. So, Commissioner
15 Evans gave him the contract as well. And I followed up with
16 a phone call and I have to say the DCA -- really John said
17 that getting back longevity is really a no brainer for that
18 extra point.

19 And, also, he, you know, critiqued a little bit.
20 He said that over the last ten years almost that I'm in
21 office that we definitely picked the low hanging fruit and,
22 you know, moving forward, here in Nutley, we have eight
23 steps to get into top pay. But some of the negotiations
24 have been going to ten.

25 But I really felt -- feel strongly about even

1 having the DCA on board with this because, especially
2 because of the transitional aid and the aid that we're
3 fighting whatever -- you know, fighting for every year.

4 Okay. So, with that being said, I'll read these by
5 title.

6 ORDINANCE NO. 3364 . AN ORDINANCE TO FIX THE
7 SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP
8 OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY, EFFECTIVE
9 JANUARY 1, 2017.

10 BE IT ORDAINED by the Board of Commissioners of
11 the Township of Nutley, in the County of Essex, New Jersey
12 -- this is for the year, we have to introduce every year;
13 correct, counsel?

14 MR. GENITEMPO: You have to do (indiscernible).
15 You have to do it separately for each year but you don't
16 have to read the entire ordinance.

17 COMMISSIONER PETRACCO: Okay. So, this is for
18 2017.

19 MAYOR SCARPELLI: Would anybody like to be heard
20 on Ordinance No. 3364?

21 MR. SCIRICA: Good evening,
22 Commissioners.

23 In light of everything that's going on in this
24 country, it's -- they deserve this and more. That's all I
25 have to say. Thank you.

1 MAYOR SCARPELLI: Thank you. Anybody else like to be
2 heard on Ordinance No. 3364?

3 Seeing none --

4 COMMISSIONER PETRACCO: Move to close it.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Counsel has done some
8 extensive research.

9 COMMISSIONER TUCCI: We're just closing the public
10 hearing.

11 COMMISSIONER ROGERS: Oh, okay. Okay. Aye.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 COMMISSIONER PETRACCO: Move it.

21 COMMISSIONER TUCCI: Second.

22 MADAM CLERK: Commissioner Rogers?

23 UNIDENTIFIED SPEAKER: Go. (Indiscernible).

24 COMMISSIONER PETRACCO: I hear you're good at
25 that, Steve.

1 (Laughter)

2 COMMISSIONER ROGERS: Counsel has completed some
3 extensive research on to whether I can vote on the contract
4 or not.

5 His decision has been that I will have to recuse
6 myself due to a conflict of interest and he gives this
7 advance to protect us all, both the Township and the
8 integrity of the contract.

9 I cannot even comment on the contract. But what I
10 can do is comment on you, on the police department and on
11 the safety of the community. So, that's what I intend to
12 do.

13 This gentleman that just came up, I'll tell you, I
14 couldn't have said it any better. It was short but made its
15 point.

16 What's going on around the country today and the
17 difficulties that we're facing, we need to make sure that
18 our police departments and the officers who serve are not
19 only fully equipped but that their morale is up and that
20 they know, without any doubt, they have the support of their
21 governing body and the citizens of their community.

22 And as of late, I've been traveling all over the
23 country. I've done a lot of traveling and I've got to tell
24 you, when I mention I'm from Nutley, New Jersey, the
25 comments are always positive. They're good but the police

1 department always comes up especially when I'm talking to
2 police officers because many of you who are sitting here,
3 and some who are not here today, had impact on 9-11 several
4 years ago when you met police officers from all over the
5 country who were in New York City.

6 And some of the recent disasters around the
7 country, some of you have gone to. And the impression,
8 Commissioner Petracco, that they left on these other police
9 officers and citizens was outstanding.

10 And I don't think there's enough money in the
11 world that could ever pay a police officer for the job that
12 they do. But I would wind down by saying this; Commissioner
13 Petracco, really frame worked it. And he says, you know,
14 you're going to do your job. We know you're going to do it.
15 But I ask you to continue to be proactive.

16 Continue to do the things that I see as I travel
17 around town. Maybe driving a senior citizen from Shop Rite
18 to their house, who's struggling along on a winter day with
19 their packages. Comforting the soul of parents who lost
20 their children as a result of drug abuse and drug overdoses.
21 The things the public doesn't see are the things that you're
22 really good at.

23 We know you'll be there, all the time. I've --
24 look I have an alarm. Sometimes it goes off in my house and
25 I know the comfort I have in knowing that you're there

1 within two minutes is astounding. It's great to know that
2 we live in a safe community because of you.

3 So, I just want to thank you for the work that
4 you've done and that you continue to do. And Commissioner
5 Petracco and all the Commissioners here, we're -- I'll tell
6 you what? We're all blessed here.

7 We have a governing body that's for this police
8 department. They're -- you know, not too many governing --
9 not too many communities and police departments can say
10 that. A lot of them have resistance from even the people
11 that they elect to office.

12 But I can tell you. I've sat with these
13 gentlemen, talking to them about this great police
14 department in this community and I want to thank you also
15 gentlemen for backing up the men and the women in blue.

16 Thank you very much.

17 I have to abstain.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Yes. Before I vote, I just
20 have a few (indiscernible) as long as Commissioner Rogers.
21 (Indiscernible).

22 I just want to give a little history of what
23 occurred (indiscernible). Prior to receiving our final
24 numbers on our State aid and what we were going to receive,
25 Commissioner Petracco, with the blessing of this Board of

1 Commissioners, negotiated with (indiscernible) our PBA, all right.
2 And came to what I believe is a very fair and reasonable
3 settlement.

4 In any negotiation, some things we're happy about.
5 Some things we're not so happy about. There's always a give
6 and take. But I think, in the long run, this contract will
7 absolutely benefit this community.

8 I want to thank everyone involved, starting with
9 Commissioner and all of our police officers and our chief
10 and everyone that was involved, even Ramon (indiscernible)
11 negotiations. I think what it does for us, it keeps Nutley
12 the safe place that we want it to be.

13 And as a husband and a father and a grandfather
14 and a brother, all right, it's a peace of mind that we
15 require. It's not something that's (indiscernible). It's
16 something that's essential. And I can run all the parks
17 programs in the world and we could issue as many
18 proclamations as we want, all right, and do all the good
19 things that we do. But, if our community isn't safe, it
20 isn't anything.

21 So, for that I thank you and I very proudly vote
22 aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: I'm going to be very long.

25 If somebody needs to take a break, this would be a good time

1 to do it.

2 (Laughter)

3 COMMISSIONER EVANS: Just a couple things.

4 As you know, we've been talking about the loss of
5 aid. We lost \$1.8 million worth of aid this past year.
6 When you look at the management of the municipality, five
7 departments, and you look at our property tax bill, which
8 everyone is quite concerned about, running all five
9 departments, including Public Safety, basically represents
10 35 percent of your tax bill; all right?

11 So, the other 65 percent of your tax bill is
12 basically the tax is paid to the county and to the school.

13 When you look at 35 percent, the most significant
14 part of that is the cost of public safety.

15 There's nothing that I can point to today that
16 tells me that the cost of public safety is cheap. It's not.
17 It's expensive. But when you look at our responsibility as
18 a Board of Commissioners to provide for the health, welfare
19 and the safety of the community, one of the things that I
20 have seen over my years is that if you don't invest in
21 public safety, your community starts to dwindle.

22 And when you lose parts of your community, the
23 money that is required to get it back is actually
24 unaffordable to try and get it back. So, once you lose it
25 -- so, two things about the contract. One is, as everyone

1 has said, I commend the Police Department for their efforts
2 every day and every year to actually stand up and protect
3 this community. You're all to be commended for that.

4 The second element of this is that it's incumbent
5 upon us, as a Board of Commissioners, to do everything we
6 can to ensure that the tax dollars we're spending that we're
7 doing those in the most efficient way.

8 And we have a lot of work to do in these coming
9 months to address the aspects of what we can do to absorb a
10 \$1.8 million loss in State aid.

11 But as Al had mentioned, we both had the
12 opportunity to speak to the State -- the State
13 representative who looks at contracts and it was very clear
14 that a two percent contract with a one percent litigation
15 settlement, which is the composition of the actual three
16 percent, without a give back of healthcare -- of funding,
17 was actually a very fair and reasonable expectation in terms
18 of settling out a contract.

19 So, with that, I applaud you. I also vote yes.

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Yes. I want to reiterate what
24 everybody said. But we thank you for your service and we
25 thank you for keeping your -- our community safe. Aye.

1 MAYOR SCARPELLI: Next Ordinance, please.

2 COMMISSIONER PETRACCO: Yeah. I'm getting there.

3 Okay. This is ORDINANCE NO. 3365. I believe it's
4 for year 2018.

5 MAYOR SCARPELLI: Anybody like to be heard on
6 Ordinance 3365?

7 Seeing none.

8 COMMISSIONER PETRACCO: Move to close the public
9 hearing.

10 COMMISSIONER TUCCI: Second.

11 MADAM CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Abstain on advice on
13 counsel.

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: ORDINANCE NO. --

23 MADAM CLERK: We need to move the Ordinance,
24 please.

25 COMMISSIONER PETRACCO: Oh, I'm sorry. Move the

1 ordinance.

2 COMMISSIONER TUCCI: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 COMMISSIONER PETRACCO: You can't --

6 COMMISSIONER ROGERS: I can't even move it?

7 MAYOR SCARPELLI: Now, we're moving it. You
8 have to abstain.

9 COMMISSIONER ROGERS: All right. Abstain.

10 MADAM CLERK: Abstain. 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 COMMISSIONER PETRACCO: ORDINANCE NO. 3366.

19 MAYOR SCARPELLI: Would anybody like to be heard
20 on Ordinance No. 3366?

21 Seeing none.

22 COMMISSIONER PETRACCO: This is for year 2019. I
23 move the Ordinance.

24 COMMISSIONER TUCCI: Close the hearing.

25 COMMISSIONER PETRACCO: Close the public hearing.

1 I'm sorry.

2 COMMISSIONER TUCCI: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Abstain.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 COMMISSIONER PETRACCO: I move it.

14 COMMISSIONER TUCCI: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Abstain.

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 COMMISSIONER PETRACCO: And this is ORDINANCE NO.

1 3367. This is for year 2020 for a contract.

2 MAYOR SCARPELLI: Anyone like to be heard on
3 Ordinance No. 3367?

4 Seeing none.

5 COMMISSIONER PETRACCO: Move to close.

6 COMMISSIONER TUCCI: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Abstain .

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 think we're finished.

18 MADAM CLERK: Move the Ordinance.

19 COMMISSIONER PETRACCO: I'm sorry. Move the
20 Ordinance.

21 COMMISSIONER TUCCI: Second.

22 COMMISSIONER PETRACCO: A lot of moving parts.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Abstain.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: I very proudly vote aye.

6 I also want to before we close this all out, I do
7 want to thank the chief, Chief Strumolo. He's done an
8 excellent job keeping the peace while there was a lot of
9 rumors, this is going to go through, isn't it? And I think
10 we've really come a long a way with the union, with Gerard
11 and P.J. there.

12 There's really different -- a different vibe there
13 and it's exciting. And I just want to thank you.

14 I want to really, really thank Sam Cerella
15 from the bottom of my heart. The hours and these numbers
16 that I've called her up at eleven o'clock to go over and go
17 over and go over and, then, first thing in the morning, when
18 she had it all done, go over it again.

19 So, thank you so much, Sam. Ramon. You've been
20 great to our municipality. And I appreciate your
21 professionalism in getting this job done.

22 So, I vote aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 Thank you, Commissioner.

1 Commissioner Rogers.

2 COMMISSIONER ROGERS: Yes. Ordinance No. --

3 COMMISSIONER PETRACCO: Oh, you know what? I
4 think Gerard wants to speak.

5 COMMISSIONER ROGERS: Oh.

6 (Pause)

7 MR. TUS A: I apologize if I missed the window to
8 come up.

9 Gerard Tu sa, 228 Chestnut Street, Nutley,
10 New Jersey. I represent the men and women in the Nutley
11 Police Department as the PBA president.

12 MR. SAND OMENICO: P.J. SanDomenico, 228 Chestnut
13 Street, Nutley, New Jersey. I'm the State Delegate for
14 Nutley PBA Local 33.

15 MR. TUS A: It's much more enjoyable to come up to
16 the podium on a pleasant note.

17 I would like thank Commissioner Petracco for all
18 his hard work in this endeavor. Commissioner Rogers,
19 Commissioner Tucci, Commissioner Evans, Mayor Scarpelli. We
20 appreciate all the things that you do for us. It helps us.

21 I had a long week, a lot of family problems this
22 week. We appreciate what you do for us because it helps us
23 do for the town. And this is for my men, because they work
24 hard to keep this town safe. And I appreciate it.

25 MAYOR SCARPELLI: Thank you, Gerard. Thank you,

1 P.J.

2 (Applause)

3 MAYOR SCARPELLI: Commissioner Rogers.

4 COMMISSIONER ROGERS: Okay, Mr. Mayor.

5 ORDINANCE NO. 3368. Tonight, ladies and
6 gentlemen, we have a public hearing, the first one was
7 introduced by myself on September 5th, 2017.

8 This Ordinance is entitled AN ORDINANCE TO AMEND
9 THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 217, ENTITLED
10 "ANIMALS", TO ADD ARTICLE VI, ENTITLED "SALE OF DOGS AND
11 CATS".

12 And I hereby certify that this public hearing and
13 Ordinance has been advertised in full in the Nutley Sun
14 issue of September 14th and September 22nd, 2017. A copy
15 was posted on the Township of Nutley bulletin board, first
16 floor, Town Hall. And copies made available to all members
17 of the general public.

18 So moved.

19 MADAM CLERK: Mayor.

20 MAYOR SCARPELLI: Anybody like to be -- we're
21 going to open the public hearing on Ordinance No. 3368.
22 Would anybody like to be heard? Just before we do open it
23 up, I just want to caution everybody we had a lot of
24 testimony at the last commission meeting. So, let's try to
25 keep our comments short and to the point and not reiterate

1 what was previously testified to.

2 Anybody like to be heard on Ordinance No. 3368?

3 Seeing none.

4 COMMISSIONER ROGERS: Move to close.

5 MADAM CLERK: Need a second.

6 COMMISSIONER EVANS: 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 MADAM CLERK: Move the Ordinance.

18 COMMISSIONER ROGERS: Move the Ordinance.

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. I'm sorry.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 COMMISSIONER ROGERS: Mayor, may I make a
6 statement?

7 MAYOR SCARPELLI: Sure.

8 COMMISSIONER ROGERS: Thank you.

9 I'd like to thank the Board of Commissioners for
10 supporting this Ordinance. I believe we are the 168th town
11 in the State of New Jersey who has this ordinance and the
12 purpose of this ordinance is never, ever intended to inhibit
13 the ability of anyone to open a business. We welcome
14 businesses here in Nutley. We welcome pet stores.

15 But this is a life saving -- and let me emphasize
16 life saving piece of law that will certainly serve the
17 community well and serve, obviously, the people of Nutley
18 well.

19 So, I know dogs and cats and animals, they can't
20 speak. But if they could, I'm sure that we'd hear a lot of
21 barks and meows right now.

22 So, thank you very, very much.

23 MAYOR SCARPELLI: Thank you, Commissioner.

24 Commissioner Tucci.

25 COMMISSIONER TUCCI: Yes. Tonight I have a public

1 hearing on a bond ordinance providing for the improvement of
2 Father Glotzbach's soccer field. And, basically, this is to
3 replace the turf and expand it into the what could be
4 considered the end zones.

5 This was introduced by myself on September 5th.
6 I'll read it by title only. And it reads as follows:

7 BOND ORDINANCE PROVIDING FOR IMPROVEMENT TO FATHER
8 GLOTZBACH SOCCER FIELD IN AND BY THE TOWNSHIP OF NUTLEY, IN
9 THE COUNTY OF ESSEX, STATE OF NEW JERSEY, APPROPRIATING
10 \$350,150 AND AUTHORIZING THE ISSUANCE OF \$87,529 IN BONDS OR
11 NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST
12 THEREOF.

13 I hereby certify that this public hearing and
14 ordinance have been advertised in full in the Nutley Sun
15 issue of September 14th and a copy was posted on the
16 Township of Nutley bulletin board, first floor, Town Hall
17 and copies made available to all members of the general
18 public.

19 MAYOR SCARPELLI: Would anybody like to be heard
20 on Ordinance No. 3369?

21 Seeing none.

22 COMMISSIONER TUCCI: I move that we close the
23 hearing.

24 COMMISSIONER EVANS: 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: Move the Ordinance.
11 COMMISSIONER EVANS: 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 Resolutions. Commissioner Rogers.
23 COMMISSIONER ROGERS: Mr. Mayor, I have a
24 Resolution. Resolution No. 216-17.
25 This Resolution is created and we do this every

1 year because there is a very important health issue called
2 breast cancer that, from time to time, we need to heighten
3 public awareness of the need to -- for women to get
4 preventive health care. So, that is the spirit and the
5 purpose of this ordinance and I move it based on what we
6 have here in the Resolution.

7 Did I say ordinance? I'm sorry. It's a
8 Resolution.

9 COMMISSIONER EVANS: Second.

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 Commissioner Tucci.

21 COMMISSIONER TUCCI: Yes, Mayor.

22 WHEREAS, the Township of Nutley has a need to
23 acquire specialized and professional ACA Reporting Services
24 to insure compliance with IRS regulations for year 2017
25 reporting; and

1 WHEREAS, such services may be acquired as a non-
2 fair and open contract pursuant to the provisions of
3 N.J.S.A. 19:44A-20.4 or 20.5, as appropriate; and

4 WHEREAS, Primepoint, LLC located at 2 Springside
5 Road, Mt. Holly, New Jersey 08060 has submitted a proposal
6 dated September 18th, 2017, with an anticipated cost of \$6,300
7 to complete these services and assure compliance on behalf
8 of the Township of Nutley; and

9 WHEREAS, funds are available from Budget Account
10 #7-01-526-200, and have been certified by the Chief
11 Financial Officer, said certification being attached to this
12 resolution; and

13 WHEREAS, Primepoint, LLC, has completed and
14 submitted a Business Entity Disclosure Certification which
15 certifies Primepoint has not made any reportable
16 contributions to a political or candidate committee in the
17 Township of Nutley in the previous one year, and that the
18 contract will prohibit Primepoint from making any reportable
19 contributions through the term of the contract; and

20 NOW THEREFORE, BE IT RESOLVED, that the Board of
21 Commissioners of the Township of Nutley, County of Essex,
22 State of New Jersey hereby authorize the Commissioner of
23 Parks and Public Property to enter into a contract with
24 Primepoint, LLC.

25 I move the Resolution.

1 COMMISSIONER EVANS: Second.

2 MADAM CLERK: 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 COMMISSIONER TUCCI: WHEREAS, The Township of
13 Nutley entered into a specialized professional services as a
14 non-fair and open contract, pursuant to the provision of
15 N.J.S.A. 19:44A-20.5, with Viridian Environmental
16 Consultants, P.O. Box 3009, Upper Montclair, New Jersey 07043
17 for Ground Water Investigation Services, on April 4th, 2017
18 via Resolution Number 80-17; and

19 WHEREAS, The Director of Parks and Public Property
20 has recommended the following change order from said
21 contract:

22 This is CHANGE ORDER NO. 1: Ground Water
23 Investigation Services in the amount of \$299.06.

24 The money is available from Capital Ordinance number
25 3323K and has been certified by the Chief Financial Officer,

1 said certification is attached to this resolution.

2 NOW THEREFORE, BE IT RESOLVED by the Board of
3 Commissioners in the Township of Nutley, County of Essex,
4 State of New Jersey, that Change Order #1 in the amount of
5 \$299.06 be and is hereby approved.

6 I move the Resolution.

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

19 MAYOR SCARPELLI: Commissioner Evans.

20 COMMISSIONER EVANS: Thank you, Mayor.

21 Tonight I have a Resolution No. 213-17. It's the
22 M emorandum of Agreement related to our transitional aid with
23 the State of New Jersey. The -- under Public Law
24 2015(c)(63), transitional aid can be extended to local --
25 localities when they experience financial distress.

1 For Nutley that distress is unprecedented as it
2 relates to the departure of the Hoffmann-LaRoche
3 Pharmaceutical Company from the Township of Nutley and their
4 exiting of the State.

5 The fact that they have left the State has --
6 actually gave us the window of opportunity to actually apply
7 for transitional aid which is referred to as transitional
8 aid life. The important aspect of this is last year we
9 received \$5.5 million worth of aid. This year we received
10 \$3. -- \$3,675,000 worth of aid, or a reduction roughly of
11 \$1.8 million, \$1,825,000.

12 As we've said before, the Commissioners continue
13 to work on planning for 2018 to address the shortfall and
14 what will be necessary in order to ensure that we manage, do
15 our best to manage, taxes for the Township.

16 NOW THEREFORE, BE IT RESOLVED: That in addition to
17 all other sums provided by the State of New Jersey or its
18 municipal subdivisions thereof, the Director hereby
19 authorizes payment of Transitional Aid funds in the amount
20 of \$3,675,000.00 to the Municipality in support of its
21 budget; and

22 BE IT FURTHER RESOLVED: That the Municipality
23 agrees to work with the Division to remedy the
24 Municipality's structural budget imbalance and will comply
25 with all laws, regulations, Local Finance Board Notices, and

1 any government, administrative and oversight measure necessary
2 for the fiscal recovery of the Municipality.

3 NOW, THEREFORE, BE IT FURTHER RESOLVED, by the
4 Board of Commissioners, of the Township of Nutley, County of
5 Essex, State of New Jersey, that the Mayor and Chief
6 Financial Officer are hereby authorized to execute the
7 attached Memorandum of Agreement For the Receipt of 2017
8 Calendar Year Transitional Aid to Localities between the
9 Division of Local Governmental Services and the Township of
10 Nutley.

11 So move.

12 COMMISSIONER TUCCI: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: I vote aye. But I just want
17 to emphasize that this structural budget imbalance was
18 caused solely by Hoffmann-LaRoche leaving.

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 COMMISSIONER EVANS: BE IT RESOLVED, by the Board

1 of Commissioners of the Township of Nutley, in the County of
2 Essex, State of New Jersey, that the Treasurer be and she is
3 hereby authorized to refund overpayments of the tax charges
4 in the amount of \$775.55 as it relates to Block 704-9 and
5 Block 4092 -- 4902 Lot 6 for 2017.

6 So move.

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 COMMISSIONER EVANS: BE IT RESOLVED, by the Board
19 of Commissioners of the Township of Nutley, in the County of
20 Essex, State of New Jersey, that the Treasurer be and she is
21 hereby authorized to refund overpayments of water charges in
22 the amount of \$129.54 for Block 7605, Lot 14.

23 So moved.

24 COMMISSIONER TUCCI: 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 EVANS: My final Resolution for
11 tonight is the appointment of a Qualified Purchasing Agent
12 for the Township of Nutley.

13 I am very pleased to read this Resolution wherein
14 K athy Rempusheski will become the qualified purchasing agent
15 for the Township.

16 There's a significant amount of work that's done
17 -- required in order to actually achieve the Qualified
18 P urchasing Agent status, including the passing of a State
19 exam which Kathy has successfully done.

20 In order to actually cover the Town, prior to
21 this, this title has been consolidated, as well as the tax
22 collector title, with our CFO. So, we have been basically
23 leveraging the licenses of one individual with an
24 expectation that that person should be looking at our
25 treasury function but also trying to manage these other

1 departments.

2 While we did that for a short time, and it's
3 actually benefited us from a tax standpoint, it's no longer
4 advisable. And with the advice and recommendation of our
5 outside auditors, we need to, in effect, separate these
6 responsibilities.

7 So, with that, I am -- it's my pleasure to read
8 the following Resolution.

9 WHEREAS, the Township of Nutley is subject to the
10 provisions of the Local Public Contracts Law, N.J.S.A.
11 40A:11-1; and

12 WHEREAS, N.J.S.A. 40A: 11-9 establishes the
13 criteria for qualifying as a Qualified Purchasing Agent; and

14 WHEREAS, Kathy Rempusheski has successfully
15 completed the required course of study at Rutgers
16 University, and has passed the required examination administered
17 by the NJ Division of Local Government Services; and

18 WHEREAS, Kathy Rempusheski has met all the
19 requirements established by N.J.S.A. 40A:11-9, and on
20 June 9th, 2015, received her certification as a Qualified
21 Purchasing Agent from the Department of Community Affairs
22 of the State of New Jersey; and

23 WHEREAS, Kathy continues to fulfill all the
24 requirements of the continuing education requirements
25 necessary to maintain her certification in good order; and

1 WHEREAS, Kathy is an employee of the Township of
2 Nutley in good standing with 15 years of service, including
3 duties in the Department of Public Affairs, Office of the
4 Mayor, and in 2012 transferred to the Department of Revenue
5 and Finance, Purchasing Department.

6 NOW, THEREFORE, BE IT RESOLVED, by the Board of
7 Commissioners of the Township of Nutley, County of Essex,
8 New Jersey that Kathy Rempusheski is hereby appointed
9 Qualified Purchasing Agent effective October 1, 2017.

10 So moved. Kathy, congratulations.

11 COMMISSIONER TUCCI: Second.

12 (Applause)

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Hey, Kathy, you're one of
15 those committed and dedicated public servants that we're
16 blessed to have in Nutley.

17 You know, when the Commissioner was speaking, I'm
18 thinking about all the things you do that you really don't
19 have to do; that are not in your job requirement. You're
20 all over the place. You're helping everyone you possibly
21 can. You've been a help to my department.

22 I see you out there Christmas time and New Year's
23 and Fourth of July. So, Commissioner Evans,
24 congratulations. Great choice. Thank you very much.

25 And thank you, Kathy. I vote yes.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Yes. Kathy, congratulations,
3 well deserved.

4 This not only makes your job easier but it makes
5 our job easier. So, thank you again on behalf of the Parks
6 Department because this will absolutely streamline things.

7 And Commissioner Evans, great appointment.

8 Congratulations to you. I vote aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: I would like to vote aye.

13 And I'd like to say just a couple of words.

14 And the one word that I'll highlight is -- will be
15 tonight, will be true. And I'd just like to say three
16 things, Kathy.

17 You're a true person. You're a true professional
18 and you're a true friend. And I thank you for all three of
19 them.

20 I vote aye.

21 MADAM CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Kathy, congratulations on the
23 appointment. I know you're going to do a great job and, as
24 Commissioner Tucci said, I think that does streamline our
25 processing.

1 So, congratulations and I proudly vote aye.

2 COMMISSIONER EVANS: Thank you, Mayor.

3 MAYOR SCARPELLI: Commissioner Petracco.

4 COMMISSIONER PETRACCO: I have Resolution 223-17.

5 NOW, THEREFORE, BE IT RESOLVED, by the Board of
6 Commissioners of the Township of Nutley, County of Essex,
7 New Jersey, that Resolution Number 205-17 was adopted on
8 September 19th, 2017, entitled "Chapter 159 Budget Amendment-
9 Safe and Secure Communities Grant" is hereby rescinded.

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. And my --

20 MADAM CLERK: Mayor -- sorry.

21 MADAM CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 COMMISSIONER PETRACCO: And my final Resolution is
24 No. 224-17.

25 This is an insertion into the budget for

1 \$16,634.48 for the bullet proof vests.

2 I move the Resolution.

3 COMMISSIONER ROGERS: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 Resolution No. 219-17. WHEREAS, raffle
16 applications have been received from the following
17 organizations:

18 Rotary Club of Nutley, License No. 47-17, On-
19 Premise Merchandise Raffle to be held Saturday, December 2nd,
20 2017;

21 Friends of the Phoenix Center Foundation, License
22 No. 48-17, Off-Premise Merchandise Raffle to be held
23 Tuesday, November 14th, 2017;

24 Good Shepherd Academy Home School Association,
25 License No. 49-17, On-Premise 50/50 Cash Raffle to be held

1 November 17th, 2017;

2 Good Shepherd Academy Home School Association,
3 License No. 50-17, Off-Premise 50/50 Cash Raffle to be held
4 November 17th, 2017;

5 Good Shepherd Academy Home School Association,
6 License No. 51-17, On-Premise Merchandise Raffle to be held
7 Friday, November 17th, 2017.

8 WHEREAS, the applications have been reviewed and
9 approved by the Municipal Clerk and the Police Department;

10 NOW, THEREFORE BE IT RESOLVED by the Board of
11 Commissioners of the Township of Nutley, County of Essex,
12 State of New Jersey that the aforementioned licenses are
13 approved and the Municipal Clerk is authorized to issue the
14 raffle licenses.

15 I move the Resolution.

16 COMMISSIONER TUCCI: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 WHEREAS, the Township of Nutley has a need to
3 acquire the services of a Professional Engineer to assist
4 the Township with defending itself against a tort claim made
5 by Hoffmann-LaRoche and other environmental issues, as a
6 Non-Fair and Open Contract pursuant to the provisions of
7 N.J.S.A 19:44A20.4 or 20.5, as appropriate; and

8 WHEREAS, the Chief Financial Officer has
9 determined and certified in writing that the value of the
10 aggregate services provided by the vendor for January 1st,
11 2017 to December 31st, 2017 will not exceed \$15,000.00; and

12 WHEREAS, Mott MacDonald, 111 Wood Avenue South,
13 Iselin, New Jersey, has submitted an acceptable
14 proposal to provide such Professional Service as required to
15 assist the Township attorney in responding to the claim made
16 by Hoffmann-LaRoche and other environmental issues. Such
17 services will be billed monthly, actual time and
18 expenses incurred in accordance with their submitted fee
19 schedule; and

20 WHEREAS, Mott MacDonald services will be
21 coordinated and managed by John Rolak, principal of the firm
22 with 40 years of experience and Roy Redmond, LSRP-NJ with 35
23 years of experience; and

24 WHEREAS, Mott MacDonald, Professional Engineering
25 Services, has completed and submitted a Business Entity

1 Disclosure Certificate which certifies that they have not
2 made any reportable contributions to a political or
3 candidate committee in the Township of Nutley in the
4 previous one year, and that the contract will prohibit them
5 from making any reportable contributions through the term of
6 the contract; and

7 WHEREAS, funds are available from account# 7-01-
8 012-200 in the amount of \$15,000 and have been certified by
9 the Chief Financial Officer, said certification being
10 attached to this resolution.

11 NOW, THEREFORE, BE IT RESOLVED, that the Board of
12 Commissioners of the Township of Nutley, County of Essex,
13 State of New Jersey authorizes the Mayor to enter into a
14 contract in accordance with N.J.S.A 19:44 A20.4 or 20.5 with
15 Mott MacDonald, Professional Services for the
16 proposal as stated above.

17 BE IT FURTHER RESOLVED, that the Business
18 Disclosure Entity Certificate and the Determination of Value
19 be placed on file with this resolution.

20 I move the Resolution.

21 COMMISSIONER TUCCI: 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 This last Resolution is introduced on behalf of
8 the Board of Commissioners. I can summarize this, right,
9 counsel?

10 MR. GENITEMPO: Yes. (Indiscernible).

11 MAYOR SCARPELLI: So, this is an amendment to our
12 redevelopment agreement between the Township of Nutley and
13 Kingsland Street Urban Renewal, also known as the medical
14 school.

15 And what it does is it deals mostly with parking
16 and that there will be 467 permanent parkings located on the
17 Nutley side. There will be 55 on-street parking on site and
18 there'll be 196 temporary service parking spaces located --
19 and, if for some reason, that a garage is never built on the
20 Clifton side, then they will be banked and put into a
21 different spot on the -- on the site and leave the
22 triangular lot open for development.

23 So, this is No. -- Resolution No. 221-17.

24 RESOLUTION AUTHORIZING THE EXECUTION OF AN AMENDMENT TO THE
25 REDEVELOPMENT AGREEMENT BETWEEN THE TOWNSHIP OF NUTLEY AND

1 KINGSLAND STREET URBAN RENEWAL, LLC.

2 I move the Resolution.

3 COMMISSIONER TUCCI: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Just, before I vote, I'd
12 just like to say that I -- from the start of this, I've had
13 a lot of reservations about this Resolution and, you know,
14 and the fear that -- that temporary becomes permanently,
15 like we discussed and with parking garage going on the
16 Clifton side.

17 I had an hour conversation with John Inglesino
18 pretty much telling me that unless the sky falls out,
19 that it will be temporary and that the parking garage would
20 be built.

21 So, with that being said, I'd just like to add
22 when the Nutley residents see parking spots going to
23 Kingsland Avenue, correct? Is that where the temporary
24 parking will be? Almost at Kingsland?

25 MAYOR SCARPELLI: It'll be on the -- the temporary

1 will be on the lot closest to Kingsland. Yes.

2 COMMISSIONER PETRACCO: Yes, on the lot closest to
3 Kingsland. I just want to remind all the residents that
4 this is a temporary situation in the light of the timeline
5 needed for the school to progress to get their
6 accreditation.

7 So, with all that being said, I don't want to
8 spoil the timeline. But I just want to make sure, again,
9 that this -- that temporary doesn't become permanent over
10 there.

11 I vote aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 That concludes the business portion of the
15 meeting.

16 Madam Clerk.

17 MADAM CLERK: Yes, Mayor.

18 All persons addressing the Board of Commissioners
19 regarding community concerns should approach the microphone,
20 provide their name and address for the record.

21 Unless further time is granted by the Board, each
22 person shall limit their address to five minutes.

23 All remarks to the Board and its individual
24 members must be addressed to the Mayor. The Mayor may defer
25 citizens' comments to the appropriate member of the Board.

1 Dialogue between citizens and others addressing
2 the Board shall be allowed, unless the Mayor, or presiding
3 officer or the majority of the membership of the Board,
4 shall determine that the interests of decorum and/or the
5 expeditious conduct of municipal business are being
6 adversely affected by such dialogue.

7 MS. S IERCHIO: Hi.

8 MAYOR SCARPELLI: Good evening.

9 MS. S IERCHIO: Oh, good evening, Commissioners.

10 MAYOR SCARPELLI: Good evening.

11 MS. SIERCHIO: Hi. My name is Diane E. Sierchio.
12 I am an owner and resident at Arbor Hills on River Road.

13 Now, I read the article. It was in Thursday's,
14 December 1st, 2016 Nutley Sun about Commissioner. It says,
15 town solid waste deals are saving taxpayers' money. I --

16 (Background conversation)

17 MS. S IERCHIO: All right. Anyway, I filed for an
18 Open Public Records Act with the request for the contract,
19 you know, that Arbor Hills and Nutley has. And I have a
20 question about that because we are still being charged at
21 Arbor Hills for disposal costs.

22 Now, my understanding as I'm a taxpayer, so,
23 therefore, my waste -- all right. That gets removed. And,
24 then, if I want to throw a couch out to the curb in Nutley,
25 there's a certain time of the month or whatever that you can

1 do that because that's covered with my taxes.

2 But Arbor Hills doesn't seem to understand that.

3 And my question is, if you reimburse them, why are they
4 double dipping and still charging us?

5 Now, who's -- I mean, is somebody not telling the
6 truth?

7 MAYOR SCARPELLI: Mr. Genitempo, you have any
8 insight into the Arbor Hills.

9 MS. SIERCHIO: Yeah.

10 MR. GENITEMPO: I really don't, Mr. Mayor. I can
11 look into it. I have no idea. On behalf --

12 MS. SIERCHIO: Yeah. I -- I have -- as a matter of
13 fact, I have a sheet here that shows what they charge us for
14 removal of a couch.

15 Now, I can -- and they also have at the bottom,
16 because I know someone will say this, additional \$25 fee to
17 remove an item from a unit. In other words, we
18 utilize our maintenance people to remove the item from the
19 unit to the disposal.

20 MR. GENITEMPO: (Indiscernible) Arbor Hill charges
21 you as a resident?

22 MS. SIERCHIO: Yes. And I'm an owner.

23 MR. GENITEMPO: Have you brought this up
24 at the association meetings?

25 MS. SIERCHIO: Yes, we have. And they look at me

1 like -- have you ever seen what a deer -- when it's hit with
2 the headlights?

3 MR. GENITEMPO: Yes.

4 MS. SIERCHIO: Yeah. Well, that's -- that's the
5 look -- that's the look I get with this.

6 COMMISSIONER ROGERS: Counselor. Counselor, I'll
7 have my office send you the contract that we have with them.

8 I know Diane --

9 MS. SIERCHIO: I have it right here.

10 COMMISSIONER ROGERS: -- (indiscernible) all right.
11 Well, I want to make sure it's the updated one. I want to
12 make sure --

13 MS. SIERCHIO: Yes.

14 COMMISSIONER ROGERS: -- everything is current.

15 MS. SIERCHIO: I just got this a week and a half
16 ago.

17 COMMISSIONER ROGERS: Okay. Then, if -- certainly
18 you could hand that in. But I'll certainly get you one from
19 our office.

20 I may be an issue. I know Diane and I had
21 discussed this some time between the owners of the condos
22 and management there.

23 But let's -- listen, there's no problem in looking
24 into it. So, I'll bring it -- that contract in.

25 Diane, why don't you -- did you have a copy you

1 could give us?

2 MS. SIERCHIO: Well, I have a copy of what?

3 COMMISSIONER ROGERS: The contract.

4 MS. SIERCHIO: Yeah. I have it right here.

5 COMMISSIONER ROGERS: All right. Give it to us.

6 All right. I want to see if that's the same --

7 MR. GENITEMPO: Is that your copy?

8 MS. SIERCHIO: Excuse me.

9 MR. GENITEMPO: Is that your copy?

10 MS. SIERCHIO: This is my only copy.

11 MR. GENITEMPO: All right. I'll get one from the
12 Commissioner.

13 COMMISSIONER ROGERS: Okay. He'll get one from me.

14 I just wanted to make sure --

15 MS. SIERCHIO: All right.

16 COMMISSIONER ROGERS: -- you had one.

17 MS. SIERCHIO: My point is that they're looking at
18 -- like -- listen, one of the board directors, I won't say
19 who, said to me; Diane, they'd like you to go away because
20 they know they're not right in doing this.

21 They know that there's -- they shouldn't be
22 charging me as an owner and as a resident of Nutley because
23 I'm paying taxes for these services.

24 COMMISSIONER ROGERS: Well, you're right. But I
25 remember the last conversation we had.

1 MS. SIERCHIO: Yeah.

2 COMMISSIONER ROGERS: But we'll look at it, is that
3 the Township of Nutley has a contract with them, okay?

4 MS. SIERCHIO: Right.

5 COMMISSIONER ROGERS: Now, if there are certain
6 provisions in your contract with them; counsel, correct me
7 if I'm wrong; we would have no say in that, correct?

8 MR. GENITEMPO: Correct.

9 COMMISSIONER ROGERS: Other than providing you with
10 the information that we have.

11 MR. GENITEMPO: Right. We can't force them to
12 charge or not charge their own residents.

13 COMMISSIONER ROGERS: Right.

14 MR. GENITEMPO: That would be a condo association
15 issue.

16 But I'll look at it. I'm going to look at it.

17 MS. SIERCHIO: Well, we're not a condo. We're a
18 co-op. But that's beside the point.

19 MR. GENITEMPO: It's similar --

20 MS. SIERCHIO: Yeah.

21 MR. GENITEMPO: -- (indiscernible).

22 MS. SIERCHIO: Exactly. But the point is, then, I
23 mean, I don't want to use the term theft, you know, by
24 deception.

25 MR. GENITEMPO: Yeah.

1 MS. SIERCHIO: But I -- I mean, that's what's on
2 the tip of my tongue here and I can't believe, you know, you
3 Commissioners, that you can't possibly say to them, we have
4 a meeting Thursday night for all of the shareholders and
5 it's going to be at the clubhouse. And they're deceiving
6 us. They're saying, according to this, that they're
7 charging us.

8 So, in other words, and when I brought this point
9 up, I said, you're getting reimbursed according to this
10 article here. You're getting reimbursed. So, why are you
11 charging us?

12 MR. GENITEMPO: I don't know. I don't know
13 what to tell you.

14 MS. SIERCHIO: Well, but what recourse do we have?

15 MAYOR SCARPELLI: Diane, let the -- Mr. Genitempo
16 take a look at the contract and we'll go from there, okay?

17 MS. SIERCHIO: I mean, I'd like to see them carried
18 out in handcuffs, personally. I mean, really. I mean, this
19 is -- this is -- this is misleading. This -- it's saying to
20 me that you're not -- they're not receiving the money from
21 you. You understand what I'm saying?

22 MAYOR SCARPELLI: I think -- I think --

23 MS. SIERCHIO: So, this doesn't make you look --

24 MAYOR SCARPELLI: I think we understand the issue.

25 I think --

1 MS. SIERCHIO: Okay.

2 MAYOR SCARPELLI: -- we just need to look at
3 what's on -- what's in writing.

4 MS. SIERCHIO: All right. So, what do I do for
5 now? Because Thursday's the meeting.

6 MR. GENITEMPO: I'll get your number before you
7 leave.

8 MS. SIERCHIO: All right. Please. I wish -- you
9 know, I wish one of you would attend and say; how come? You
10 know, we're paying you. Why are you charging the people? I
11 really mean that. It's very -- it's really upsetting to be,
12 you know, be deceived like that.

13 MAYOR SCARPELLI: Anybody else like to address the
14 Board of Commissioners this evening?

15 MS. MENDOLA: Hi. My name is Maryann Mendola.
16 I am also a shareholder at Arbor Hills.

17 We've had this discussion with the board of
18 directors many, many times.

19 We pay our taxes to the town, property taxes. The
20 town is reimbursing Arbor Hills for the -- their contract
21 with the carting company. And they're collecting money from
22 us.

23 So, I am paying taxes to the town and I am paying,
24 again, for services that other tax paying residents of the
25 town don't have to pay for.

1 There's something not right.

2 MR. GENITEMPO: Can I ask a question? You're an
3 owner, right.

4 MS. MENDOLA: Yes.

5 MR. GENITEMPO: And you own a certain percentage
6 shares in the entire property as a co-op owner, right?

7 Has there been elections to oust the current board
8 of directors?

9 MS. MENDOLA: Let me put it this way. The
10 president of the board was the president of the board for 25
11 years.

12 MR. GENITEMPO: I know. But that's the issue.
13 You can gather enough support --

14 MS. MENDOLA: We cannot get anyone of -- else
15 elected to the board.

16 MR. GENITEMPO: But you understand that this board
17 does not have the power to enforce a contract situation on
18 you. Do you understand that?

19 MS. MENDOLA: Right. But if the town is
20 reimbursing them fully for what they're paying the carting
21 company, then why are they also collecting money from us.

22 MR. GENITEMPO: I'm saying that's a private -- the
23 way I'm hearing it, it -- if we're abiding by our contract,
24 which I believe we probably are, then your relationship
25 contractually with the directors is the issue.

1 The Township doesn't have the authority to go in
2 there and force them to not charge you for something that
3 you believe you're already paying taxes for.

4 MS. MENDOLA: Even though we already pay taxes.

5 MR. GENITEMPO: That's the power of being in a co-
6 op or being in a condo association is the power to -- you're
7 an owner. You own a percentage. You -- those people are
8 supposed to work for you. And you're supposed to vote them
9 out if they're not doing what they're supposed to.

10 MS. MENDOLA: But they -- they're impossible to
11 reason with or to deal with. Impossible.

12 Thank you.

13 MR. GENITEMPO: I'll -- I'll talk to Diane
14 and I'll see what I can do.

15 MS. MENDOLA: Okay.

16 MAYOR SCARPELLI: Would anybody like to address
17 the Board of Commissioners this evening on agenda items
18 only?

19 (Pause)

20 MR. HENNING: Neil Henning, 31 Terrace Ave.

21 I have a question about the one million dollars
22 exemption that we got from the County to make up the loss
23 from the State.

24 My understanding is that's a one time shot. Is
25 that correct?

1 COMMISSIONER EVANS: I -- to clarify, one million
2 dollar exemption?

3 MR. HENNING: Yeah. Didn't we -- didn't -- in
4 order to make up that 1.8 that we cut from the State, a
5 million of it was some type of exemption from the county,
6 correct?

7 COMMISSIONER EVANS: No. What happened was we
8 originally were told that our aid was cut by 2.8 million.

9 MR. HENNING: Uh-huh.

10 COMMISSIONER EVANS: We, then -- we actually
11 received an increase in our aid of \$1 million to increase it
12 from 2.6 to -- round numbers, to 3.6.

13 The remaining 1.8 million, part of that was -- was
14 included as a tax increase in July and there was a remaining
15 \$1 million.

16 In order to absorb that for the November bills
17 that are coming out very shortly; one, the municipality
18 zeroed out the municipal portion of that shortfall and the
19 school board reimbursed us for our school crossing guards to
20 reduce our appropriation, which offset substantially the
21 school board portion of that increase.

22 The county piece, we did not have to pay them for
23 this year. What the effect of that is that the county will
24 go through their budget process. They will figure out what
25 their increase in. And that the remaining -- they'll get

1 their rate adopted and we get notified of that.

2 We will not have, going forward, that money from
3 State aid for that portion of that aid, which is 176,000 to
4 contribute towards the county tax and that, in effect, will
5 be a county tax increase.

6 MR. HENNING: So, the make up of this, is this a
7 temporary or is this a real cut? In other words, is this --

8 COMMISSIONER EVANS: No.

9 MR. HENNING: -- is this a one time shot or --

10 COMMISSIONER EVANS: Clearly -- clearly what
11 happened to get through the November bills --

12 MR. HENNING: Okay.

13 COMMISSIONER EVANS: -- is a one time shot.

14 MR. HENNING: That's what I thought. Okay.

15 COMMISSIONER EVANS: Okay.

16 MR. HENNING: Thank you.

17 COMMISSIONER EVANS: What we have talked about
18 though is, as you may have heard, is that we're actually
19 looking at operation services, including personnel, to
20 address how do we manage taxes in 2018.

21 MR. HENNING: Yeah. Because that's coming back
22 and we don't know what we're going to get from the State
23 next year.

24 COMMISSIONER EVANS: Right. We're -- and we
25 haven't stopped negotiating. We're advising the State of

1 what our situation is. But we're in transition of
2 governments.

3 MR. HENNING: A second question is the Ciccolini
4 property; do we know what the carrying cost is on that
5 property?

6 COMMISSIONER EVANS: Off the top of my head, no.
7 I -- I don't have that number.

8 MR. HENNING: Well, now, we're not getting any
9 rent on that anymore; is that correct? It's empty now?

10 COMMISSIONER EVANS: It's not empty yet. No.
11 They're still in the process of --

12 MR. HENNING: It's empty today.

13 COMMISSIONER EVANS: Close. I was there earlier.
14 They still had a few things in there. But --

15 MR. HENNING: Yeah.

16 COMMISSIONER EVANS: -- I'm going to see Bob
17 Ciccolini tomorrow. But I -- yeah. But they're winding
18 down pretty much.

19 MR. HENNING: So, would it be accurate to say the
20 carrying cost is now -- the \$3.4 million bond and the taxes
21 that we lost on the -- on the property?

22 COMMISSIONER EVANS: The interest on the bond,
23 yes. And the -- and the loss of the taxes, temporarily,
24 yes.

25 MR. HENNING: So, my estimate was over a hundred

1 thousand a year. So --

2 COMMISSIONER EVANS: Fair.

3 MR. HENNING: -- I guess the question is: what is
4 our plan for that property and what has taken so long
5 because now we've had that property for quite a while and I
6 don't see any movement. And my understanding is when the
7 Town bought that, it was going to get subdivided. We were
8 going to put a parking lot in the back and -- or that front
9 was going to get sold.

10 And, now, we're still sitting on it. There's no
11 parking lot. And, now, we're losing a hundred thousand a
12 year.

13 MAYOR SCARPELLI: Mr. Genitempo.

14 MR. GENITEMPO: The -- what we have a -- I'm sure
15 you know we've retained a planner who's working on a plan
16 for that entire area. One of the complicating issues is the
17 COAH litigation that is currently going on. We're trying to
18 resolve our COAH obligation that's been going on -- that
19 litigation's been going on for some time.

20 And it's kind of a -- it's kind of trying to do it
21 in the right order so that we can abide by our COAH
22 obligations and, yet, develop the property responsibly.

23 We expect, probably by the end of the month, to
24 have more information from the planner and I expect that
25 soon the Commissioners will be moving on a plan for the

1 entire site.

2 MR. HENNING: My understanding is there -- there's
3 no issue on COAH if it stays as a commercial property,
4 correct?

5 MR. GENITEMPO: That's not true.

6 MR. HENNING: How is it (indiscernible) --

7 MR. GENITEMPO: If it's possibly going to be
8 residential, then it has to be --

9 MR. HENNING: If it's residential.

10 MR. GENITEMPO: -- considered.

11 MR. HENNING: But if it's commercial, then -- then
12 there is none.

13 MR. GENITEMPO: But we don't know exactly what
14 it's going to be yet. But if there's a possibility that it
15 could be residential, then it has to be considered.

16 MR. HENNING: But isn't that the builder's
17 responsibility?

18 MR. GENITEMPO: Well, that's part of the Town's
19 responsibility to fulfill their COAH obligations. It is the
20 Town's responsibility to properly plan any project that is
21 done from now on.

22 (Pause)

23 MR. HENNING: Isn't that -- now, whose
24 responsibility -- is that the Zoning Board, the Planning
25 Board, that -- that makes sure that the -- whatever the new

1 construction is has the right amount of COAH?

2 MR. GENITEMPO: Well, I think it's the Town's
3 obligation as a whole and the Zoning Board and Planning
4 Board understand that there may be requirements of any new
5 approvals. They've already done that in a couple approvals
6 already, a certain percentage set aside for COAH
7 obligations.

8 So, we're still trying to set what out COAH
9 obligation is going to be by way of settlement. There's
10 some cases coming down in Mercer County in the next month
11 that will set the tone for the rest of the State, we hope,
12 and will maybe lead to a settlement that the Town could
13 afford and could live with in terms of our obligation.

14 MR. HENNING: Okay.

15 And the bike shop, can you tell me how many of
16 those apartments are rented now?

17 MR. GENITEMPO: I think all of them but one.
18 Frank? Three?

19 MR. DEMAIO: (Indiscernible) --

20 MR. GENITEMPO: Right. So, three apartments and
21 the other side, we're building, right?

22 MR. DEMAIO: Correct.

23 MR. GENITEMPO: Okay.

24 MR. HENNING: Does the income off the bike shop
25 cover our carrying cost?

1 MR. GENITEMPO: I don't know. I don't know the
2 answer to that question.

3 COMMISSIONER EVANS: It -- yes. It does. At this
4 point, it does.

5 MR. HENNING: It does. And what's our plan with
6 that bike shop?

7 COMMISSIONER EVANS: The expectation is is that it
8 will be used to help meet the capacity issues and the
9 infrastructure requirements for the school.

10 MR. HENNING: So, the town will sell that to the
11 school district? Do we give it to the school district? Or
12 how does that work?

13 COMMISSIONER EVANS: Yeah, under statute, it
14 doesn't matter whether it's we -- whether we bought it or
15 the school bought it. The taxpayers would only pay for it
16 once. So, we would -- we would not be able to sell it to
17 the school because they would have raise the tax dollars to
18 reimburse us for that. So, it's just a one time cost.

19 But the expectation is, is that once it's clear the
20 direction of where they're going to go with the school, that
21 would transfer to the school.

22 MR. HENNING: And that being said, the -- I'd like
23 to know where the Commissioners stand on the proposed Board
24 of Ed referendum; whether each one of you are for the
25 referendum or against the referendum.

1 MAYOR SCARPELLI: Could I -- you
2 (indiscernible) that?

3 MR. HENNING: Yeah.
4 (Pause)

5 MAYOR SCARPELLI: I'll start.

6 Well, Mr. Henning, we've looked at their plan. We
7 understand the overcrowding issue that's in the school and
8 something needs to be done to address it.

9 And I think it's up to the public to decide if
10 they're in favor of it or not in favor of going forward with
11 -- with the referendum.

12 As far as I'm concerned, I think we need to
13 address the overcrowding issue. And, right now, they've
14 gone through all the processes. And I think that, you know,
15 we don't have many options. So, we'll -- let's -- let's put
16 it up for a vote and see where it goes.

17 MR. HENNING: So, then, you're for the referendum.

18 MAYOR SCARPELLI: I answered the question,
19 Mr. Henning. You take from it what you want; all right?

20 MR. HENNING: Any other Commissioners?
21 (Pause)

22 MR. HENNING: Commissioner Rogers.

23 MADAM CLERK: Mayor.

24 COMMISSIONER ROGERS: I fully understand the need
25 for expansion. I do that. I do understand that.

1 I'm very, very concerned about the tax rate and
2 the impact taxes will have this community. At this point,
3 I'm opposed to it. I really believe that we have a problem
4 in town. We really do. And -- but I also -- I'm very
5 concerned about our senior citizens. I'm very concerned
6 about the number of people who are really having a hard time
7 even putting food on their table.

8 So, at this point, I'm opposed to it and that's my
9 answer. Thank you.

10 MR. HENNING: Thank you. Commissioner Petracco.

11 COMMISSIONER PETRACCO: I have to say I -- I have
12 to kind of echo Commissioner Rogers point of, you know, the
13 taxes continuing to go up and, now, we're going to go for
14 another referendum. The first one was I guess not so
15 calculated, is a nice way of putting it, and the way it got
16 done.

17 I also am of the opinion where I really believe
18 that the schools and our ratings tie into our house values
19 as well and if we do nothing, I guess then we can't expect
20 our schools to improve.

21 But, at this point, I am in favor of a referendum
22 but I'm not in favor of a \$70 million referendum.

23 MR. HENNING: A \$70 million is going to be the
24 only one you're going to get to vote on. So, I guess that
25 means you're against it, at this point.

1 Commissioner Tucci.

2 COMMISSIONER TUCCI: Sure. I think it comes down
3 to being an affordability question. I think we all
4 recognize that the space needs of the district, and I
5 think we all realize the importance of the schools and
6 improving our schools to a point where the town remains
7 attractive to, to not only the people that are here now, but
8 future generations moving in.

9 In light of what's going on with the State aid and
10 the work that we have before us in dealing with the 2018
11 budget, I'm taking a very a hard look at that. But,
12 unfortunately, I am not going to commit to you this evening
13 one way or the other. I want to continue to explore what
14 options are available to us.

15 But, I think at the end of the day, it boils down
16 to an affordability question, not a question of need. The
17 need is absolutely there. They way we address that need, I
18 believe is the \$64,000 question.

19 MR. HENNING: Okay. Commissioner Evans.

20 COMMISSIONER EVANS: Yes.

21 For most of the Commissioners addressed, if you
22 actually look at why we're asking for -- the school board is
23 asking for the referendum and the expansion of their
24 facilities, I've -- I basically have said many times that we
25 are using early to mid 20th century infrastructure to solve

1 21st century educational issues which they're in conflict.

2 So, if you think about all their infrastructure,
3 21st century needs, especially around the advancements and
4 the integration of curricula requiring smaller classroom
5 size, the requirements -- federal requirements around
6 special needs children and the support for special needs
7 children. In our school system, 18 percent of our children
8 are classified; all right? We have an autism program.

9 Those are just -- just the realities of it.

10 They've done the research to have a demographer
11 look at what the projection is for growth and enrollment
12 over the next ten years which predominantly from the
13 turnover of our single-family homes, given the number of, as
14 I would say, empty-nesters that are in town and the town is
15 in transition in that regard. So, there's the likelihood of
16 higher demand.

17 All of those are very, very real factors that
18 drive justification for a need to invest in those schools
19 which was, in part, why the Board of Commissioners
20 negotiated to preserve the Davis property; all right?
21 Because in the event there is a need to do something, if we
22 didn't preserve that property, where would they go? What
23 would they be -- they wouldn't have that opportunity to do
24 that.

25 Having said all of that, I have advised the Board

1 that I have questions regarding the cost and I'm not yet
2 willing to commit until I have the opportunity to go through
3 that -- that analysis to understand why -- what they're
4 asking for is actually necessary.

5 And the second piece is I recognize, when you look
6 at the plans, that I wouldn't say it's an ideal solution but
7 it's a preferred solution and I've asked the question
8 around; if we cannot achieve the preferred solution, what is
9 the option other than telling the residents of town that
10 they must increase class size or they must have children
11 work in undersized rooms or spaces that aren't suitable?

12 There -- and I don't have an answer for that
13 question. So, I have yet to make a commitment to it because
14 I have outstanding questions and I've advised the Board that
15 I need to sit down with them and they've agreed to do that.
16 We just haven't sat down yet.

17 MR. HENNING: Thank you.

18 MAYOR SCARPELLI: Thank you, Mr. Henning.

19 Anybody else like to address the Board of
20 Commissioners?

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

22 Mr. Evans, I was stunned by your answer. The bike
23 shop property. We purchased that in anticipation of the
24 school expansion.

25 When I asked Ms. Glazer publicly, she said

1 there's no plan B. So, if it does -- if the bond issue
2 fails, they have to move the trailers immediately. Does
3 that mean you're going to -- sell the property if that
4 happens?

5 COMMISSIONER EVANS: If there is no need for that
6 property, the Township is not in the business of being a
7 landlord. So, the answer would be, yes, that property would
8 be, obviously, put up to public bid and would be sold.

9 MR. MOORE: So, based on Ms. Glazer saying there
10 is no plan B and she would have to immediately move to
11 trailers, that would -- that would negate the property for
12 us at all, wouldn't it?

13 COMMISSIONER EVANS: If there -- if their
14 solution says there's -- and I'm not convinced there isn't a
15 plan B, all right? But --

16 MR. MOORE: There is no plan B.

17 COMMISSIONER EVANS: I've -- they may not have
18 articulated a plan B. I'm just saying personally, I don't
19 believe that there isn't a plan B option. They may not have
20 articulated it but there has to be a discussion around what
21 that could be, right?

22 So, it could be -- you know, there could be a
23 solution that, a plan B, not desirable, pretty ugly but to
24 use the Davis property and put more trailers right there to
25 bring the children to the middle school.

1 It's an ugly option. It's not something that's
2 been discussed. But I'm trying to tell you that other
3 options have to be explored and evaluated as to their
4 feasibility given, as Mauro has mentioned, the affordability
5 issues that we face as a community and what we need to do to
6 make sure that our children have a qualified -- a quality
7 education. And, also, that Nutley, itself, remains a
8 desirable place to bring your children and raise a family.

9 MR. MOORE: Well, I'm not disputing on as far as
10 the children.

11 I'm just addressing because your answer is
12 probably 180 degrees out from what Ms. Glazer said.

13 COMMISSIONER EVANS: It might be.

14 MR. MOORE: And -- but -- if she was representing,
15 and this is my only concern, if she's representing there is
16 no plan B, we immediately have to move the trailers to 2021,
17 which was her answer, that would mean that property -- we
18 asked specifically, there was no plan B.

19 COMMISSIONER EVANS: I understand that. I heard
20 -- I was there that evening.

21 MR. MOORE: So, am I to understand that, this goes
22 down, that property would pretty quickly go up for sale?

23 COMMISSIONER EVANS: No. You -- that would be
24 incorrect.

25 MR. MOORE: Thank you.

1 MAYOR SCARPELLI: Anybody else like to address the
2 Board of Commissioners this evening?

3 COMMISSIONER EVANS: Just a comment, all right?

4 MAYOR SCARPELLI: Go ahead, Commissioner.

5 COMMISSIONER EVANS: If the referendum goes down,
6 the school board has the obligation to revisit their
7 referendum and come up with a alternate proposal before we
8 would actually look to -- change the use of that property.

9 MR. COHEN: Larry Cohen. I live in Fairway, New
10 Jersey, but I'm here, obviously, as a volunteer legislative
11 leader with the Humane Society of the United States.

12 I simply want to say thank you. I want to thank
13 Commissioner Rogers for his willingness to work with my
14 colleagues and I on this and it was a privilege, really.

15 I want to thank the Commission for taking this
16 seriously and, obviously, most of all I want to thank you
17 for your passage of this pet store ordinance.

18 Thank you so much.

19 MAYOR SCARPELLI: Thank you. Anybody else like to
20 address the Board of Commissioners this evening?

21 MS. FISCHER: Janice Fischer, Manasquan, on behalf of
22 my advocacy group, Friends of Animals United, New Jersey.

23 Ditto what my colleague, Larry Cohen, just said. Thank you
24 so much for diligently weighing the issues.

25 I know it was sort of an arduous thing. It -- you

1 get a lot of feedback on this. But, most importantly, thank
2 you for becoming what I consider a community within a
3 community -- within truly animal friendly communities by
4 adopting the ordinance tonight.

5 Thank you.

6 MAYOR SCARPELLI: Thank you.

7 MS. COYOTE: Ellen Coyote from Hamilton, New
8 Jersey, on behalf of myself and the New Jersey Residents
9 Against Puppy Mills and all the dogs and cats, thank you for
10 passing that ordinance tonight.

11 Thank you very much.

12 MAYOR SCARPELLI: Thank you. Anybody else like to
13 address the Board of Commissioners this evening?

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

15 I'd like to first start off by saying, no
16 education system is worth property taxing out its own
17 homeowners.

18 As I understand it, Mr. Rogers -- Commissioner
19 Rogers, sorry, is not for the referendum at this moment.
20 Commissioner Petracco is for the referendum but he does not
21 agree with the price tag. Mr. Tucci --

22 COMMISSIONER PETRACCO: Michael, just to be clear
23 on that, that's exactly what I'm saying, just so you know.

24 MR. ODRIA: Yeah. I --

25 COMMISSIONER PETRACCO: Exactly.

1 I think something needs to be done but \$70 million
2 to burden the taxpayers with, at this time, is exuberant
3 with what --

4 UNIDENTIFIED SPEAKER: (Inaudible).

5 COMMISSIONER PETRACCO: -- not knowing what the
6 real tradable is going to be in the future.

7 MR. ODRIA: Okay.

8 I understand Mr. -- Commissioner Tucci --

9 COMMISSIONER TUCCI: Uh-huh.

10 MR. ODRIA: -- doesn't want to give an answer and
11 I think I can say the same for Commissioner Evans --

12 COMMISSIONER TUCCI: No, no, no, no.

13 MR. ODRIA: -- if I --

14 COMMISSIONER TUCCI: Hold on. Hold on. Let me
15 clarify that. Let me clarify that because you're totally
16 misrepresenting.

17 It's not that I don't want to give an answer --

18 MR. ODRIA: No. You don't have an answer.

19 COMMISSIONER TUCCI: I gave you an answer, all
20 right? You may not like it.

21 MR. ODRIA: No. What was the answer then?

22 COMMISSIONER TUCCI: All right? But that -- my
23 answer was it's a question of affordability. It's not a
24 question of need.

25 MR. ODRIA: Okay.

1 COMMISSIONER TUCCI: All right? We all accept the
2 fact that we need additional space for our children to be
3 educated properly and for the town to remain desirable, not
4 only for people here but for new people moving in, all
5 right.

6 MR. ODRIA: Uh-huh.

7 COMMISSIONER TUCCI: But, at this point in time,
8 all right, I need to consider what some of the alternatives
9 can be and I've heard here tonight, all right, as Mr. Moore
10 stated that the Superintendent said there is no plan B.
11 Well, there may not be a plan B right now in place, but
12 there's always a plan B.

13 MR. ODRIA: Okay. And I understand Commissioner
14 Evans doesn't have an answer at this moment, too. My --

15 COMMISSIONER EVANS: Nope, that would be wrong for
16 the same reason that --

17 COMMISSIONER TUCCI: Yeah.

18 COMMISSIONER EVANS: -- Commissioner Tucci just
19 explained.

20 I gave very articulate reasons why it's important
21 to have a look at why we need to address our schools and
22 what's driving that. The real reasons that's driving that,
23 all right? Not the hype around apartments. But the real
24 reasons that's driving that.

25 The question I have said is that I have yet to

1 look at the cost of it. Similar to Commissioner Petracco
2 and I have a question mark just like Commissioner Tucci is:
3 if it's not this solution, what's the alternative?

4 MR. ODRIA: Okay.

5 COMMISSIONER EVANS: Maybe that hasn't been
6 articulated yet but it will need to be articulated to -- I
7 would expect not only myself, but the Board of
8 Commissioners.

9 MR. ODRIA: Okay. And Mayor Scarpelli, the
10 previous week, I saw a video produced by the Nutley High
11 School, I think it was, and you started it off.

12 MAYOR SCARPELLI: Yes, I did.

13 MR. ODRIA: And I'm assuming by you being in that
14 video, are you for the referendum? Yes or no.

15 MAYOR SCARPELLI: Did you listen to the video?

16 MR. ODRIA: Well, it was explaining the --

17 MAYOR SCARPELLI: Did you listen to what I said in
18 the video?

19 MR. ODRIA: Well, I want to hear it from you.

20 MAYOR SCARPELLI: Did you -- you brought up the
21 video. I'm asking: did you listen to what I said in the
22 video?

23 MR. ODRIA: Well, I did but it seems like you are
24 for the referendum because --

25 MAYOR SCARPELLI: I am for -- we have an

1 overcrowding issue at our schools that needs to be
2 addressed.

3 We need, as a community, to come together and
4 figure out how we're going to solve the problem. Part of
5 that process is to put it up for a vote and let's see what
6 the public thinks. That's what I answered before and
7 that's what I'm answering now.

8 All the reasons are, is it affordable to Nutley
9 taxpayers? They're going to have a voice in that, aren't
10 they?

11 MR. ODRIA: Okay.

12 MAYOR SCARPELLI: Two, the timing stinks.

13 MR. ODRIA: Okay. Now, I --

14 MAYOR SCARPELLI: The timing stinks.

15 MR. ODRIA: -- I want to talk about --

16 MAYOR SCARPELLI: But -- let me finish, Michael.

17 MR. ODRIA: Okay.

18 MAYOR SCARPELLI: The timing --

19 MR. ODRIA: Because this is my five minutes,
20 that's why.

21 MAYOR SCARPELLI: -- the timing -- well, we -- I
22 don't cut you off when we talk.

23 MR. ODRIA: Uh-huh.

24 MAYOR SCARPELLI: The timing stinks based on where
25 we are with transitional aid.

1 But, you know what? It is what it is. It's not
2 going to get any better. It's not going to get any better.

3 MR. ODRIA: Well, two points I want to bring up.

4 You mentioned the vote. Like I said before,
5 publicly, I find it very disturbing and I think it's wrong
6 that we're going to have this \$70.4 million referendum vote
7 on December 12th, when we should have it November 7th
8 because elections in a small town, that's cost a lot of
9 money. And we end up paying for it.

10 And, the other thing I want to say, now --

11 MAYOR SCARPELLI: I suggest -- I suggest you bring
12 that up at the Board of Education.

13 MR. ODRIA: Oh, I have. It's on video, too.

14 But they totally voted to have it on December 12th
15 anyway.

16 And, the other thing I'd like --

17 MAYOR SCARPELLI: Michael. Michael.

18 COMMISSIONER PETRACCO: Excuse me one second.

19 Do we know why they are doing that?

20 MR. ODRIA: Oh, because of a 60-day thing. It
21 seems like a --

22 COMMISSIONER PETRACCO: Well -- no. I'm not
23 asking you, Michael. I'm asking the Board.

24 MAYOR SCARPELLI: I think it has to do -- I don't
25 know the exact reason. I think it has to do with where they

1 were with plans and stuff. But I don't -- I'm not going to
2 answer for them.

3 MR. ODRIA: Well, the -- well, the thing is this
4 is a very -- a crucial vote to the homeowners of this town
5 and not only do we get a State aid cut, now we have a \$70.4
6 million property tax hike in referendum that's looming over
7 us homeowners that's going to be voted on December 12th.

8 And it seems like they want to suppress the vote
9 because it might snow that day and the people who are
10 against it, like the elderly, might not want to show up to
11 vote because they might fall -- they might feel they might
12 slip and fall.

13 And, another thing I want to say, year after year,
14 yes, our property taxes keep going up for many reasons. And
15 when you do that to us -- I'm sorry, when that happens to
16 us, more and more of our expendable cash that we homeowners
17 truly work hard for, five, six days a week, gets property
18 taxed right out of our hands. Right out of our wallets and
19 purses. And that gives us less expendable cash to support
20 the businesses in this town, including your businesses that
21 you own.

22 So, you -- you, Commissioners, have to lead, like
23 I always said, in a more conservative fashion. We can't
24 afford this property tax hike in referendum, flat out,
25 because a lot of people are going to hurt.

1 Just like Commissioner Rogers stated, it's going
2 to hurt a lot of homeowners and this is not the homeowners'
3 fault.

4 And the reason why we have this problem is because
5 there has to be a -- I'm going to say it as lightly as I
6 can, as nicely as I can; there has to be muzzle put on our
7 Planning and Zoning Board, not to allow more apartment
8 buildings to be built because that overcrowds our public
9 school system.

10 COMMISSIONER ROGERS: Mayor --

11 MR. ODRIA: And, another thing, I'm sorry.
12 Please don't interrupt.

13 This town is a small, humble town of family homes.
14 We should try as hard as we can to keep it that way. Let
15 Patterson get bigger. Let Newark get bigger and bigger.
16 Clifton get bigger. But not Nutley. Let's keep it a small
17 town. That's what the goal should be.

18 MAYOR SCARPELLI: Thank you, Michael.

19 COMMISSIONER EVANS: Michael --

20 MAYOR SCARPELLI: Commissioner.

21 COMMISSIONER EVANS: -- just to -- I have --

22 COMMISSIONER ROGERS: May --

23 COMMISSIONER EVANS: I got it. I got you.

24 COMMISSIONER ROGERS: Commissioner --

25 MR. ODRIA: No, let him go. Let him --

1 COMMISSIONER ROGERS: I -- yeah. Would you yield
2 for me, Commissioner?

3 COMMISSIONER EVANS: I will yield to you.

4 COMMISSIONER ROGERS: Thank you.

5 Michael, there is one thing I want to really,
6 really make clear.

7 Every Commissioner up here, believe me when I tell
8 you, is very concerned about the taxes in town. We are on
9 the different side of this issue.

10 But the side -- the differences have nothing to do
11 with the absolute concern about our taxpayers and it's
12 important for the people to know that.

13 Everyone up here is struggling and I'm sure
14 members of the school board are struggling, how do we meet
15 the needs as Commissioner Tucci and Commissioner Evans said,
16 and also meet the affordability of the township? There's
17 got to be a medium in between all of this.

18 And you're right. People are going to get hurt,
19 all right? And we know that. They know that. And we want
20 to be able to make sure that the kids don't get hurt as
21 well.

22 I have my reasons why I'm against it. I will
23 articulate it as I move along but, in defense of my
24 colleagues, I just want to make sure that the public
25 understands that they are as concerned as anyone who is

1 opposed to it with regard to the taxpaying public. Believe
2 me. I just wanted to make that clear.

3 Thank you, Mayor.

4 MAYOR SCARPELLI: Commissioner.

5 COMMISSIONER EVANS: Michael, I just have a couple
6 questions.

7 One is: I don't own a business in town. So, when
8 you say our businesses, I just want to be clear.

9 MR. ODRIA: No. I know. I was including you --

10 COMMISSIONER EVANS: And I just want to be clear
11 on the record.

12 When you look at a classroom in Nutley, in our
13 Nutley school system, and you walk in -- you've been in the
14 Nutley schools, haven't you?

15 MR. ODRIA: Yeah.

16 COMMISSIONER EVANS: And you walk down and you saw
17 the classroom and you saw the size of that classroom.

18 MR. ODRIA: Uh-huh.

19 COMMISSIONER EVANS: -- right? That classroom, if
20 you rollback the clock to the 1970s and '80s when we were
21 graduating high school classes of between five and six
22 hundred, all right? And today, we're nowhere near that in
23 graduating high school class of students, all right?

24 It raises the question that if we're -- classes
25 are -- overall classes that are graduating each year are

1 smaller and the space which was much larger doesn't work any
2 more, it raises a question as to why -- what's causing that?
3 Because one would think that if everything was equal, that
4 with the large classroom and smaller class size, or fewer
5 students enrolled in our school system, you would think
6 there'd be plenty of room. But there's not.

7 When you look at the integration of curricula, all
8 right? In my career, I was a Chief Learning Officer for
9 Price Waterhouse Coopers. I was the president of a
10 university that had over fifty thousand students in it.

11 So, this is a topic, aside from being a CPA, I
12 know something about, all right?

13 So, when you look at the complexity of curricula,
14 the integration of curricula, math, science, English, all
15 being brought together, the fact that a teacher, years ago,
16 didn't have to be certified in a subject matter at the grade
17 school level, but must be certified today, in order to teach
18 that complex curricula to children and -- who are learning
19 things that most sixth graders, fifth graders, never had
20 before.

21 You look at that and you say, wow, there's a
22 complexity of curricula that's causing a need to have a
23 smaller classroom size. So, the room is really big. I just
24 have to put fewer students in it in order for those students
25 to be equipped and to be successful in their future because

1 if we don't address that, it's a great disservice to our
2 children, the children of the community. We have to
3 recognize that.

4 Second, when you think about the requirements
5 around a special needs child, and the advancements and the
6 expansion of say the autism spectrum of what classifies a
7 student, and the fact that we have that huge room that, for
8 certain classes, has four students in it by law, can't have
9 more than four students in it.

10 When we make a great academic decision that says
11 our kindergarten children need to go to school for the full
12 day, not a half day, a full day and it takes nine classrooms
13 out of circulation because they are now committed for the
14 full day. You have infrastructure issues.

15 So, when you stand up here and you say, we cannot
16 afford the taxes to do this but offer no solution other than
17 the fact I don't want to pay taxes, right? It's actually a
18 bit frustrating.

19 MR. ODRIA: I did offer a solution. I said
20 (indiscernible) --

21 MAYOR SCARPELLI: Michael.

22 MR. ODRIA: -- let's control the spending --

23 MAYOR SCARPELLI: Michael. Michael. Your time's
24 up. It's the Commissioner's turn.

25 COMMISSIONER EVANS: I'm trying to be clear. I'm

1 trying to be clear.

2 Apartments, the greater risk to our schools is not
3 apartments. No, it's not. It's the turnover of single-
4 family homes and other -- and two-family homes where they no
5 longer have children in our classrooms and they are reaching
6 the age where they want to downsize. They want to change
7 their living requirement, which they are allowed to do.

8 Are you suggesting that when they go to sell, we
9 put a sign up, "no children allowed in this home" because we
10 no longer -- we don't want to expand our schools?

11 MR. ODRIA: All I'm suggesting is don't allow any
12 more apartments --

13 MAYOR SCARPELLI: Michael.

14 MR. ODRIA: -- (indiscernible) buildings --

15 MAYOR SCARPELLI: Michael.

16 MR. ODRIA: -- (indiscernible) apartments and
17 houses --

18 COMMISSIONER EVANS: I'm -- but I appreciate your
19 comment. I completely disagree with it because the greater
20 issue that we face is not those apartments.

21 The other thing, when you talk about taxes, and
22 you talk about the Planning Board, and you make those
23 comments, understand the issue that we're facing with
24 Hoffmann-LaRoche, we lost -- since 2012, \$8.8 million a year
25 in revenue. We lost \$2.1 million in 2012 before they

1 announced they were closing and we lost 6.6 after.

2 Today, we receive \$4.2 million worth of revenue
3 from Hoffmann-LaRoche.

4 We also have an outstanding tax appeal with the
5 auditors of Hoffmann-LaRoche because they bought it for less
6 than what it's assessed for right now and it's in tax court.
7 We have an exposure to potentially lose more.

8 So, while we have an opportunity, the one thing
9 that's very clear to me is that we'll never address your
10 issue about controlling taxes or lowering taxes unless we
11 look at revenue. The advancements that we've made in new
12 development in town, today is an annuity of new taxpayers,
13 paying new tax dollars, not coming out of your pocket or any
14 existing taxpayers' pocket is \$2.4 million.

15 So, we've actually been able to make up a piece of
16 what we lost.

17 The decisions that this Board must make in terms
18 of -- others are looking for some form of senior assisted
19 living or specialized living conditions; others are saying
20 we don't want residential there. Keep it a signed
21 site.

22 The challenge that we face is reconciling that
23 when all those decisions are made, we may not like the tax
24 bill because we will face a challenge that once that
25 property is converted and those buildings are occupied, the

1 tax revenues associated with that could be significantly
2 less on a permanent basis.

3 This Board is faced with those complex issues in
4 addition to dealing with COAH litigation which basically
5 would have a significant economic negative effect on our
6 town should all of that come true.

7 Michael, I share this with you not to attack you
8 and that's not my intent.

9 MR. ODRIA: No, no, no.

10 COMMISSIONER EVANS: My intent is to hope that --
11 is that from that is that you understand how complex the
12 financial outlook is and realistically what could be done
13 around taxes because we're facing that right now, and we're
14 going to be going into a session to talk about this further,
15 right?

16 The important part of all of this is the decisions
17 that we have to make are very difficult. They're complex.
18 We are going to take our time to do that. And maybe, as you
19 are hearing tonight, that maybe there's a question about
20 whether or not the current recommendation for expanding our
21 schools is the right one.

22 Let's not get confused or confuse that with the
23 importance of making sure that we have a sound, viable
24 school system for the next generation of our children of
25 this community. And that Nutley recognizes that this is a

1 place that we will provide for the health, welfare and the
2 safety of the community and we will continue to attract
3 Nutley as a great place to live and to raise a family.

4 Thank you.

5 MAYOR SCARPELLI: Anybody else wanted to be -- to
6 address the Board of Commissioners this evening?

7 Seeing none, could we have motion to go into
8 executive?

9 COMMISSIONER ROGERS: I make a motion to go into
10 executive.

11 MAYOR SCARPELLI: For personnel and contract
12 negotiations.

13 MR. GENITEMPO: That's my understanding, yes.

14 COMMISSIONER PETRACCO: Second.

15 MADAM CLERK: Whereas, Section 8 of the Open
16 Public Meeting Act, Chapter 231, P.L. 1975, permits the
17 exclusion of the public from meetings in certain
18 circumstances; and

19 Whereas, the public body is of the opinion that
20 such circumstances exist;

21 Whereas, the Board of Commissioners of the
22 Township of Nutley, County of Essex, State of New Jersey,
23 decides to proceed to closed executive session;

24 NOW, THEREFORE, BE IT RESOLVED, by the Board of
25 Commissioners of the Township of Nutley move into closed

1 executive session to discuss personnel and contract
2 negotiations.

3 BE IT FURTHER RESOLVED that the time when such
4 discussions may be disclosed to the public shall be when
5 such disclosures may be made without adversely affecting the
6 Township of Nutley pending and/or anticipated legal,
7 personnel, contractual matters and other matters within the
8 exceptions provided for by statute.

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: The time is now --

20 MAYOR SCARPELLI: We will be coming back just to
21 close the meeting. We will not be taking any actions.

22 (End of Audio Meeting Minutes 2)

23 MADAM CLERK: Mayor.

24 (Background inaudible conversations)

25 MADAM CLERK: Could you --

1 MAYOR SCARPELLI: Back on the record at --

2 MADAM CLERK: Ten twenty.

3 MAYOR SCARPELLI: Ten twenty. Can I have a motion
4 to adjourn?

5 COMMISSIONER ROGERS: I make that motion.

6 COMMISSIONER TUCCI: 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: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 MADAM CLERK: And the time is 10:20.

16 (End of Audio Meeting Minutes 3)

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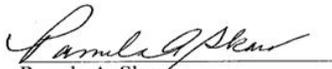
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I, Pamela A. Skaw, certify that the foregoing transcript is a true and accurate record of the July 5, 2017 proceedings.


Pamela A. Skaw

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