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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

October 17, 2017

BEFORE:

- Commissioner Steven L. Rogers
- Mayor Joseph P. Scarpelli
- Commissioner Mauro G. Tucci
- Commissioner Alphonse Petracco
- Commissioner Thomas J. Evans

Job No. NJ2736589

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

2 MADAM CLERK: Board of Commissioners public
3 meeting, Tuesday, October 17th, 2017. The time is 7:04.
4 Pursuant to the requirements of the Open Public Meeting Act
5 (Chapter 231, Public Law 1975), notice of this meeting was
6 published in the December 1st, 2016 issues of The Nutley Sun
7 and the Herald News, and the December 2nd, 2016 issue of the
8 Star Ledger. A copy of this notice has been posted on the
9 Nutley Town Hall bulletin board and a copy is on file in the
10 Municipal Clerk's Office.

11 Commissioner Rogers?

12 COMMISSIONER ROGERS: Here.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Here.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Here.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Here.

19 MADAM CLERK: Commissioner Petracco is going to be
20 late.

21 MAYOR SCARPELLI: Okay.

22 COMMISSIONER TUCCI: He better bring a note.

23 MAYOR SCARPELLI: Commissioner Evans, what do you
24 have on the agenda this evening??

25 COMMISSIONER EVANS: I have just a quick note. We

1 did hold our tax sale -- annual tax sale. I just have to
2 note it on the record tonight. 82 properties were involved
3 with the tax -- with the sale, in terms of tax liens being
4 sold. 26 were for property taxes and 67 were for water. So
5 -- and the trend is not -- it's not an increasing trend.
6 It's actually been declining. (Indiscernible). We're not
7 seeing a greater amount.

8 The amount of property tax -- when you consider
9 our levy of over \$100 million. And then the property tax
10 -- taxes involved in the sale is 184,000. Water was
11 \$18,000.

12 Overall, things went smoothly. We used the electronic
13 sale format which was more efficient, saved a bunch of time,
14 which is great. And I just have to note it on the record
15 this evening.

16 I also have one resolution for a refund of a
17 permit application fee of \$403.

18 Also I have a need for executive for contract
19 negotiations and personnel.

20 MAYOR SCARPELLI: Commissioner Rogers?

21 COMMISSIONER ROGERS: I have nothing, Mayor.

22 Thank you.

23 MAYOR SCARPELLI: Commissioner Tucci?

24 COMMISSIONER TUCCI: I have three items. Ones an
25 award of a fair and open contract to Applied Landscape

1 Technologies for their re-turfing of Father Glotzbach Park.
2 My second one is a refund of a tree permit. And my third is
3 to advertise -- authorize an extension of the advertisement
4 for the bids for the Park Avenue Cellular Antenna
5 installation. And that's all I have.

6 MAYOR SCARPELLI: Thank you, Commissioner.

7 I have authorizing the inclusion in the Essex
8 County Urban County Development program, a person-to-person
9 transfer for retail distribution liquor license from Heller
10 & Heller to Madya. Madya?

11 MADAM CLERK: Yes.

12 MAYOR SCARPELLI: Madya. And approval of various
13 raffle applications.

14 Commissioner has an introduction -- Commissioner
15 Petracco has an introduction of an ordinance for handicapped
16 parking on Milton Avenue.

17 COMMISSIONER TUCCI: I have a question on this.

18 MAYOR SCARPELLI: On?

19 COMMISSIONER TUCCI: On the Urban County Community
20 Development Program. This is -- this the Urban County
21 Consortium, correct? I got that part and I have no problem
22 with that part. I was a little confused. What's the
23 Emergency Shelter Grant's program?

24 MAYOR SCARPELLI: It's a homeless (indiscernible),
25 but maybe Kathy can explain it --

1 COMMISSIONER TUCCI: Do we participate in it?

2 MS. REMPUSHESKI: We don't, but the Essex
3 County Community has a -- Essex County has a
4 Community Development who administers this program --

5 COMMISSIONER TUCCI: Right.

6 MS. REMPUSHESKI: -- through HUD to do both.
7 But we could if we had a need to.

8 COMMISSIONER TUCCI: Right.

9 MS. REMPUSHESKI: But we don't. We do CDBG.
10 So this one is called --

11 COMMISSIONER TUCCI: Right. I know we do the CDBG
12 part.

13 MS. REMPUSHESKI: And what this is about is
14 it used to be a local thing; second to last paragraph
15 before the end where it says, "Whereas the current uniformed
16 shared service in consolidation," that used to be called a
17 interlocal service agreement. And the language that HUD
18 wanted in it, they wanted it changed to say this. And we
19 read this in June.

20 MADAM CLERK: So, Cathy, this is the
21 exact same resolution. The only thing you're changing is
22 that one word, correct?

23 MS. REMPUSHESKI: It's -- that they change is
24 that one sentence. And this is per HUD.

25 MAYOR SCARPELLI: So this is required from the

1 Federal Government for us to participate --

2 MS. REMPUSHESKI: Yes.

3 MAYOR SCARPELLI: -- in the county distribution of
4 the funds?

5 MS. REMPUSHESKI: Exactly.

6 COMMISSIONER TUCCI: So we had to notify them in
7 May?

8 MS. REMPUSHESKI: We did it --

9 COMMISSIONER TUCCI: We did notify them in May.

10 MS. REMPUSHESKI: -- and they -- this was
11 required from us to redo -- to take that one sentence out,
12 not just Nutley, everybody. Everybody --

13 COMMISSIONER TUCCI: Okay. Because I thought it
14 was a little odd. And I didn't know what the Emergency
15 Shelter Grants program was and I think we participated in
16 that.

17 MS. REMPUSHESKI: Yeah, they were required to
18 change the language from the federal government for all of
19 us. So we were asked to -- remember I e-mailed you two
20 weeks ago. As soon as possible. It was a day after the
21 meeting. The Wednesday after the last meeting. As soon as
22 possible to have this reread with that sentence changed.

23 And there was a letter that the mayor had to sign
24 that went along with it.

25 COMMISSIONER TUCCI: I read about the letter. I

1 was just curious about those two items. And I didn't know
2 it was the uniform --

3 MS. REMPUSHESKI: But the emergency
4 shelter --

5 COMMISSIONER TUCCI: -- shared services thing was.

6 MS. REMPUSHESKI: -- that is a program that
7 they administer out of their -- with HUD dollars, but we
8 don't -- we haven't participated in that.

9 COMMISSIONER TUCCI: And they give those HUD
10 dollars to members of the Urban County Consortium? Because
11 I read the --

12 MS. REMPUSHESKI: Yes.

13 COMMISSIONER TUCCI: -- advertisement in the
14 paper, and it seemed like they were funding things outside
15 of the Consortium to entitlement cities.

16 MS. REMPUSHESKI: We're not involved in that.
17 We're strictly CDBG.

18 COMMISSIONER TUCCI: Right. No, no. I understand
19 what we are. I know our part, but I was just curious as to
20 how that happens. So maybe you want to ask that question
21 for me the next time you go.

22 MS. REMPUSHESKI: I will. I just had the
23 hearing last night. I wish our meeting was before. I would
24 have asked that. But I will.

25 COMMISSIONER TUCCI: Okay. Thank you.

1 MS. REMPUSHESKI: You're welcome.

2 COMMISSIONER TUCCI: Thank you, Mayor.

3 MAYOR SCARPELLI: Commissioner. Madam Clerk?

4 MADAM CLERK: Yes, Mayor. I have two things for
5 Communications. The Historic Restoration submitted an
6 application for a Social Affair Permit. And the Friends of
7 Nutley Singers would like to hold a 50/50 on Sunday, March
8 11th, 2018.

9 And that's it.

10 MAYOR SCARPELLI: Mr. Genitempo.

11 MR. GENITEMPO: I have nothing.

12 MAYOR SCARPELLI: So we'll do executive after the
13 meeting? We don't have to wait until 7:30, do we?

14 MR. GENITEMPO: We don't. How long -- are we
15 going to be a while?

16 MAYOR SCARPELLI: I think we're going to be
17 awhile.

18 MR. GENITEMPO: Okay.

19 COMMISSIONER EVANS: Do you want to do the
20 contract negotiations before we go out?

21 MAYOR SCARPELLI: I think that's going to be
22 longer than that.

23 COMMISSIONER TUCCI: What contract negotiations
24 are we talking about? Ours?

25 MAYOR SCARPELLI: In general.

1 COMMISSIONER TUCCI: Just --

2 COMMISSIONER EVANS: Al should be here for that,
3 though.

4 MAYOR SCARPELLI: That's what I'm saying. So we
5 should wait. We'll wait until after the meeting. After the
6 -- so let's go out.

7 COMMISSIONER TUCCI: Works for me.

8 (End of audio)

9 (Pledge of allegiance)

10 MAYOR SCARPELLI: Madam Clerk?

11 MADAM CLERK: Yes, Mayor. Board of Commissioners
12 public meeting, Tuesday, October 17th, 2017. The time is
13 7:15.

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

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Here.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Here.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Here.

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Here.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Here.

6 MADAM CLERK: All present, Mayor.

7 MAYOR SCARPELLI: I'd like everybody to just have
8 a moment of silence. We lost one of residents who was
9 involved in many aspects of the community, charitable,
10 political, and also our risk manager, Marie Vicchiariello.
11 So if we could all have a moment of silence for Marie.

12 (Pause)

13 MAYOR SCARPELLI: Thank you. Madam Clerk,
14 Communications?

15 MADAM CLERK: Yes, Mayor. The Historic
16 Restoration Trust of Nutley has submitted an application for
17 a Social Affair Permit to hold their wine tasting event on
18 Saturday, November 4th, 2017 between the hours of 7:00 p.m.
19 and 10:00 p.m. at the Kingsland Manor, located at 3
20 Kingsland Street.

21 I need a motion, please.

22 COMMISSIONER EVANS: Move it.

23 COMMISSIONER TUCCI: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 MADAM CLERK: The Friends of Nutley Singers has
10 requested to hold a 50/50 cash raffle on Sunday, March 11th,
11 2018 at 3:00 p.m. at the Nutley High School, which is
12 located at 300 Franklin Avenue. I need a motion, please.

13 COMMISSIONER EVANS: Move it.

14 COMMISSIONER TUCCI: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 MADAM CLERK: And that's it for communications,

1 Mayor.

2 MAYOR SCARPELLI: Commissioner Evans, do you want
3 to update us on the tax sale and --

4 COMMISSIONER EVANS: Yes, Mayor. Thank you.

5 On October 5th, we held our tax sale for the year
6 2017, pursuant to NJSA 54:5-41. The summary of the sale is
7 that 82 properties were involved with the tax sale. 26 were
8 for property taxes. 67 were for water. The total property
9 tax valuations that were subject to the sale was \$184,696
10 for property tax. And for water, \$18,889.

11 The sale went smoothly and is consistent with the
12 prior year. Thank you, Mayor.

13 MAYOR SCARPELLI: Thank you, Commissioner.

14 Bills, Madam Clerk?

15 MADAM CLERK: Yes, Mayor.

16 Bill list for Tuesday, October 17th, 2017. Public
17 Affairs, \$91,540.84; Revenue & finance, \$3,444,169.97;
18 Public Safety, \$38,730.66; Public Works, \$446,109.79; Parks
19 and Public Property, \$50,495.24. Total payroll \$957,519.01.
20 For a grand total of \$5,028,565.21.

21 COMMISSIONER EVANS: Move the bills.

22 COMMISSIONER TUCCI: 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 MADAM CLERK: And that's it for bills, Mayor.

9 MAYOR SCARPELLI: Public comment on agenda items
10 only. Madam Clerk.

11 MADAM CLERK: Yes, Mayor.

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

25 MR. MOORE: Rory Moore. 462 Chestnut Street.

1 Mr. Tucci --

2 COMMISSIONER TUCCI: Yes, sir.

3 MR. MOORE: -- can you explain the
4 cell tower? I don't understand that. Are you looking
5 to add -- are you looking to lease some more space on it --

6 COMMISSIONER TUCCI: It's an extension, yes. Mr.
7 Genitempo, would you like to respond to that?

8 MR. MOORE: Yes --

9 COMMISSIONER TUCCI: Sorry, through the Mayor, of
10 course. No disrespect, Mayor.

11 MR. GENITEMPO: We've already put out bids in the
12 past to -- the poll is eligible for three different carriers
13 to be on it. We want to try to maximize the revenue from
14 the tower by drawing in other cell phone providers to
15 contract with us to go onto the tower.

16 MR. MOORE: Is it supposed to have one carrier right now?

17 MR. GENITEMPO: Right now we have one. We're
18 looking to add two. We're looking to bid it out to the
19 highest bidders for all three positions.

20 MR. MOORE: But right now there's only one.

21 MR. GENITEMPO: Right now there's one, but you
22 don't have an agreement yet because there's issues with
23 renovating the space that we want as part of the bid
24 process. So we're looking to go out to bid again to fill
25 the other two spots. But hopefully or in the near future,

1 we'll fill that up to -- and maximize the revenue from it.

2 MR. MOORE: But the physical space
3 (indiscernible), you're not going to expand that?

4 MR. GENITEMPO: No. We're going to stay within
5 the area that the tower already is.

6 MR. MOORE: (Indiscernible).

7 MR. GENITEMPO: Yeah. We don't have to add to the
8 tower. It would just be maybe some maintenance. But
9 generally, it's not going to change much from the outside.

10 MR. MOORE: Thank you.

11 MAYOR SCARPELLI: Would anybody else like to
12 address the Board of Commissioners on agenda items only?
13 Seeing none, let's move to Board of Commissioner
14 announcements. Commissioners?

15 COMMISSIONER TUCCI: I'm good.

16 COMMISSIONER PETRACCO: I do have an announcement
17 tonight. I just wanted to let the public know, and also the
18 Board of Commissioners, that this two hour parking limit in
19 -- we talked about many aspects of solving that. I thought
20 I had it solved. We were going from 6:00 a.m. to 10:00 a.m.
21 White Terrace and Conduit, I believe the streets are, half
22 the block now is opposed to going to any kind of thing. So
23 I think we're in a no win situation whatever we do. But I
24 do want the residents to know because it's -- with the Roche
25 site being redeveloped, I'm getting questions about whatever

1 happened to, I think it was Edison Avenue, and all them
2 streets by Roche, so forth and so on.

3 I have to tell you, I mean, all of these residents
4 are pushing to go to some kind of decal. I know that we
5 don't want to penetrate our overnight parking at all, but
6 the feel of the residents is that they pay taxes here too.
7 You know, if they have company in those hours, they should
8 have the right to park in front of their home, as well as
9 what goes on all over town.

10 So it's getting hot and heavy. And I think that,
11 you know, we could talk about this another time. You know,
12 but I just think that we have to put this up in the
13 forefront at some point because it's creating a lot of
14 issues with, you know, people catching buses, and going into
15 the city, and so forth and so on.

16 Thank you.

17 MAYOR SCARPELLI: Thanks, Commissioner.

18 I don't have any announcements for myself, but I
19 do want to alert the public that the County of Essex will be
20 having electronics recycling this Saturday from 9:00 to 3:00
21 at 125 Fairview Avenue, in Cedar Grove. And the next
22 weekend they'll be having a shredding day at the County DPW
23 garage, which is located on Bradford Avenue from 9:00 to
24 1:00. So two recycling events that the county will be
25 holding.

1 Let's move to ordinance introductions.

2 Commissioner Petracco?

3 COMMISSIONER PETRACCO: Yes, I have
4 (indiscernible) 3373. I move that this ordinance be passed
5 to a second reading and advertised in the Nutley Sun,
6 together with the notice required by law (indiscernible).

7 MADAM CLERK: The second reading will be on -- I'm
8 sorry, the advertising date. Is that what you're looking
9 for? The advertising date?

10 The second hearing will be -- the public hearing
11 will be November 21st.

12 COMMISSIONER PETRACCO: (Indiscernible). I move
13 the ordinance.

14 COMMISSIONER ROGERS: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 Let's move to resolutions. Commissioner Tucci?

1 COMMISSIONER TUCCI: Yes, thank you, Mayor.

2 Whereas, sealed bids were received by the
3 Department of Parks and Public Property for the re-turf of
4 the soccer field at Father Glotzbach Park located at 44 Park
5 Avenue; and

6 Whereas, Applied Landscape Technologies Inc., 145
7 River Road, Montville, New Jersey, was the low bidder
8 at \$359,376; and

9 Whereas, the Township had received two bids for
10 "Re-Turf of Soccer Field at Father Glotzbach Park located at
11 44 Park Avenue". The lowest in the amount of \$359,376 from
12 Applied Landscape Technologies; and

13 Whereas, the cost of the design, permitting and
14 construction of the improvements for Father Glotzbach Park
15 will be supported by the New Jersey Department of
16 Environmental Protection Green Acres Program for the
17 majority of the project cost; and

18 Whereas, the Township of Nutley has allocated the
19 following funds to support the project, bond ordinance 3369
20 in the amount of 350,115 and ordinance 3344D in the amount
21 of \$9,261; and

22 Now, therefore, be it resolved, by the Board of
23 Commissioners of the Township of Nutley, County of Essex,
24 State of New Jersey, that a contract for "Re-Turf of Soccer
25 Field at Glotzbach Park" be awarded to Applied Landscape

1 Technologies Inc., 145 River Road, Montville, New Jersey.

2 I move the resolution.

3 COMMISSIONER EVANS: 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 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 COMMISSIONER TUCCI: Whereas, the Township of
15 Nutley Ordinance 665-22, Preservation of Trees states that
16 Tree Removal Permits must be obtained for a cost of \$50 per
17 tree; and

18 Whereas, the Township of Nutley, Department of
19 Parks and Public Property authorizes a refund for each tree
20 permit submitted upon the planting of a new one on the said
21 property; replacement tree(s) size and species must be
22 approved in advance by the Township Forester; and

23 Whereas, funds will be available from account C-
24 01-904-905; and

25 Now, therefore, be it resolved, that the Board of

1 Commissioners of the Township of Nutley, County of Essex,
2 State of New Jersey that the Township Treasurer is
3 authorized to refund the Tree Permit Fee collected as per
4 the Shade Tree Preservation Ordinance to Mr. Carlo Mautione,
5 230 Vreeland Ave, in the amount of \$50.

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: Whereas, the Township of
19 Nutley issued resolution number 169-17 on August 15th, 2017
20 stipulating a bid opening date of October 26th, 2017 at 3:00
21 p.m. prevailing time for the Park Avenue Cellular Antenna
22 Installation; and

23 Whereas, the Township of Nutley desires to extend
24 the bid opening date to November 30th, 2017 at 3:00 p.m.
25 prevailing time;

1 Now, therefore, be it resolved by the Board of
2 Commissioners of the Township of Nutley, County of Essex,
3 State of New Jersey, that the Township Clerk is hereby
4 authorized to advertise for sealed bids for the Park Avenue
5 Cellular Antenna Installation, in the Township of Nutley, to
6 be received on behalf of the Board of Commissioners, in the
7 Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley,
8 New Jersey, on Thursday, November 30th at 3:00 p.m.
9 prevailing time, at which time they will be opened and read.

10 I move the resolution.

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

23 MAYOR SCARPELLI: Thank you, Commissioner.

24 Commissioner Evans?

25 COMMISSIONER EVANS: Thank you, Mayor.

1 Whereas, the Code Enforcement Department received
2 a permit fee in the amount of \$403 from Mr. Bruce Boucard
3 for property located at 11 De Vausney Place; and

4 Whereas, Mr. Boucard will not be moving forward
5 with the proposed renovations; and

6 Whereas, the Construction Official has determined
7 that the fee of \$403 shall be refunded to Mr. Boucard;
8 and

9 Whereas, funds will be available from account
10 number C-01-904-903.

11 Now, therefore, be it resolved, by the Board of
12 Commissioners of the Township of Nutley, County of Essex,
13 State of New Jersey that the Treasurer be and she is hereby
14 authorized to refund the permit fee in the amount of \$403 to
15 Mr. Bruce Boucard.

16 So moved.

17 COMMISSIONER TUCCI: Second.

18 MADAM CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 COMMISSIONER EVANS: Thank you, Mayor.

4 MAYOR SCARPELLI: Whereas, certain Federal funds
5 are potentially available to the County of Essex under Title
6 I of the Housing and Community Development Act of 1974, as
7 amended and HOME Investment Partnership Act of 1990, as
8 amended; and

9 Whereas, the Township of Nutley desires to
10 participate in the Essex County Urban County for conducting
11 certain community development activities for Program Years
12 2018-2020; and

13 Whereas, a letter has been drafted by the Mayor to
14 the Essex County Division of Housing and Community
15 Development notifying them of the Township's desire to
16 participate in this process; and

17 Whereas, the Grantee or a unit of the general
18 local government that directly or indirectly receives CDBG
19 funds may not sell, trade, or otherwise transfer all or any
20 such portion of such funds to another metropolitan city,
21 urban county, unit of general local government, or Indian
22 tribe, or insular area that directly or indirectly receives
23 CDBG funds in exchange for any other funds, credits or non-
24 Federal considerations, but must use such funds for
25 activities eligible under Title I of the Housing and

1 Community Development Act of 1974, as amended; and

2 Whereas, the Emergency Shelter Grants program
3 ("ESG") provided through Subtitle B of Title IV of the
4 McKinney-Vento Homeless Assistance Act permits for
5 substantial federal funds allocated to prevent homelessness
6 and to enable homeless individuals and families to move
7 toward independent living; and

8 Whereas, the current Uniform Shared Services and
9 Consolidated Act contains an automatic renewal clause to
10 expedite the notification of the inclusion process; and

11 Whereas, by May 5, 2017 each municipality must
12 notify the Essex County Division of Housing & Community
13 Development of its intent to continue as a participant in
14 the Urban County entitlement programs noted above; and

15 Whereas, it is in the best interest of the
16 Township of Nutley and its residents to participate in said
17 programs;

18 Now, therefore, be it resolved, by the Mayor and
19 Board of Commissioners in the Township of Nutley, that it
20 hereby authorizes the Mayor to execute the attached
21 Cooperation Agreement and notifies the Essex County Division
22 of Community Development of its decision to be included as a
23 participant municipality in the Urban County entitlement
24 programs being the Community Development Block Grant Program
25 and Home Investment Partnership Act Program for the Program

1 Years 2018, 2019 and 2020 (June 1, 2018- May 31, 2021); and

2 Be it therefore further resolved, that a copy to
3 this resolution be forwarded to the Essex County Division of
4 Housing & Community Development no later than June 28, 2017.

5 I move the resolution.

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: Commissioner Petracco?

14 COMMISSIONER PETRACCO: Aye.

15 MADAM CLERK: Mayor Scarpelli?

16 MAYOR SCARPELLI: Aye.

17 Whereas, an application has been filed by MADYA,
18 INC., trading as HELLER & HELLER for a Person-to-Person
19 Transfer of Plenary Retail Distribution License Number 0716-
20 44-013-008, heretofore issued to PRAHAR CORP. trading as
21 HELLER & HELLER for premises located at 200 Franklin Avenue,
22 Nutley, New Jersey 07110; and

23 Whereas, the submitted application form is
24 complete in all respects, the transfer fees have been paid,
25 and the license has been properly renewed for the current

1 license term; and

2 Whereas, the applicant is qualified to be licensed
3 according to all standards established by Title 33 of the
4 New Jersey Statutes, regulations promulgated thereunder, as
5 well as pertinent local ordinances and conditions consistent
6 with Title 33; and

7 Whereas, the applicant has disclosed and the
8 issuing authority reviewed the sources of all funds used in
9 the purchase of the license and the licensed business and
10 all additional financing obtained in connection with the
11 licensed business; and

12 Now, therefore, be it resolved, that the Township
13 of Nutley Board of Commissioners does hereby approve,
14 effective November 3rd, 2017, the transfer of the aforesaid
15 Plenary Retail Distribution License from Prahar Corp. to
16 MADYA, INC., and does hereby direct the Municipal Clerk to
17 endorse the license certificate to the new owners as
18 follows: "This license, subject to all terms and conditions,
19 is hereby transferred to 'Madya, Inc. trading as Heller &
20 Heller', effective November 3rd, 2017."

21 I move the resolution.

22 COMMISSIONER TUCCI: 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 Whereas, raffle applications have been received
9 from the following organizations:

10 Nutley Music Booster Association, License No. 52-
11 17, On-Premise 50/50 Cash Raffle to be held Friday, January
12 19th, 2018;

13 Nutley Music Booster Association, License No. 53-
14 17, On-Premise Merchandise Raffle to be held Friday, January
15 19th, 2018;

16 Friends of Nutley Singers, Inc., License No. 54-
17 17, On-Premise 50/50 Cash Raffle to be held Saturday,
18 January 20th, 2018;

19 Friends of Nutley Singers, Inc., License No. 55-
20 17, Off-Premise 50/50 Cash Raffle to be held Sunday, March
21 11th, 2018; and

22 Whereas, the applications have been reviewed and
23 approved by the Municipal Clerk and the Police Department;

24 Now, therefore, be it resolved by the Board of
25 Commissioners of the Township of Nutley, County of Essex,

1 State of New Jersey that the aforementioned licenses are
2 approved and the Municipal Clerk is authorized to issue the
3 raffle licenses.

4 I move the resolution.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 That concludes the business portion of the
17 meeting. Public comment. Madam Clerk?

18 MADAM CLERK: Yes, Mayor.

19 All persons addressing the Board of Commissioners
20 regarding community concerns should approach the microphone
21 and provide their name and address for the record. Unless
22 further time is granted by the Board, each person shall
23 limit their address to five minutes. All remarks to the
24 Board and its individual members must be addressed to the
25 Mayor. The Mayor may defer citizens' comments to the

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

7 MR. MOORE: Rory Moore, 462 Chestnut Street. Mr.
8 Scarpelli, last meeting, Mr. Petracco spoke of the fire engine,
9 which I thought was very good. It's still a soft point for
10 a lot of people. But I'm in receipt of an OPRA response where
11 I have a copy of the contract for the rental fire engine.

12 And I was amazed by the language in there and I'm
13 surprised that the fire department does not have similar
14 language that you have to have five years before you can
15 drive a fire engine. You must be over 25. You can have no
16 prior accidents. Why is it that a rental company can
17 protect their interest, but we don't seem to have these
18 regulations in place in the fire department currently?

19 MR. GENITEMPO: Mayor, can I interrupt -- answer
20 that? We put that language in that contract, not the rental
21 company.

22 MR. MOORE: It's in there.

23 MR. GENITEMPO: We added it to the contract.

24 MR. MOORE: It may have been added, but there must
25 have been at least --

1 MR. GENITEMPO: I felt it was appropriate in terms
2 of -- because it was a rental contract. It wasn't our truck
3 to add some extra protections in there, that's all.

4 MR. MOORE: But in there -- why doesn't those
5 filter over to an actual --

6 MR. GENITEMPO: Maybe it will. We'll see.

7 COMMISSIONER PETRACCO: One thing I would like to
8 add, and tonight I actually brought a lot -- I pulled a lot
9 of paperwork the last couple of weeks, and just in case any
10 of these questions came up, I did bring some of the
11 paperwork with me, Mr. Moore, of things that we have been
12 working on.

13 It's -- like I stated last week, it was very
14 unfortunate that we had that accident. And I think I
15 explained how it works on the police side as far as
16 accreditation. Nutley was one of the first towns to be
17 accredited in the state under my watch. And it was actually
18 Chief Holland at the time. And it's a very prestigious
19 classification and not so easy to get. And I believe
20 Belleville just got theirs this past year as well.

21 But on the fire side, there was nothing like that
22 that I knew about to be accredited. But I did find
23 something over the summer to get all of our policies, and
24 procedures, and trainings, and everything in really up to
25 date order.

1 And before the accident, we hired -- his name is
2 Bob Young, to come in and he acts as a consultant to tighten
3 all that stuff up and all -- that sort of thing, and he's
4 been working on it. And I have a list with me tonight of
5 all the -- everything that we've been changing as far as our
6 policies and procedures, our training methods, and all that,
7 and if it's okay with our counsel, I mean, this is how thick
8 this has gotten. You know, and it's the same with the
9 police department.

10 You know, when we went through the accreditation
11 process there, it was papers, and hours, and we've actually
12 had four or five police officers on it for a year to get up
13 to this standard. So what the accreditation does, Mr.
14 Moore, and even what we're going through with the consultant
15 on the fire side, it updates all of your files, your
16 policies and procedures, puts them all in order, and it
17 holds your departments to a higher standard.

18 Now, with the fire truck accident like we have
19 discussed in the past, it's really an unfortunate thing. I
20 was amazed myself that firefighters through the State of New
21 Jersey do not have to have a CDL license, you know, because
22 of the tonnage of the truck. And that was brought to my
23 attention, obviously, after the accident.

24 So hindsight is 20/20 and we really have drilled
25 this down as far as what our policies and procedures are

1 going to be in the future.

2 MR. MOORE: When would that be advertised to the
3 public because it -- if we didn't have this accident, we
4 never would have known because this just did not exist.

5 COMMISSIONER PETRACCO: Well, I didn't say they
6 didn't exist. I'm saying that they weren't to the standard
7 that they are today.

8 MR. MOORE: Because --

9 MR. GENITEMPO: Commissioner. Commissioner,
10 excuse me. Just so, and I know you're well aware of this,
11 the Chief and I have been working together with you on just
12 looking at everything. We learn more from our failures than
13 our successes.

14 COMMISSIONER PETRACCO: We do.

15 MR. GENITEMPO: And we're just trying to learn
16 from it and I think we've, especially the Chief, the Fire
17 Chief has done a good job of looking at -- in looking at
18 those policies. And that's why we implemented some of them
19 in the contract so that it would be clear. I know you're
20 aware of that. I'm just saying it for the record.

21 COMMISSIONER PETRACCO: Thank you.

22 MR. MOORE: The results (indiscernible) to the
23 contract if you (indiscernible) draft the language, is it a
24 Township standard for driving procedures? It's 2017-13. I
25 never knew that existed unless I read the contract.

1 I'm not sure (indiscernible) aware of that?

2 MR. GENITEMPO: I'm not understanding your
3 question?

4 MR. MOORE: Does the Township -- it's in the
5 paragraph that all drivers have to have Township standard
6 operating procedures when driving.

7 COMMISSIONER PETRACCO: That's actually 2017-5.

8 MR. MOORE: I have the 13, (indiscernible) contract.

9 COMMISSIONER PETRACCO: Well, and I have the
10 updated version of what I brought with me tonight to clarify
11 what we've been doing since, you know, we had that accident.

12 So these -- and again, it's really unfortunate
13 that we hired this consultant right before that accident
14 happened. And, you know, we were taking a proactive
15 approach, and I especially, because I saw how well it worked
16 on the police side by being accredited, that I wanted to
17 bring that philosophy over to the Fire Department as well.
18 You know, and I would say the accident was probably three
19 weeks after we hired that consultant to review all of our
20 documents.

21 MR. MOORE: And finally, we're spending \$70,000
22 over six months to rent a fire engine. Is that anticipated,
23 18 months, I believe. Is that correct?

24 COMMISSIONER PETRACCO: I really can't hear you.

25 MR. MOORE: We're paying \$70,000 to rent a fire

1 engine for six months at a time, and I believe
2 (indiscernible) I think that's the standard. I asked for it
3 in an OPRA request. We're going to need to have -- rent a
4 fire engine for about 18 months, is that correct?

5 COMMISSIONER PETRACCO: I know that -- like I said
6 the last time too, you know, we were in the process of
7 buying a new fire truck because unfortunately fire trucks
8 come out of compliance. And we've been managing that money
9 for the last four years, Commissioner, to say the least? We
10 are insured through the JIF, as you know. We have
11 insurance. To 70,000, if that's an accurate number, is not
12 coming out of our taxpayer's dollars. We are insured for
13 it.

14 Like I said at the last meeting, I'm very happy
15 that no one got seriously hurt. The only upside to this is
16 that when we were shopping around for fire trucks, a company
17 wanted to give us a \$30,000 value on a fire truck that
18 probably cost us 800,000 20 years ago, or maybe it was a
19 little less being it was so long.

20 You know, and now, I believe the check from the
21 insurance company will be about 150 to \$200,000. So the
22 only upside that came out of it is that -- instead of
23 getting 30,000, at least we're going to get some more money
24 for that, you know, fire truck that was in the accident.

25 MR. MOORE: Thank you.

1 COMMISSIONER PETRACCO: You're welcome.

2 MAYOR SCARPELLI: Thank you, Mr. Moore. Would
3 anybody else like to address the Board of Commissioners this
4 evening? Seeing none, can I have a motion to close public
5 comment?

6 COMMISSIONER ROGERS: I make a motion to close
7 public comment.

8 COMMISSIONER PETRACCO: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 We're going to be going into executive session and
20 then we'll come back on the record. I need a motion to go
21 into executive session for contract negotiations and
22 personnel.

23 COMMISSIONER TUCCI: Move it.

24 COMMISSIONER EVANS: Second.

25 MAYOR SCARPELLI: Madam Clerk?

1 MADAM CLERK: Whereas, Section 8 of the Open
2 Public Meetings Act, Chapter 231, Public Law 1975, permits
3 the exclusion of the public from a meeting in certain
4 circumstances; and

5 Whereas, the public body is of the opinion that
6 such circumstance exists; and

7 Whereas, the Board of Commissioners of the
8 Township of Nutley, in the County of Essex, and State of New
9 Jersey desires to proceed to closed executive session; and

10 Now, therefore, be it resolved, by the Board of
11 Commissioners of the Township of Nutley move into closed
12 executive session to discuss contract negotiations and
13 personnel.

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

20 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 MADAM CLERK: And the time is 7:43.

6 MAYOR SCARPELLI: Again, we'll be coming back into
7 public. No action will be taken. Good night, everybody.

8 (End of audio)

9 MAYOR SCARPELLI: Madam Clerk?

10 MADAM CLERK: Yes. I need a motion to adjourn.

11 MAYOR SCARPELLI: Motion to adjourn.

12 COMMISSIONER ROGERS: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 MADAM CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 (Pause)

24 MADAM CLERK: Okay. The time is 10:25.

25 (Meeting was adjourned)

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

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


Jamie Gallagher

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