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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

)
PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS:
)

September 19, 2017

BEFORE:

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

Job No. NJ2713771

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

2 MADAM CLERK: Board of Commissioners public
3 meeting, Tuesday, September 19th, 2017. The time is 7:06.
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: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Here.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Here.

21 MADAM CLERK: All present, Mayor.

22 MAYOR SCARPELLI: Thank you, Madam Clerk.

23 Commissioner Petracco?

24 COMMISSIONER PETRACCO: I have, I think, one, two,
25 three resolutions. And these are basically for insertions

1 as to the budgets for grants. And I think that's all I
2 have. Yeah, three of them.

3 MAYOR SCARPELLI: Commissioner Evans?

4 COMMISSIONER EVANS: I have four resolutions. One
5 is for sealed bids for surplus equipment, refund -- and
6 basically refunds of overpayment of tax charges, water
7 charges, and an escrow fee. That's all I have.

8 Just in your packets, you guys have -- you all
9 have a copy of the 2017 Capital Budget. It's included in
10 the budget. I just wanted you to review because we have to
11 do the ordinance introduction for capital. So this is in
12 draft. So before we finalize it (indiscernible), I want you
13 guys to have another chance to look at it to see if those
14 numbers are still, you know, current.

15 I'm sorry, I didn't realize I had a camera
16 pointing at me. The idea of this is just I need you to
17 review it and make sure the numbers are relevant. Also,
18 look at the timing of the year, all right, so that if we can
19 reduce it, great. But again, I just want to -- before we do
20 the ordinance introduction, this was originally included in
21 our budget when we introduced it in March. Just time has
22 passed and I just want to make sure before we move forward
23 you guys have a chance to look at it, okay?

24 MR. GENITEMPO: And it's just a draft. It's not a
25 final --

1 COMMISSIONER EVANS: It's not -- yeah, it's just
2 -- right now, it's for discussion. So just get back to me
3 if you have any changes or updates and we'll move forward at
4 the next meeting with the ordinance introduction. Okay? That's
5 all I have, Mayor.

6 MAYOR SCARPELLI: Resolutions?

7 COMMISSIONER EVANS: I did them.

8 MAYOR SCARPELLI: Sorry about that.

9 COMMISSIONER EVANS: I'll do them again, if you'd
10 like.

11 MAYOR SCARPELLI: No, that's all right.
12 Commissioner Rogers?

13 COMMISSIONER ROGERS: Okay. I'm going to
14 reintroduce our pet ordinance. It will not affect the
15 public hearing on it. There are two minor insertions. One,
16 the restrictions on the sale of animals. We're going to
17 include hobby breeders as well as rescue organizations and
18 animal care facilities. Secondly, the penalties will be
19 included in the ordinance as an amendment. And no
20 resolutions, thank you.

21 MR. GENITEMPO: So we're reintroducing it just for
22 the (indiscernible) of the ordinance as a first reading and
23 they have plenty of time before the public hearing --

24 COMMISSIONER ROGERS: That is correct, counsel.
25 Thank you.

1 MAYOR SCARPELLI: Commissioner Tucci?

2 COMMISSIONER TUCCI: I have a Shade Tree report
3 for the month of August. And I have one resolution. I'm
4 going to pull the second one because I want to change some
5 of the contract language and I need the vendor's consent.
6 That's it.

7 MAYOR SCARPELLI: I have five resolutions. Raffle
8 applications, insertion in the budget for Clean Communities
9 grant, change order to Cleary, Giacobbe, Alfieri and
10 Jacobs for \$2,000 and change. Grant application for Harrison
11 Street from Bloomfield Avenue to East Passaic Avenue. And
12 the reappointment of our Clerk.

13 Madam Clerk, do you have anything?

14 MADAM CLERK: No. We have no communications today
15 or minutes.

16 MAYOR SCARPELLI: Mr. Genitempo?

17 MR. GENITEMPO: We have a need for executive on
18 potential litigation and contracts.

19 COMMISSIONER PETRACCO: I have the same need, just
20 for the record.

21 COMMISSIONER TUCCI: Personnel.

22 MAYOR SCARPELLI: We're doing that -- what are we
23 doing in executive, sir?

24 MR. GENITEMPO: (Indiscernible).

25 MAYOR SCARPELLI: Motion to go into executive.

1 COMMISSIONER PETRACCO: Move it.

2 COMMISSIONER TUCCI: Second.

3 MADAM CLERK: Whereas, Section 8 of the Open
4 Public Meeting Act Chapter 231, Public Law 1975 permits the
5 exclusion of the public from a meeting in certain
6 circumstances; and whereas the public body is of the
7 opinion that such circumstances exist; and whereas the
8 Board of Commissioners of the Township of Nutley, in the
9 County of Essex, in the State of New Jersey desire to
10 proceed to closed executive session;

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

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

21 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 time is 7:12.

7 (End of audio)

8 MAYOR SCARPELLI: Everybody, please stand for the
9 flag salute.

10 (Pledge of allegiance)

11 MAYOR SCARPELLI: Before we call the roll, I just
12 want to apologize to everybody. We had a couple of meetings
13 with our professionals on our pending litigation and
14 unfortunately we have to meet when they're available. And
15 to have them wait actually causes us to spend money. So we
16 apologize for that.

17 Madam Clerk?

18 MADAM CLERK: Yes, Mayor. Thank you. Board of
19 Commissioners public meeting, Tuesday, September 19th, 2017.
20 The time is now 9:00 p.m.

21 Pursuant to the requirements of the Open Public
22 Meeting Act (Chapter 231, Public Law 1975), notice of this
23 meeting was published in the December 1st, 2016 issues of
24 The Nutley Sun and the Herald News, and the December 2nd,
25 2016 issue of the Star Ledger. A copy of this notice has

1 been posted on the Nutley Town Hall bulletin board and a
2 copy is on file in the Municipal Clerk's Office.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

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 MADAM CLERK: All present, Mayor.

14 MAYOR SCARPELLI: Reports? Commissioner Tucci?

15 COMMISSIONER TUCCI: Yes, I have a Shade Tree

16 Report for the month of August.

17 MAYOR SCARPELLI: Bills?

18 MADAM CLERK: Yes, Mayor.

19 Bill list for Tuesday, September 19th, 2017.

20 Public Affairs, \$121,564.29; Revenue & Finance,
21 \$2,962,852.12; Public Safety, \$45,168.66; Public Works,
22 \$409,596.02; Parks and Public Property, \$76,331.25. Total
23 payroll: \$812,593.70. For a grand total of \$4,428,106.04.

24 COMMISSIONER EVANS: Move the bills.

25 COMMISSIONER TUCCI: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 I understand we have a Boy Scout in the audience
12 tonight that is coming here to observe our Township
13 Government in action. So, welcome, Daniel Kusack. Do
14 you want to come up a say a couple of words? Come up to the
15 mike.

16 MR. KUSACK: Hi, I'm Dan. I just want to say
17 thanks for having me. I'm doing the Communications Merit
18 B adge for Troop 22. It's an Eagle Scout required and I have
19 -- this is my last (indiscernible) required to get Life
20 S cout. So I want to say thank you.

21 MAYOR SCARPELLI: Thank you for coming, Daniel.
22 Good luck with your Eagle Scout.

23 Public comment, Madam Clerk?

24 MADAM CLERK: Yes, Mayor.

25 All persons addressing the Board of Commissioners

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

13 MAYOR SCARPELLI: Would anybody like to address
14 the Board of Commissioners on agenda items only? Seeing
15 none, a motion to close public comment?

16 COMMISSIONER ROGERS: Motion.

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 Board of Commissioner announcements.

4 Commissioners? Announcements? Let's go to ordinance
5 introductions. Commissioner Rogers?

6 COMMISSIONER ROGERS: Mr. Mayor, I'm going to
7 reintroduce ordinance number 3368. It's basically the same
8 ordinance but there were some additions to it. It will not
9 affect the date of the public hearing.

10 This is an ordinance to amend the Code of the
11 Township of Nutley, Chapter 217, entitled "Animals" to add
12 Article VI, entitled "Sale of Dogs and Cats."

13 What we're adding is in 217-47, "Restrictions on
14 the Sale of Animals", will allow pet stores to collaborate
15 with animals care facilities and animal rescue organizations
16 and we're adding in there "and reputable hobby breeders."

17 In addition to that, we're adding the violations
18 and penalties clause to that particular ordinance.

19 I move that this ordinance be passed to a second
20 reading and advertised in The Nutley Sun, together with the
21 notice required by law, and that further consideration of
22 said ordinance for final passage by the Board of
23 Commissioners to be held at a second reading on October 3rd,
24 2017. So moved.

25 COMMISSIONER PETRACCO: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 Resolutions, Commissioner Tucci?

12 COMMISSIONER TUCCI: Yes, Mayor.

13 Whereas, the Township of Nutley wishes to utilize
14 an existing matching grant from the New Jersey Department of
15 Environmental Protection Green Acres program for
16 improvements to Father Glotzbach Field. Said improvements
17 include but are not limited to the installation of new
18 artificial turf, concrete improvements and other general
19 site improvements; and

20 Whereas, Neglia Engineering Associates has
21 completed design and engineering tasks that are required by
22 the Green Acres Program. Said Plans and Specification have
23 been forwarded to Green Acres staff for review; and

24 Whereas, the project design documents indicate a
25 multipurpose field that will be lined for varsity soccer and

1 youth soccer and lacrosse; and

2 Now, therefore, be it resolved, by the Board of
3 Commissioners of the Township of Nutley, County of Essex,
4 State of New Jersey that the Plans and Specifications for
5 the Father Glotzbach Field Returf Project be prepared by the
6 Design Engineer, Brian A. Intindola, PE, CME, shall reflect
7 Green Acres requirements; and

8 Now, therefore, be it further resolved, upon
9 receipt of said plans and specifications from the Design
10 Engineer, the Municipal Clerk is hereby directed to
11 advertise for sealed bids to be received, opened and read on
12 Wednesday, October 11th, 2017 at 3:00 p.m. prevailing time.

13 I move the resolution.

14 COMMISSIONER EVANS: 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 COMMISSIONER TUCCI: Whereas, the Township of

1 Nutley has a need to acquire specialized professional
2 services as a fair an open contract pursuant to the
3 provision of N.J.S.A. 19:44 A-20.5; and

4 Whereas, the RFQ for Township Forester were
5 received and opened on Wednesday, September 7th, 2017; and

6 Whereas, the most responsible and responsive
7 request for qualifications was from The Shade Tree
8 Department LLC, John Linson, P.O. Box 6089, West Orange, New
9 Jersey; and

10 Whereas, The Shade Tree Department LLC, John
11 Linson, NJ Certified Tree Expert #198 has provided these
12 services in the past to the Township of Nutley and is
13 particularly suited to provide continued service; and

14 Whereas, the term of this contract is for a one-
15 year period commencing on September 1st, 2017 and continue
16 through August 31st, 2018; and

17 Whereas, the contract is not to exceed \$22,000 and
18 funds are available from account 7-01-512-200 in the amount
19 of \$2,595 and 8-01-512-200 in the amount of \$19,405, funds which
20 have been certified by the Chief Financial Officer, said
21 certification being attached to this resolution;

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 be awarded to The Shade
25 Tree Department, LLC, John Linson as described herein. The

1 response to the RFQ be placed on file with this resolution,
2 and a notice of this action shall be printed once in the
3 Nutley Sun in accordance with the Local Public Contracts
4 Law.

5 I move the resolution.

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

18 MAYOR SCARPELLI: Commissioner Evans?

19 COMMISSIONER EVANS: Thank you, Mayor.

20 Whereas, the Township of Nutley has determined
21 that the property described on Schedule A attached hereto
22 and incorporated herein is no longer needed for public use;
23 and

24 Be it resolved by the Board of Commissioners of
25 the Township of Nutley, County of Essex, State of New

1 Jersey, that the Township Clerk be and she is hereby
2 authorized to advertise for sealed bids for surplus
3 equipment that is no longer in use by the Township; and

4 Be it further resolved that the equipment is to be
5 sold "as is" and "where is". Bids to be received on
6 Wednesday, October 18th, 2017 at 3:00 p.m. prevailing time in
7 the Commission Chambers, Township Hall, 1 Kennedy Drive, at
8 which time they will be publicly opened and read.

9 So moved.

10 COMMISSIONER TUCCI: Second.

11 MADAM CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Aye.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 COMMISSIONER EVANS: Be it resolved, by the Board
22 of Commissioners of the Township of Nutley, in the County of
23 Essex, State of New Jersey, that the Treasurer be and she is
24 hereby authorized to refund overpayments of the tax charges
25 in the amount of \$7,480.31 for block 5206-4 for \$2,529.03

1 and for block 3900-1.01 for \$4,951.28.

2 So moved.

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: Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 COMMISSIONER EVANS: Be it resolved, by the Board
15 of Commissioners that the Treasurer be and she is hereby
16 authorized to refund overpayment of water charges in the
17 amount of \$ 164.24 for block 401, lot 13. So moved.

18 COMMISSIONER TUCCI: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 COMMISSIONER EVANS: Whereas, the Board of
5 Adjustment received an escrow deposit in the amount of
6 \$4,000 from North American Eagle Construction for property
7 located at 57 East Centre Street; and

8 Whereas, the escrow fee of \$4,000 was collected
9 and deposited into Trust Account T-15-910-955; and

10 Whereas, the Board of Adjustment has reviewed and
11 determined that the balance of \$1,295 is due to North
12 American Eagle Construction, LLC;

13 Now, therefore, be it resolved, by the Board of
14 Commissioners of the Township of Nutley, County of Essex,
15 State of New Jersey that the Treasurer be and she
16 is hereby authorized to refund the escrow fee in the amount
17 of \$1,295 to North American Eagle Construction, LLC.

18 COMMISSIONER TUCCI: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 COMMISSIONER EVANS: Thank you, Mayor.

5 MAYOR SCARPELLI: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Yes, thank you. I'm just
7 going to read these by titles. This is our Drive Sober or
8 G et Pulled Over grants for the amount of \$1,058.75. It's
9 resolution 204-17.

10 I move the resolution.

11 COMMISSIONER ROGERS: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 COMMISSIONER PETRACCO: Thank you. And resolution
23 205-17. This is our Safe and Secure Communities grant.
24 This is for \$60,000 which we get pretty much every year. So
25 I'll move that one as well.

1 COMMISSIONER ROGERS: 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 PETRACCO: And the next resolution I
13 have 206-17, this is for a grant for \$801. This is the
14 Tarentino Community Policing Grant Program. I move the
15 resolution.

16 COMMISSIONER ROGERS: 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 COMMISSIONER PETRACCO: Just trying to save some
3 time, being we were back there so long.

4 COMMISSIONER TUCCI: Well done.

5 COMMISSIONER PETRACCO: Thank you, Commissioner.

6 MAYOR SCARPELLI: Whereas, raffle applications
7 have been received from the following organizations:

8 Radcliffe School PTO; License No. 43-17; On-
9 Premise 50/50 Cash Raffle license to be held Saturday,
10 November 4th, 2017;

11 Radcliffe School PTO; License No. 44-17; On-
12 Premise Merchandise Raffle to be held Saturday, November 4th,
13 2017;

14 Good Shepherd Academy Home School Association;
15 License No. 45-17; Calendar Raffle to be held Mondays
16 February 5th, 2018 through April 23rd, 2018;

17 Nutley Irish American Association; License No. 46-
18 17; Off-Premise 50/50 Cash Raffle to be held Friday,
19 December 8th, 2017.

20 Whereas, the applications have been reviewed and
21 approved by the Municipal Clerk and the Police Department;

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 the aforementioned licenses are
25 approved and the Municipal Clerk is authorized to issue the

1 raffle licenses.

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: Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 I will read this next one by title, also to save
15 some time. This is resolution number 208-17, which is a
16 budget insertion for Clean Communities Program Grant,
17 \$50,492.21. I move the resolution.

18 COMMISSIONER PETRACCO: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 Whereas, the Law Firm of Cleary, Giacobbe,
5 Alfieri, Jacobs, LLC, 169 Ramapo Valley Road, Upper Level
6 105, Oakland, New Jersey has been awarded a non-fair and
7 open contract as an attorney as Special Counsel to
8 specifically provide legal Counsel services concerning
9 "Municipal Zoning Review" in the Township of Nutley pursuant
10 to the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as
11 appropriate on June 26th, 2017, Resolution number 147-17; and

12 Whereas, the Township of Nutley entered into a
13 contract with the Law Firm of Cleary, Giacobbe, Alfieri,
14 Jacobs, LLC. for a contract in the amount of \$7,500; and

15 Whereas, such services have exceeded the original
16 contract in the amount of \$2,044 for a total contract in the
17 amount of \$9,544; and

18 Whereas, funds are available in Account #7-01-012-205
19 in the amount of \$2,044 and have been certified by the Chief
20 Financial Officer, said certification being attached to this
21 resolution;

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 Change Order #1 is a change from
25 the contract previously made by the Township of Nutley with

1 the Law Firm of Cleary, Giacobbe, Alfieri, Jacobs, LLC., and
2 are hereby authorized and approved.

3 I move the resolution.

4 COMMISSIONER PETRACCO: Second.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: No.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 This is approval to submit a grant application and
16 execute a grant contract with the New Jersey Department of
17 Transportation for the Township of Nutley Harrison Avenue --
18 that's Harrison Street Road Improvement Project (Section 3)
19 from Bloomfield Avenue to East Passaic Avenue.

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 Whereas, pursuant to N.J.S.A. 40A:9-133, Eleni
8 Pettas has competently and diligently fulfilled all the
9 duties and responsibilities of Municipal Clerk of the
10 Township of Nutley; and

11 Whereas, Ms. Pettas received her Registered
12 Municipal Clerk license on April 11th, 2008 and was appointed
13 to her first term on September 19th, 2014; and

14 Whereas, Ms. Pettas has served as Municipal Clerk
15 for the Township of Nutley for three consecutive years
16 following her appointment consistent with N.J.S.A. 40A:9-
17 133.7; and

18 Whereas, Ms. Pettas has completed the necessary
19 continuing education requirements and maintains her RMC
20 license in good standing; and

21 Whereas, the Governing Body is desirous of
22 reappointing Ms. Pettas as Municipal Clerk for the Township
23 of Nutley; and

24 Whereas, Christopher Durkin, Essex County
25 Municipal Clerk, is fully supportive of her reappointment as

1 Municipal Clerk noting her competence, managing elections
2 and service to the public, and

3 Whereas, Ms. Pettas has distinguished herself as a
4 Registered Municipal Clerk by attaining recognition within
5 the Essex County Municipal Clerks Association serving as
6 their current Vice President; and

7 Now, therefore, be it resolved, by the Board of
8 Commissioners of the Township of Nutley, County of Essex,
9 State of New Jersey, does, in accordance with N.J.S.A.
10 40A:9-133 and 133.7, hereby reappoint Ms. Eleni Pettas to
11 the position of Municipal Clerk effective September 19th,
12 2017.

13 I proudly move the resolution.

14 COMMISSIONER TUCCI: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Before I vote, I'd just like
19 to make one brief comment. It says in here that you, Eleni,
20 has distinguished herself as a Registered Municipal Clerk
21 through the Clerk's Association. I think more importantly,
22 she's distinguished herself with this Body. So I very
23 proudly vote aye.

24 MADAM CLERK: Thank you. Commissioner Evans?

25 COMMISSIONER EVANS: Well-earned and well-

1 deserved. I vote yes.

2 MADAM CLERK: Thank you. Commissioner Petracco?

3 COMMISSIONER PETRACCO: I'd just like to say that
4 it's always a pleasure working with Eleni. When I was the
5 mayor here, that's when you first came up and, you know, the
6 leaps and bounds you made, and you've always been fair to
7 all of us. And it's great to have you here. So I vote aye.

8 MADAM CLERK: Thank you. Mayor Scarpelli?

9 MAYOR SCARPELLI: Mr. Rogers wants to say a few
10 words.

11 COMMISSIONER ROGERS: Yeah, I'm going to save mine
12 until the end, Mayor, but I'll go before you. Outstanding
13 work. And I've got to tell you, no one, I think on the face
14 of this earth could really appreciate what a person in her
15 position goes through to meet the needs of the citizens, of
16 the Commissioners. You know, any time I call, and I call a
17 lot now, any hour, day or night, weekends, holidays, she's
18 there picking up the phone and then getting back to me in a
19 real timely manner.

20 So, Eleni, I know the people of this Town really
21 appreciate the work you're doing. And I thank you. Thank
22 you very much.

23 That's it, Mayor.

24 MADAM CLERK: Thank you. Mayor Scarpelli?

25 MAYOR SCARPELLI: Yeah, before I vote, I'd like to

1 say it's been a pleasure working with you, Eleni, not only
2 as a Commissioner but now as the Mayor. We've come into a
3 lot more contact as the Mayor. And in a Commission form of
4 government, the Clerk becomes very important because it's
5 the one centralized hub that serves all of our departments.

6 So I proudly vote yes and wish you all the good
7 luck.

8 MADAM CLERK: Thank you. Thank you.

9 MAYOR SCARPELLI: That concludes the business
10 portion of our meeting. Madam Clerk, could you read the
11 notice?

12 MADAM CLERK: Yes, Mayor.

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

1 MAYOR SCARPELLI: Would anybody like to address
2 the Board of Commissioners this evening? Name and address.

3 MR. FERRARO: My name is Gerald James Ferraro.
4 I live at 34 Roosevelt Street, right here in my beloved town
5 of Nutley, New Jersey.

6 I thank the Commissioners for giving me this
7 chance to speak. On June 29th, I wrote a letter to Mr. Gene
8 Diaz and please correct me if I'm wrong at any point,
9 who is the CEO and project manager for the redevelopment of
10 the Hoffman-La Roche site.

11 I asked him in the letter to seriously consider
12 putting a three tiered nursing home on the site that is
13 assisted living, sub-acute care, and acute care, including
14 care for ventilator patients. Every man sitting on there, I
15 think anyway, on this Commission tonight knows that this is
16 a personal thing for me. That's why I'm here petitioning
17 your assistance on this.

18 It's a very difficult decision when you have a
19 loved one that someday may not be able to be cared for any
20 more at home and they have to be put somewhere where they
21 can get competent and compassionate care. So I also went
22 around in the meantime, since June 29th and before tonight's
23 meeting, getting a total on this paperwork I'm going to
24 submit to the Clerk of the Town, a total of 87 signatures in
25 support of this.

1 Even though citizens did not want to sign thought
2 it was a very nice -- very good idea for our Town, a novel
3 idea, in fact, one man had said to me.

4 I am going to submit other signatures in the
5 future. I have two assistants that are with me here
6 tonight. Mrs. Terry Quirk and also in an advisory
7 capacity, Ms. Penny Landry. Okay? I just wanted to
8 acknowledge them and I thank them for their help with this
9 project.

10 I have some questions for the Commission. If I
11 could just do a quick roundtable keeping within the three
12 minute confine? Mr. Mayor, I'll begin with you. The
13 umbrella question, the one most asked, is this whole project
14 in its entirety at Roche and now my pursuit to try and get
15 Mr. Diaz to include a nursing home on this site, how does it
16 affect our tax base in Town?

17 MAYOR SCARPELLI: As you know, Mr. Ferraro, we were
18 receiving transition aid, of which we got cut over a million
19 -- \$1.75 million. And very cognizant, we are, of what's
20 going to be the return on that property as we go forward.
21 So it's one of the things we're looking at with a fine tooth
22 comb in going through what's going to be developed there and
23 how much ratables is it going to add to the Nutley tax base.

24 I don't want to step on Commissioner Evans' toes,
25 but you know, this is something we're considering on an

1 ongoing basis as we get proposals back from the developer
2 and we negotiate with them. It's certainly something we're
3 going to be looking at because we need to replace those
4 ratables that we lost when Roche moved out. So to give you
5 a definitive answer if we're going to ever recoup those
6 monies, I don't know, but we're going to try our hardest to
7 get to that point.

8 MR. FER RARO: Thank you, Mr. Mayor. If I may
9 continue on that note, I would like to ask Commissioner
10 Evans, please define briefly and explain the difference
11 between profit and not-for-profit, especially when it comes
12 to nursing homes.

13 COMMISSIONER EVANS: In a very simple sense, for-
14 profit entity is concerned about what their earnings would
15 be, the bottom line. A not-for-profit entity serves a
16 different purpose. It's generally around some form of
17 public good, charitable organization, charitable foundation.
18 Sort of like if you were to go to the Williamsburg area, you
19 know, for -- something that's history related as an example,
20 a museum, you know, they would have a different purpose as
21 to create a different type of value that's measured other
22 than bottom line profit.

23 Both, whether it's for -profit or not-for-profit,
24 has to generate earnings and manage its expenses in order to
25 be self-sustaining. A not-for-profit, though, probably does

1 more in the area of fundraising or looking for endowments to
2 sustain their long-term future. Whereas, a for-profit
3 entity does not entertain endowments. They actually
4 entertain what's a business decision that's going to
5 generate enough revenue to sustain my -- the entity for what
6 it is.

7 And it's very -- in a simple sense, one's desire
8 is to make money. The other is to provide a certain defined
9 good for a community or for some organization. Okay? Is --

10 MR. FER RARO: Thank you.

11 COMMISSIONER EVANS: Was that clear enough or --

12 MR. FE RRARO: Yes. The best that I could --

13 COMMISSIONER EVANS: If I didn't -- no, if I
14 didn't declare it enough, I'll try to do better. But at
15 least -- the essence of that, one has -- really defines
16 itself around making money. The other defines itself around
17 some other parameter.

18 MR. FER RARO: Thank you. Thank you, Commissioner.
19 Commissioner Tucci, at the assisted living level, how would
20 that affect things I often hear about with the two senior
21 homes that are here now in Nutley? How would that sort of
22 clear the decks so that they could start using -- bringing
23 new people into these senior homes here if some of them went
24 to the assisted living here? I'm sorry --

25 COMMISSIONER TUCCI: It depends on how much

1 assistance folks would require. All right? And as you can
2 imagine, there are varying degrees, all right, in any
3 assisted living complex. Most of our folks in our senior
4 buildings, all right, are dealing with some sort of
5 challenge , but not to the extent where they would need
6 to be in an assisted living facility with that extra help.

7 But once they got to that point, then obviously it
8 would be a natural transition to move folks from our senior
9 building into that assisted living facility (indiscernible).

10 So yeah, theoretically, it can create space and
11 more openly to our senior buildings for our more able-bodied
12 seniors.

13 MR. FER RARO: Thank you. Thank you. That's
14 exactly where I was going with that. Thank you. And I just
15 want to say that if any of the Commissioners want to reserve
16 on a comment, please, invoke that right to reserve, okay?
17 Commissioner Petracco, okay, another question often asked on
18 my little tour here, how does it affect our public safety
19 services in Town in its entirety, plus the nursing home?
20 How would it affect our public safety services? Tell me if
21 I answered them even halfway right.

22 That I believed that Hackensack Meridian and Seton
23 Hall had their own security and campus police. And I
24 couldn't answer their question beyond that. Can you further
25 that question -- answer?

1 COMMISSIONER PETRACCO: Sure. First of all, let
2 me applaud you for coming up here tonight. And I know you
3 and I had many conversations and I met your sister firsthand
4 and it's unbelievable what your family has done to step up
5 to give her the care she needs because it's quite
6 challenging, I can imagine. So God bless all of you and I
7 mean that from the bottom of my heart.

8 You know, I don't know that an assisted living
9 project like that would, you know, engage a lot of public
10 safety needs. But as far as the whole campus, I've already
11 had talks with our attorney, John Inglesino, about having
12 that project fund some more police officers. And I believe
13 they did that at Bayer Aspirin up in East Hanover when I
14 talked to John. So we're on that track to try to get some
15 money out of the developer.

16 Now, at the time when this was all going on, when
17 Roche first moved out and I was privy to all those meetings
18 and I was with Jimmy Anzaldi, the Clifton mayor, what
19 happened across the highway is very impactful on public
20 safety and even other services that the towns offer. You
21 know, because they have a security department, there's going
22 to be accidents in these parking lots, people backing into
23 each other. Roche had their own somewhat fire department,
24 ambulance department -- ambulance rather. And you know,
25 it's going to impact police and fire and our ambulance squad

1 because, you know, now our fire department, along with
2 mutual aid from other towns, are going to have to respond
3 there, God forbid, if something happens. And those are high
4 rise buildings in there.

5 So, you know, we hope that the fire prevention
6 that's put in place will minimize that risk, but you know,
7 at any given time, right now we have five police officers on
8 the street. We have seven fire fighters sitting in our fire
9 department. So do you think that if God forbid one of those
10 buildings caught on fire that, you know, what seven guys
11 could do, what five guys could do?

12 Now, we have a mutual plan in effect as well
13 through the whole county. But I think the resources are
14 going to be stretched there. And I'm really pushing, you
15 know, for the developer to pick up some of that cost because
16 I don't think that a security detail there, as far as hiring
17 security guards, which don't carry guns usually, you know, is
18 really going to be the answer there.

19 So I'm concerned about that. You bring up a good
20 point.

21 MR. FER RARO: Not to bounce back and forth, I'm
22 trying to maintain some kind of consistency. Commissioner
23 Petracco, it's come to my attention through word of mouth
24 that you either authored or sponsored a bill that made it
25 through the state legislature so that not-for-profit

1 facilities still would pay ratables and taxes. Can you
2 address that question?

3 COMMISSIONER PETRACCO: Well, unfortunately, there
4 was no bill passed. But, you know, and I can't -- I mean,
5 it was a team effort here too, and at the time Commissioner
6 Tucci and I were on the repurposing committee. And we were
7 the first municipality ever in the State of New Jersey to
8 have a pilot program where not-for-profits were paying
9 taxes. And it's a complex situation. And I wasn't even
10 aware of it until John Inglesino has told me that it was --
11 we were the first municipality to do that. So something to
12 be proud of. And, you know, we have a lot of work cut out
13 for us at Roche. And we're hoping that those ratables catch
14 up and we can get some benefits and tax relief to the Nutley
15 residents as well.

16 MAYOR SCARPELLI: Mr. Ferraro, one more question,
17 all right, and wrap it up?

18 MR. FER RARO: Yes, sir. For Commissioner Rogers,
19 aside from the competent and compassionate care that all of
20 us would want brought into a facility like this, what would
21 the role be of your office as far as maintaining some kind
22 of oversight at the facility?

23 COMMISSIONER ROGERS: Well, to begin with, I want
24 to follow up on what Commissioner Petracco said. Yeah, I'm
25 looking at you and my eyes are going right back to that

1 young man. And I'm looking back and forth. And I'm saying
2 to myself, what a pleasure to have an individual like you
3 come up and teach this young fellow, and others who are
4 probably watching, civil discourse. Civil discourse.
5 There's so much not going on around the country and you come
6 up here tonight and you do this. I want to commend you for
7 that, the way you've handled yourself, your demeanor, you're
8 articulate. Really good stuff. Thank you.

9 Let me get to a couple of points that are
10 important. We have a growing population -- elderly
11 population in Nutley. Look, my mother is 90 -- going to be
12 92 in February. We all have elderly parents. And I think
13 about that often. You know, will that day ever come and I'm
14 sure we all do. Your cause is noble and I'm sure it has the
15 support of every Commissioner up here.

16 Before I directly answer your question, I'm going
17 to ask you to do something. Look, you can get probably
18 1,000 signatures. They're all over town. I know it's a
19 hard thing to do, but you could get that. I would ask you
20 to think about contacting our State representatives, our
21 assemblymen, our senators. They, too, have parents. They,
22 too, have relatives. And I'm sure that they, too, would
23 have a sensitive ear to this.

24 Sometimes in Government, there are so many issues
25 that government officials have to address, your priorities

1 kind of get shuffled around. So the more they hear about
2 this very, very important issue, which is not here in
3 Nutley, but it's statewide, the more it causes them to take
4 action. So think about that.

5 As far as oversight, it depends on whether the --
6 it would be non-profit or for-profit, but I could tell you
7 this, the Health Department, now we have visiting nurses.
8 We have a nurse in the Family Program. They're out every
9 day visiting senior citizens, disabled, elder residents in
10 their homes every day, sometimes at night. So a facility
11 like that would be a tremendous benefit to us.

12 And I must tell you this, I don't think there's a
13 month that goes by that I do get a call from someone who's
14 looking for an elder care center, someone who's looking for
15 a center where there could be 24/7 coverage. So we wouldn't
16 have much oversight. In other words, I couldn't answer the
17 question unless I had the specifics of what type of project
18 this would be.

19 But I could tell you this, keep going. Keep
20 going. If you need our help, I'm sure you got it.

21 MR. FE RRARO: Thank you, Commissioner.

22 MAYOR SCARPELLI: Thank you, Mr. Ferraro.

23 Would anybody else like to address the Board of
24 Commissioners this evening?

25 COMMISSIONER EVANS: Excuse me. I think it's

1 important, Joe. Mr. Ferraro, just a quick point. All of
2 your questions started out with the thought of assisted
3 living on the Hoffmann-La Roche site. I think this is
4 something that as a Board of Commissioners, we've discussed
5 at great length, so I don't want you to think it's something
6 that you're proposing tonight that we're just sort of
7 considering. It's been on the table to have discussions
8 with the developer about this as something that -- because
9 all of us have been approached by various residents and the
10 nature of how important that would be.

11 So I don't want you to leave with the fact that we
12 haven't been thinking about that or discussing it. I think
13 it's been some significant conversation for quite a long
14 time. So just -- I understand and I also applaud you for
15 the work that you're doing. Thank you.

16 COMMISSIONER TUCCI: Mayor, if I might. I believe
17 it was also included in the original schemes that were
18 presented to us by Perkins Eastman. So it's a wonderful
19 idea and I'm glad that you're supporting it and you endorse
20 that effort, but it's something that's been talked about and
21 something that was included from the beginning.

22 MR. FER RARO: Thank you, Commissioner. Mr. Mayor,
23 if I could just make two bullet points? I'm sorry. I
24 apologize.

25 All of you men sitting up here tonight, through

1 this request, have an opportunity to lead Nutley into the
2 modern era. I see a lot of faces on these walls, some of
3 them are notables, fate has given you the hand off to make
4 something like this happen. And I know that all of you,
5 based on your comments here tonight, will try your best and
6 I will keep trying my best as well.

7 And I just want to thank all of my Nutley friends,
8 neighbors, relatives, and concerned citizens that did sign
9 this list that I submitted to Ms. Clerk Pettas tonight. Thank
10 them very much for their support in this matter. Thank you,
11 gentleman. Thank you for your patience.

12 MAYOR SCARPELLI: Thank you, Mr. Ferraro. Would
13 anybody else like to address the Board of Commissioners this
14 evening?

15 MS. QUIRK: Terry Quirk, 45 Hampton Place. I'm
16 here as Jerry's friend.

17 He came to me, it was a couple of months ago and
18 he told us -- told me his story, along with his wife. And I
19 know the circumstances from which he speaks and like you had
20 said, we are all in the sandwich generation. We're all
21 here. We've all raised our children. And now we're into
22 role reversal and we're now taking over the role as the
23 caregiver for our parents.

24 I'm living that myself. So I am working on
25 getting more signatures for you because I just think it's a

1 good conversation to have. I know you've had it in regards
2 to the development. But I just think it helps people to
3 understand that there is support, that we're all in the same
4 boat. Nobody is different here. We're all facing the same
5 demons.

6 But I just wanted to say one thing, and I don't
7 mean to be mean about this, but when I lived in Clifton for
8 five years, I loved it, but I moved here after that. And I
9 just want to say that after seeing Clifton Commons, we
10 watched Clifton walk away with many great things. They
11 walked away with a shopping mall and they walked away with
12 the movie theater. And things were left for us to kind of
13 clean up in terms of public safety had to go down there. It
14 created problems with parking. It just created things that
15 we did not expect.

16 But now we have this opportunity to really do
17 something wonderful for the people of Nutley. And, you
18 know, it just would be a great thing if we can just do
19 something like this and so that it shows that the people of
20 Nutley, who we've been here for so many years, generations
21 upon generations, we're going to get something for our
22 people and for our family members who have been here.

23 So I just applaud all of you for thinking about it
24 and for considering it. Thank you.

25 MAYOR SCARPELLI: Thank you, Terry. Would anybody

1 else like to address the Board of Commissioners this
2 evening?

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

4 Mr. Scarpelli, I owe Mr. Petracco an apology. On
5 Facebook, I had put a post up with your name on it saying, I
6 believe it was the Nutley taxpayers were the goose that laid
7 the golden egg. I put your name in accidentally. And I do
8 apologize to you for that. I meant to put Mr. Evans' name
9 in. And I didn't just do that -- mean to do that as an
10 insult. However, last year, I think it was March, when you
11 referred to the Moody's Report, you touted that report as if it
12 was something wonderful. And I was so impressed with what
13 you said, I called Moody's. And it took me two
14 days, but I found the people who actually did the
15 calculations on there.

16 And I think that you seriously left out a lot of
17 good that taxpayers in that Moody's Report, the
18 average tax income is \$125,000. And I think that was remiss
19 that you did not mention that the report really was a
20 reflection of what the taxpayers do, not what the Board did.
21 Because when I spoke to the woman on the calculation team,
22 the two numbers that were significantly used was 125,000 and
23 85,000. Had Nutley been used at 85,000, which means the
24 citizens made less money, the numbers would have been
25 significantly lower and would have moved us significantly

1 down as far as the economics were concerned that you were
2 trying to protect.

3 I felt that was a little -- a dismissal to the
4 people because to generate an average household income of
5 \$125,000, that's saying a lot. That means people worked
6 very, very hard and I think that you left that portion out.
7 And that's what I was trying to say in my Facebook post.
8 And I do apologize to you, Mr. Petracco.

9 Thank you.

10 MAYOR SCARPELLI: Does anybody else want to
11 address the Board of Commissioners this evening?

12 COMMISSIONER PETRACCO: Before we go in the back,
13 I'd like to say something, if it's okay.

14 Number one, somebody came to me, and I urge all of
15 the Nutley residents to do this because I do hold our Police
16 D epartment accountable and our fire fighters, and I have a
17 saying there. If you want to get paid like a professional,
18 I expect you to act like one.

19 And somebody came to me about a police officer
20 that was parked in front of his house on midnights and he
21 was sleeping there, and a whole bunch of things. At any
22 rate, the good news today is that we have GPS in the cars.
23 So when I got that information, I'll call it, I went back to
24 the GPS and we checked that car in town. And periodically,
25 we do check to see where our police officers are, what

1 they're doing, and that kind of stuff. And there was no
2 foul to report at this time, which I'm very proud of.

3 Also, as I go through town, a couple people in the
4 audience tonight have approached me about this fire truck
5 stuff. So Mr. Genitempo, stop me at any time. But I do
6 feel that now that it is out of the Prosecutor's Office --

7 COMMISSIONER EVANS: How about now?

8 COMMISSIONER PETRACCO: Thank you, Commissioner
9 Evans. I'm so glad you're back to normal.

10 But I do feel, on a serious note, that it is --
11 there is a need to comment on that because it is -- it was a
12 very traumatic happening in Town when a vehicle of that size
13 almost goes over a bridge into the water and there's
14 firefighters in it and all that.

15 So at any rate, you know, the Prosecutor's Office
16 did come back, deemed it an accident. I am guilty of going
17 on some of these posts once in a while and I see, you know,
18 what's that going to cost the taxpayers and things like
19 that. The bright side of the conclusion of that is that,
20 being the truck was coming out of compliance because it was
21 over 20 years old, and to give Commissioner Evans a little
22 pat on the back for this as well, we've been budgeting in
23 our budget and our capital budget for the last few years to
24 put the money aside to pay for a new firetruck.

25 So when we went to -- we were planning on trading

1 that firetruck in. And to my shock, I would say, they
2 wanted to give us like \$30,000 on a trade in value for that
3 truck. So the only bright side that came out of it, thank
4 God there was minor injuries and no one was seriously hurt.
5 The insurance company will pay us much more than that.

6 Mr. Genitempo, I want to say it's around that
7 100,000, \$150,000 mark. So instead of getting 30,000, the
8 bright side is that we're going to get a little bit more
9 money for that.

10 Also, going around town and seeing different
11 things, part of our hiring process in Public Safety, I've
12 seen some questions out there of late, we follow Civil
13 S ervice rules. There is no jumping around lists without
14 getting Civil Service approval (sic). There's no family
15 members getting hired. I couldn't even hire my own kids if
16 they didn't take the test and be on the Civil Service list.

17 So unfortunately, there's a criteria that everyone
18 needs to meet to be eligible to be a police officer or a
19 firefighter. And if you don't meet that criteria,
20 unfortunately, you could be dismissed from the process. But
21 before you're dismissed from the process, as the Director of
22 Public Safety, we need to get approval from Civil Service.
23 So if there's anybody that has a question for me in the
24 future about how we hire, again what happened to the fire
25 truck, I would be very glad to talk about it.

1 But not for one second do I want anybody to leave
2 here tonight or on TV Land also, to be -- to think that it
3 wasn't a big concern of mine in where those funds were going
4 to come from and what we were planning in the future.

5 Thank you, Mr. Mayor.

6 MAYOR SCARPELLI: Thank you, Commissioner. Can I
7 have a motion to go in -- back into executive session?

8 COMMISSIONER ROGERS: I move the motion that we go
9 to executive session.

10 COMMISSIONER TUCCI: Move it.

11 MADAM CLERK: Alan, do you want me to read the
12 resolution, right? Reread the resolution?

13 MR. GENITEMPO: Yes.

14 MADAM CLERK: Okay.

15 Whereas, Section 8 of the Open Public Meetings
16 Act, Chapter 231, Public Law 1975, permits the exclusion of
17 the public from a meeting in certain circumstances; and

18 Whereas, the public body is of the opinion that
19 such circumstances exists; and

20 Whereas , the Board of Commissioners of the
21 Township of Nutley, in the County of Essex, and State of New
22 Jersey desires to proceed to closed executive session; and

23 Now, therefore, be it resolved, by the Board of
24 Commissioners of the Township of Nutley move into closed
25 executive session to discuss personnel.

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

7 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 We will be coming back into public session. No
18 action will be taken. We'll just be coming back to close
19 the meeting.

20 (End of audio)

21 MADAM CLERK: Motion to adjourn, right?

22 COMMISSIONER PETRACCO: Move it.

23 COMMISSIONER ROGERS: 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: And the time is 10:46.

10 MAYOR SCARPELLI: Good night, everybody.

11 (Meeting was adjourned at 10:46 P.M.)

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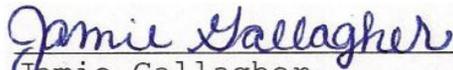
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I, Jamie Gallagher, certify that the foregoing transcript is a true and accurate record of the proceedings.


Jamie Gallagher

Date: October 3, 2017

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