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TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS
)

June 7, 2018

BOARD OF COMMISSIONERS

BEFORE:

- Commissioner Steven L. Rogers
- Commissioner Mauro G. Tucci
- Commissioner Thomas J. Evans
- Commissioner Alphonse Petracco
- Mayor Joseph P. Scarpelli
- Township Clerk
- Alan Genitempo, Esq., Township Attorney

Job No. VTNJ 2946749

Transcribed by: Pamela A. Skaw

P R O C E E D I N G S

CONFERENCE SESSION

(Background indiscernible conversations)

MADAM CLERK: Mayor, we're ready.

MAYOR SCARPELLI: Counselor (indiscernible).

(Background indiscernible conversations)

MAYOR SCARPELLI: Your ready, Madam Clerk?

MADAM CLERK: Yes, Mayor.

MAYOR SCARPELLI: All right. Go ahead.

(Background indiscernible conversations)

MADAM CLERK: Board of Commissioners public meeting Thursday, June 7, 2018. The time is 7:08.

Pursuant to the requirement of the Open Public Meeting Act, Chapter 231, Public Law, 1975, notice of this meeting was published in the December 14, 2017 issues of The Nutley Sun, the Herald News and the Star Ledger.

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

Commissioner Rogers.

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Here.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Here.

5 MADAM CLERK: All present, Mayor.

6 MAYOR SCARPELLI: Thank you, Madam Clerk.

7 Let's just go around the horn. Let's see what we
8 have on the agenda tonight. Commissioner Petracco?

9 COMMISSIONER PETRACCO: Yes. I have a
10 proclamation for the firefighters who lost their lives here
11 in Nutley. As we all know, Memorial Day we did that -- that
12 groundbreaking presentation of our new plaques and our site
13 and I thank you, Commissioner Tucci.

14 COMMISSIONER TUCCI: Thank you.

15 COMMISSIONER PETRACCO: And, then, I have some
16 ordinance introductions.

17 Let's see what we have. The first one is -- oh,
18 this is for the vehicles over designated weight and this is
19 specifically designed for the Center Street Bridge.

20 The second one I have an ordinance for handicapped
21 parking.

22 The third one, do not block the box. That's
23 become a big problem here.

24 And also I have -- the last one is for a company
25 that we're hiring to do all our outside assignments for the

1 police department. So, they don't bill the town -- they
2 don't bill for town jobs obviously.

3 The reason for this is -- we're doing it is, and
4 there's no cost to the town, the vendors such as public
5 service, whatever vendors we're using at the time, pay their
6 fee and in this also we're raising -- we did a comparison
7 around, you know, the local municipalities here about the
8 car fee that we charge.

9 So, we're raising that from nine to fifteen
10 dollars an hour.

11 And, then, I believe I have one public hearing and
12 that's for our towing contract tonight.

13 And, then, I have one resolution to award the
14 contract for uniforms for -- to turnout.

15 And that's all I have.

16 MAYOR SCARPELLI: Thanks, Commissioner.

17 COMMISSIONER PETRACCO: You're very welcome.

18 MAYOR SCARPELLI: Commissioner Evans.

19 COMMISSIONER EVANS: I have -- one, I have a
20 report for the code enforcement department for the month of
21 May.

22 As we had committed to do at the last meeting, Ed
23 Brown is here tonight to do a public presentation just
24 overviewing the tax assessor's office and what his role is
25 as the municipal tax assessor.

1 He will also highlight the history of changes in
2 the assessed value of the town including compliance plans,
3 revaluations, reassessments and so on. We'll do that out on
4 -- in -- he's also would be available in his office to take
5 follow-up questions on specific situations.

6 I also have several resolutions. We haven't --
7 we're not going to be able to finalize our municipal tax
8 rate in time because of the State aid. So, we need to send
9 out estimated bills for the third quarter.

10 The estimate of \$3.537 per hundred is based upon
11 the introduced budget but not the adopted budget at this
12 point recognizing that there's still variables related to
13 our revenue. But we can anticipate changes as part of the
14 estimate.

15 So, it's basically we're -- and, as related to
16 that, I also have temporary budget resolutions authorizing
17 us to do business, to continue to do business, because we
18 haven't been able to get our State aid numbers yet from the
19 State and we're -- if you've seen the paper, it's going to
20 be a little while longer before the State resolves their
21 different points of view.

22 COMMISSIONER TUCCI: Well, those Democrats stop
23 killing each other.

24 COMMISSIONER EVANS: Yeah. That's right. Well,
25 at least it's in the family.

1 COMMISSIONER TUCCI: There you go.

2 COMMISSIONER EVANS: Family business.

3 So, I have a few of those resolutions to take care
4 of. And then some basically refunds and overpayments.

5 The last piece is is that the 2017 water report is
6 ready and you each have a copy of it. The sections that you
7 had to read prior to -- to this evening, you all got that in
8 advance.

9 So, I just have a resolution that we need to --
10 which recognizes that we have a -- complied with the State
11 requirement and we will be submitting our report, which is
12 due June 30th. It will be ready to go after tonight.

13 That's all I have.

14 MARYOR SCARPELLI: Thanks, Commissioner.
15 Commissioner Rogers.

16 COMMISSIONER ROGERS: Well, I have two
17 resolutions; one to recognize June as Alzheimer's and Brain
18 Awareness Month and the other one, Men's Health Month.

19 And that's it. It's a pleasure to participate in
20 tonight's session.

21 MAYOR SCARPELLI: Thanks, Commissioner.
22 Commissioner Tucci.

23 COMMISSIONER TUCCI: I just have a Shade Tree
24 Report for the month of May.

25 MAYOR SCARPELLI: Wow.

1 COMMISSIONER TUCCI: That's it.

2 MAYOR SCARPELLI: There was my thanks for showing
3 up. That's --

4 COMMISSIONER PETRACCO: Yeah.

5 MAYOR SCARPELLI: I have two resolutions. One is
6 for a award of a non-fair and open contract to Mott
7 McDonald --

8 COMMISSIONER EVANS: Mauro's supposed to be
9 showing up.

10 MAYOR SCARPELLI: -- and termination of a club
11 liquor license for AmVets Post 30.

12 With the -- well, counselor, what do you have? Do
13 you have another (indiscernible? Executive?

14 MR. GENITEMPO: Very brief.

15 COMMISSIONER TUCCI: Me, too, Mayor. Need
16 executive.

17 MAYOR SCARPELLI: So, we'll probably do that at
18 the end.

19 MADAM CLERK: Okay.

20 MAYOR SCARPELLI: All right. So, we got a lot of
21 stuff to go out besides.

22 MADAM CLERK: Okay.

23 MAYOR SCARPELLI: Madam Clerk, what do you have?

24 MADAM CLERK: I have three applications --

25 MAYOR SCARPELLI: Yeah.

1 MADAM CLERK:-- that need approval and, Alan,
2 can we read them together if the application --

3 MR. GENITEMPO: Yeah.

4 MADAM CLERK: -- is Van Riper --

5 MR. GENITEMPO: Yep.

6 MADAM CLERK:-- Columbus Day -- okay?

7 MR. GENITEMPO: Yep.

8 MADAM CLERK: Great. And that's -- and we have
9 Board of Commissioner meeting minutes for approval.

10 MAYOR SCARPELLI: Thank you.

11 Well, with us tonight we have members of the Planning Board.

12 As you know, just to give a brief history, the
13 Zoning Board has been looking for guidance on mixed use
14 density for a while.

15 I think the first recommendation may have come --
16 I'm going to say maybe when Mayor Cocchiola was just towards
17 the edge of her term.

18 And last year the board made a recommendation which
19 Pat Intindola from the Code Department had some concerns
20 about. Those concerns were worked out by this subcommittee
21 along with kind of reworking and looking at the density a
22 little bit more which brings us to the recommendation that
23 they've made and are going to present tonight.

24 So, with that, I'll -- Madam Chair or --
25

1 MS. TANGORRA: Thank you. Thank you very much.

2 Mark was head person for the subcommittee. So, I
3 will let him speak for the committee.

4 MR. ARCUTI: Thank you. Thanks for having us
5 tonight, Commissioners.

6 Do -- would you want me to read the presentation
7 that I made at the -- at the Planning Board when we --

8 MAYOR SCARPELLI: However you want to present it,
9 sir.

10 MR. ARCUTI: Okay. So, that's what --
11 thank you. So, that's what I'll do.

12 Basically, we have what we call general conditions
13 and it's regarding mixed use of 700-40 -- hopefully you guys
14 have a copy of this, 700-40, any reference to schedules and
15 bulk height regarding mixed use in the district to refer to
16 700-40 if -- obviously, you're familiar with the book.

17 There is verbiage for a zone and then there's also
18 a schedule that gives bulk height, setbacks, et cetera.

19 And the -- what -- what the first part of this
20 presentation is that the verbiage, if there is a
21 discrepancy, the verbiage should override the -- the
22 schedule, okay?

23 And, to that end, obviously, errors in the
24 schedules, such as allowable building height, before this --
25 before we tried to fix this, it said that we were allowed to

1 have 40 story buildings because the column for story said 40
2 instead of the column for feet saying 40. Now, I don't know
3 if that would have ever passed if anybody tried it. That's
4 what it said, okay?

5 So, those -- those discrepancies need to be --
6 need to be addressed.

7 Any mention of mixed use building shall refer to
8 700-40. The bulk specifications in the schedule use in B-3
9 district shall be -- B-3 district shall be left blank.

10 Now, what that means is, if you have the schedule
11 in front of you, in the schedule where the -- where the
12 density was mentioned, it would be left blank and it would
13 refer -- refer directly to the verbiage that we're going to
14 review in a few minutes, okay?

15 So, there is no chance of the -- of the schedule
16 being different.

17 Mixed use shall be removed from type of use in B-2
18 district. The reason we -- the reason why we're doing that
19 is if you look at -- also look into the schedule, the B-2
20 district mentions mixed use and it also mentions residential
21 above business which, basically, is the same thing.

22 But residential above business in our current
23 schedule has a density of 2500 square feet per dwelling unit
24 which basically equates to about 17 units -- 17 units per
25 acre.

1 And, now, we all know the B-2 zones are
2 neighborhood places. It's really -- it's a store on the
3 corner and it's nothing but -- with single family houses
4 around it. So, that is something that we think should stay,
5 okay?

6 And mixed use 700-40 type of be used in B-3A
7 district, residential use prohibited in a B-3A district
8 which is basically what we have now even though there's been
9 some variances over the years granted in those areas. That
10 -- that -- as Mr. Intindola said, the idea of the B-3A
11 was that Centre and Franklin up to New Street up to Woodland
12 Avenue and maybe up the ravine, I don't remember it going
13 east, is to be retail and offices above. That was the idea.
14 So, we're trying -- we want to make sure we keep that.

15 Mixed use is allowed in M-1, M-2 zones and in B-4
16 zones, residential use prohibited in those zones. So,
17 basically, the only place to have residents -- residential
18 units in a mixed use building will be in B-3 and B-2.

19 Remove -- remove reference to B-2 in the first --
20 in the first paragraph. Add second line, residential and
21 business use, which is basically what I just reviewed.

22 COMMISSIONER EVANS: Uh-huh.

23 MR. ARCUTI: The maximum height of a
24 mixed use building shall be three stories and/or 40 feet,
25 not 46.

1 Every room of 69 square feet or more, except
2 kitchen and living areas and dining rooms, shall be
3 considered a bedroom regardless of the building plan
4 designation.

5 And what we're trying to do is trying to avoid,
6 later on if they're -- the building is built, residents
7 moving in and turning a small area or a loft, Dave Barry
8 told me that there's places that have lofts that aren't
9 supposed to be bedrooms that every time they go in there,
10 they find a mattress or a bed up there. People are sleeping
11 there. They make them take it down and, of course, after
12 they leave, they put it back.

13 So, we're trying to avoid that -- that possibility
14 even being there.

15 It's recommended that there be no new garden
16 apartments in any district. Okay.

17 In paragraph H shall apply to mixed use. Maximum
18 density is 30 -- I'm sorry, 28 dwelling unit per acre.
19 Thirty percent of the first floor shall be non-residential
20 space based on the footprint of the largest floor.

21 Basically, that's a birds eye view of the floor --
22 of the -- of the building, the largest area, that's the --
23 that's footprint of the building, we -- if it's on stilts or
24 anything like that.

25 Thirty percent of the residential units shall be

1 one bedroom and seventy percent shall be two bedroom.

2 The minimum size of a bedroom shall be 950 square
3 feet. Additional bedrooms shall be minimum of 250 square
4 feet.

5 The requirements as to a bulk in B-3 district,
6 minimum lot size is 5000 square feet. Minimum lot width, 50.
7 Lot depth, 100. Minimum size swelling unit 1,452 square feet
8 which basically equates to 28 square feet per acre.

9 And that's about it.

10 MAYOR SCARPELLI: So, Mark, the beginning that you
11 -- you talked about, that was basically taking what -- the
12 schedule the way it was printed and along with some other
13 discrepancies and straightening those out.

14
15 MR. ARCUTI: Uh-huh.

16 MAYOR SCARPELLI: Right? Is that what --

17 MR. ARCUTI: Right. And it's been like
18 that for a while.

19 MAYOR SCARPELLI: So, the way -- the way it's
20 printed and the way -- the way it should be interpreted is
21 two different ways, correct?

22 MR. ARCUTI: Uh-huh.

23 MAYOR SCARPELLI: All right.

24 So, let's go through -- I just want to go through
25 some of the -- the highlights of what you said like what's

1 the -- what's the minimum square footage of the -- of the
2 apartments?

3 MR. ARCUTI: Nine -- one bedroom should
4 be -- the minimum square footage would be 950 square feet.

5 MAYOR SCARPELLI: Okay.

6 MR. ARCUTI: And that would obviously be
7 for a one bedroom apartment.

8 MADAM CLERK: Do you think we should
9 (indiscernible).

10 COMMISSIONER TUCCI: Can I ask how you got the 950?

11 MR. ARCUTI: Well, it was basically a
12 consensus of the board members with -- and input from Paul
13 Ricci what would be a reasonable size for a one bedroom
14 apartment.

15 Chairwoman Tangorra had a lot to do with that
16 being she knows real estate so well.

17 COMMISSIONER TUCCI: The only reason I ask that
18 question is because a lot of the consultants coming in are
19 telling us that the millennials are looking for space
20 between 750 and 900 up to like 950 and not typically more
21 than that.

22 So, I was curious --

23 COMMISSIONER PETRACCO: And -- and a lot of common
24 area.

25 COMMISSIONER TUCCI: And a lot of common area. I

1 was just curious as to, you know, why there wasn't a range
2 or unless there was a good reason.

3 MR. ARCUTI: We just didn't interpret it
4 that way.

5 MS. TANGORRA: Not just that but if you
6 have a very, very minimal amount of square footage that
7 permits one to put a lot more units or certainly try to put
8 a lot more units into a building.

9 So, we felt that having a little bit more that
10 there would be less density overall.

11 MAYOR SCARPELLI: Okay. Got you.

12 COMMISSIONER TUCCI: Good answer.

13 MAYOR SCARPELLI: And, Mark, what was the --
14 what's the thinking on 70 percent, two bedroom. You --
15 what's that kind of --

16 MS. TANGORRA: The same thing.

17 MAYOR SCARPELLI: -- kind of -- when you look at
18 it just from a point of view, it looks like, you know, some
19 of -- some of the issues that we have in town, 70 percent
20 two bedroom --

21 MS. TANGORRA: I can't get to my --

22 MAYOR SCARPELLI: -- seem it would add some more
23 families --

24 MS. TANGORRA: -- phone. It's over
25 there.

1 MAYOR SCARPELLI: -- and therefore more children.

2 MR. ARCUTI: We considered that. We --
3 we came up with this number for a couple of different
4 reasons.

5 One of them being that two bedroom apartments
6 will, to a certain extent, encourage families and that
7 eventually they'll go from an apartment to buying a house in
8 Nutley.

9 The other thing is a one bedroom apartment, to us,
10 kind of seems like it might be a little bit more of a
11 transient type of a tenant and we wanted to avoid that a
12 little bit, too.

13 (Pause)

14 COMMISSIONER TUCCI: And what about the impact of
15 two bedroom apartments on the school system population? I'm
16 sure you guys took that into account.

17 MR. ARCUTI: Yeah, of course. Of
18 course.

19 Well, that's where the density thing comes in.
20 There's -- there can be -- we did some research in some
21 other towns. Anthony helped us out on that because he does
22 a lot of work in a lot of different towns.

23 And 28 units per acre is generous actually.
24 There's a lot of other towns that have less than that.

25 But we wanted to come up with a number we thought

1 was reasonable that would encourage smart investment and
2 smart development.

3 MS. TANGORRA: I also don't think that
4 it's -- it's really wise to have a lot of cell-like units,
5 you know, with very small, one bedroom units.

6 I think it attracts a different type of tenant,
7 you know, someone who's not going to eventually perhaps
8 establish roots in the town.

9 COMMISSIONER TUCCI: Okay.

10 MAYOR SCARPELLI: Did -- did you guys look at some
11 of the other recently developed properties to -- like you
12 came up with 28 units per acre.

13 What are some of the newer ones -- do you know how
14 many units --

15 MR. ARCUTI: Sure.

16 MAYOR SCARPELLI: -- per acre they are?

17 MR. ARCUTI: That's actually how the
18 whole thing started some time ago.

19 I have an example of the corner of Centre Street
20 and Bloomfield Avenue which is B-2 zone. They're obviously
21 under -- it's under construction now. But we had all the
22 details a year and change ago when we -- when we did this.

23 The lot is 22,832 square feet. There is 22 units
24 which is approximately 48 units per acre, okay? 438, 434
25 Center Street which is an R-2 zone is 20,000 square feet

1 with 22 acres.

2 MAYOR SCARPELLI: Where's -- where's that?

3 MR. ARCUTI: That's the -- it is west --northwest
4 of Centre Street.

5 MAYOR SCARPELLI: Okay.

6 MR. ARCUTI: By the (indiscernible)
7 store. Okay? That's 40 plus.

8 MR. MALFITANO: Forty-six.

9 MR. ARCUTI: Forty-six. Thank you,
10 Anthony.

11 134 Franklin Avenue which is -- that's the bottom
12 of Chase Street, I think, right?

13 MAYOR SCARPELLI: Yes.

14 MR. ARCUTI: That's by you, right,
15 Mayor?

16 MAYOR SCARPELLI: Exactly. Yes.

17 MR. ARCUTI: Okay. That's -- that --
18 that lot is 12,040 square feet. That project has -- was
19 approved with 14 units, which is 860 square feet per
20 dwelling unit. At 14, 12,000 square feet is roughly --

21 MR. MALFITANO: Fifty-four units or --

22 MR. ARCUTI: -- a little more, so fifty-
23 something units per acre.

24 MAYOR SCARPELLI: Okay.

25 MR. ARCUTI: This is -- 599 Franklin

1 Avenue, which is past the trestle by Garruto's is 12,500
2 square feet; nine units, okay? That's a little bit more
3 conducive to what we -- that fits into our project a little
4 bit -- our proposal a little bit.

5 174 Bloomfield Avenue that 2650 -- 26,400 square
6 feet, 25 units. So, that's roughly 48, let's say, close to
7 50.

8 Kingsland and Passaic, 18629 square feet, 25 units,
9 that's probably approach 60 units per acre.

10 And that's -- there might be a couple more but --

11 MR. KOZYRA: Let me just throw one
12 thing in. And I know Mark's been focusing on the
13 residential component.

14 One of the other things that the board -- that the
15 committee did, and I thought that they came up with a really
16 good idea, was they wanted to focus on the commercial part
17 of the buildings as well because what we were -- what the
18 board was seeing is a lot of very small commercial units on
19 the first place. And they're not really conducive to having
20 a big enough business to constitute retail or any other kind
21 of specific use.

22 So, you're getting spaces that might be okay for
23 say maybe a small insurance agency or a small something that
24 doesn't have a lot of foot trade and isn't really, you know,
25 consistent with the downtown businesses that we used to

1 have.

2 So, the idea was they did -- they came up with a
3 formula that, in effect, forces a bigger space on the first
4 floor --

5 MR. ARCUTI: Right.

6 MR.KOZYRA: -- for those units so
7 that, and if you adopt this, you're going to wind up with
8 bigger commercial retail spaces on the first floor --

9 UNIDENTIFIED SPEAKER 2: Yes.

10 MR.KOZYRA: -- not these little
11 boxes that you have now.

12 MR. ARCUTI: And potentially more --excuse me,
13 potentially -- potentially more versatile types of businesses
14 or retail.

15 MR.KOZYRA: And that's the point, because one of
16 the things we were hearing from -- from people is, they're
17 coming into town, especially now with the -- the kind of
18 steam that we're getting from the -- the development of the
19 medical school, places are coming into town. They want
20 bigger spaces but they're not there.

21 They look at the spaces and they say, well, this is
22 great space but it's way too small for any real functional
23 use and -- so, we were finding that to be a problem.

24

25 So, we're trying to -- the board was trying to

1 respond to that at the same time and they -- they came up --
2 you know, I didn't do the formula. They did it. They came
3 up with a great way of dealing with it that basically
4 mandates that now.

5 MR. ARCUTI: Right now there's no
6 restriction on the size of the retail so a lot of these
7 projects that I just referred to, the retail space is 600,
8 700 square feet. There's really not too many different
9 things you could put in something that small.

10 And, one of the things I forgot to mention as I
11 was going through this proposal is we also want to adjust --
12 address the parking requirements.

13 One of the reasons why the buildings that are
14 being built besides having too much parking and
15 obviously too much density but no requirement for density
16 and no requirement for retail is because they -- they have
17 to have a certain amount of parking for the apartments.

18 So, that basically obviously -- because they put
19 -- they put the front -- the front of the building first
20 floor to here and then they have the parking in the back.
21 We've all seen those buildings.

22 And we think if we give them a little bit -- a
23 little better parking requirements, they'll be able to
24 expand the first floor and have more parking.

25 So, what we were thinking was a one bedroom

1 apartment needs to have two parking spaces and a half a
2 parking space for every bedroom thereafter. So, a three
3 bedroom apartment would have to -- would require three
4 parking spaces.

5 And that will -- that will alleviate the
6 opportunity for -- create the opportunity to make the first
7 floor bigger, therefore making the retail space a little bit
8 bigger --

9 UNIDENTIFIED SPEAKER 2: (Indiscernible) parking.

10 MR.ARCUTI: -- because the -- I just
11 don't think that these small spaces are something that we
12 need. You're going to drive down Nutley -- down Franklin
13 Avenue, you might see too many empty stores because there's
14 such a limitation on how many things can go in those little
15 -- little spaces.

16 And I've had conversations with other people, too,
17 about the developer being able to turn a profit. Now, my
18 opinion is it's not -- it's none of my business or our
19 business whether or not they make a profit. They're
20 businessmen. It's up to them.

21 However, I think, especially with this -- with the
22 Roche project going on and all these things that -- how
23 greatly Nutley's going to turn into in the next ten years,
24 the rate -- the rates of the rentals are going to go up.
25 So, they'll -- they'll have -- instead of having 20 units,

1 they'll have 15 but they'll get more per unit because the
2 rates are going to go up because Nutley's going to continue
3 to be more and more desirable -- more desirable than it ever
4 was in my lifetime. I foresee that over the next ten years.

5 MAYOR SCARPELLI: I think the planning board
6 doesn't have to consider the economics. I think as the
7 governing body, we have to be practical.

8 So, in that, Anthony, you're in the business. I
9 mean, do these numbers work?

10 MR. MALFITANO : Well, adding to what
11 Barry was also referencing -- we didn't just look at
12 apartments and densities and sizes because we looked at, you
13 know, an overall view that was a balance of open space,
14 parking, as Mark talked about, apartment density and, as
15 Carol mentioned, you know, how you -- how you can work the
16 density is also by increasing the size of the apartments.

17 A lot of the research that we -- we gathered was
18 from personal projects that I -- I've worked on and seen the
19 results of and -- and the committee used a lot of that
20 information, whether it was B-2s -- B mixes or strictly
21 residential and we -- we compiled a dozen different towns
22 and projects.

23 So, we just didn't look at just around this area.
24 We went into Bergen County. We went into Middlesex County,
25 Union County and we compiled a lot of information.

1 So, it's not just as -- as Commissioner Tucci was
2 asking about, you know, why 950 or why two bedroom. You
3 really want to start looking at these projects although
4 they're a lot smaller than -- than what I'm used to but they
5 still encapsulate the same principles. So, it's -- it's
6 open space.

7 COMMISSIONER TUCCI: Where's the demand, Anthony?

8 MR. MALFITANO: In --

9 COMMISSIONER TUCCI: Where do you see the demand?
10 You're in the industry.

11 MR. MALFITANO: Well, the demand of --

12 COMMISSIONER TUCCI: Of apartments. Is -- is it
13 two bedroom?

14 MR. MALFITANO: It's not --

15 COMMISSIONER TUCCI: Is it smaller one bedroom?

16 MR. MALFITANO: It -- it is a balance and
17 -- and if I can reference, and it was mentioned, you know,
18 where -- the luxury apartment is coming into everyone's
19 town. They're calling them luxuries that are larger two
20 bedrooms, you know.

21 We're putting 950 as the smallest one bedroom that
22 I -- I've seen and it goes to a thousand, twelve hundred,
23 fourteen hundred, sixteen, eighteen hundred square foot
24 apartments.

25 And -- and the -- the users of these apartments is

1 not millennials. It's -- it's downsizing people. It's
2 professionals who want a different lifestyle. It's people
3 that -- on the larger size, use their apartments as the two
4 bedrooms, they use a write-off for one as a business expense
5 because they have an office and they are transitioning from
6 a home and -- which we all know would be difficult for most
7 of us to think that you would ever go back to an apartment
8 when you started with an apartment.

9 Yet, you know, that size makes you feel a little
10 bit more at ease. And, you know, the values of these
11 rentals, I'm not sure what the rate here is in town, but we
12 see them anywhere from 2500 to 3500 and it sounds like a lot
13 but we can't rent them fast enough.

14 In the last five years, I worked on 2,000
15 apartments. In the next five years, I got 3,000 apartments
16 and they're all over. And there is no end yet that we can
17 see that it's -- it's this turning lifestyle.

18 Everyone uses the word millennials. Our kids are
19 not leaving our house. So, we need to --

20 COMMISSIONER TUCCI: They can't afford to. (Laughter)

21 MR. MALFITANO: Yeah. That easily. That
22 easily.

23 But the millennials, yes, they're -- they're
24 comfortable with smaller sizes because it's what they can
25 afford. But the -- the number of millennials and the

1 nearest project most know is the one here in Bloomfield, 330
2 apartments, the ratio is 70 to 30; 70 percent are two
3 bedrooms and 30 percent are single bedrooms.

4 COMMISSIONER PETRACCO: And if I could just
5 interrupt you on that, that one site, because that's what I
6 was saying.

7 What's the density per acre for that project?

8 MR. MALFITANO: Thirty.

9 COMMISSIONER PETRACCO: So -- and what's
10 Bloomfield's ordinance?

11 MR. MALFITANO: I --

12 COMMISSIONER PETRACCO: I mean, did you guys --

13 MR. MALFITANO: I don't know the exact
14 but that's their -- their density.

15 COMMISSIONER PETRACCO: I mean, was there --

16 MR. MALFITANO: It came up at 30 per --
17 per acre.

18 COMMISSIONER PETRACCI: So, is there a variance
19 process then if somebody wants to go over that and set --

20 MS. TANGORRA: Always. Always.

21 MR. MALFITANO: Yes. The committee, when
22 we first started, we started at 30 and that was the normal
23 in a lot of the towns.

24 And, then, when Carol brought into the real estate
25 aspect of -- of making it a little larger because she sees

1 that being a trend as well, larger, and that's what we're
2 seeing.

3 COMMISSIONER PETRACCO: Yeah.

4 MR. MALFITANO: We're starting to put
5 three bedrooms in and I know the -- the idea that everyone
6 thinks bigger apartments, more space is meaning more kids
7 and it's not been the case.

8 MS. TANGORRA: A lot of young folks cannot buy
9 because of student debt.

10 MAYOR SCARPELLI: Yeah.

11 MS. TANGORRA: You know? So they are
12 looking for apartments to rent and they don't want tiny
13 space, you know? They want a decent space.

14 MR. KOZYRA: There was a comment --

15 COMMISSIONER EVANS: Anthony, excuse me, you were
16 just trying to say -- so, you're saying, you know, you're in
17 the industry and you're saying that you're building larger
18 units --

19 MR. MALFITANO: Yeah.

20 COMMISSIONER EVANS: -- with more space, more
21 bedroom space or more square footage --

22 MR. MALFITANO: Square footage.

23 COMMISSIONER EVANS: -- or whatever -- whatever
24 that is. And you're not seeing a trend that that's going to
25 -- that's growing in family size. It's actually growing --

1 you're not seeing the number -- the growth in children in
2 that (indiscernible)?

3 MR. MALFITANO: We don't have
4 a property as an example --

5 COMMISSIONER EVANS: (Indiscernible) kids.

6 MR. MALFITANO: -- the number of kids in
7 the 330 apartments is about 45 kids. Most are little -- and
8 they're all in the one bedrooms and -- and most of them are
9 pre-school, you know, younger -- young kids.

10 The ones that are older, they're out of school
11 already and they're living either with a grandparent or with
12 the parent. But they are -- they go to work and that's
13 where we -- we're running into the parking issue there.

14 We are now increasing our parking requirements to
15 three for two bedrooms instead of two because there's no
16 more two cars for a family. Even in apartments, the
17 millennials not leaving mom and dad, they might have moved to
18 a house and we still see the teenager living in one bedroom
19 and the --

20 COMMISSIONER EVANS: Right.

21 MR. MALFITANO: Well, not teenage, I
22 don't want to say. The 20-year old son or daughter living
23 in that second bedroom.

24 It's not a large percentage of kids -- of people
25 renting with kids in the apartment. The largest percentage

1 is downsizing baby boomers. Unfortunate another market
2 that's come in is divorcees. The first time the divorce
3 rate is higher than the marriage rate.

4 MR. KOZYRA: Uh-huh.

5 MR. MALFITANO: And, when that occurs,
6 and they're split up, one -- generally, both live in an
7 apartment unfortunately. If there's a house involved maybe
8 the -- the female's there. But that's taking over a lot of
9 percentage of that.

10 COMMISSIONER EVANS: The other question I had is
11 so when the alternative to a house or to an apartment is a
12 condo or a townhome, are you seeing -- (indiscernible) condo
13 associations, condo type buildings, maybe --

14 MR. MALFITANO: Right.

15 COMMISSIONER EVANS: -- more urban design condo;
16 are you seeing any trend in that way?

17 MR. MALFITANO: We don't -- the -- maybe
18 condos, not in New Jersey as well.

19 A lot of townhomes, a lot of apartments, single
20 family homes, you know? But not anything in condos. It --
21 we have a project in Hackensack, 350 apartments going up,
22 high rise. Luxury is what's appealing to people. It has a
23 bowling alley inside. It has an indoor swimming pool. It
24 has -- and people are willing to pay for that. As all --

25

1 MR. GENITEMPO: How many stories, Anthony?

2 MR. MALFITANO: Six --

3 MR. GENITEMPO: For three hundred -- and how many
4 --

5 MR. MALFITANO: Yeah.

6 MR. GENITEMPO: -- buildings for three
7 hundred?

8 MR. MALFITANO: One building.

9 MR. GENITEMPO: For three hundred units?

10 MR. MALFITANO: Yeah. It's a big
11 building. But it's multi tiered and layered and so it
12 doesn't have that look of a square building.

13 MAYOR SCARPELLI: Stick construction?

14 MR. MALFITANO: Steel and concrete, lower
15 level. Two floors of garage. The key with that is that you
16 just don't see it. You know, it's cosmetically, you know,
17 incorporated into the design. You don't even see the garage.
18 It looks like the rest of the building. Yes?

19 COMMISSINER EVANS: Just a quick -- quick question.

20 In terms of what you're seeing where you're
21 building in terms of the apartments, are you seeing a high
22 level of turn in terms of the tenant -- turn in terms of the
23 tenancy of the apartments or are you have longer term
24 occupancies?

25

1 MR. MALFITANO: Turnover?

2 COMMISSIONER EVANS: Turnover, yeah. The
3 turnover.

4 MR. MALFITANO: That particular property
5 there, the most recent that was completed, it's only three
6 years I have 330 apartments.

7 We, annually, will probably lose about five, six
8 people. It's the amenities, the swimming pools and all that
9 people are happy to live there and so move there.

10 COMMISSIONER EVANS: So, there's more stable --

11 MR. MALFITANO: Yeah. Exactly. Yeah.
12 Yeah.

13 COMMISSIONER EVANS: Really.

14 MR. MALFITANO: I can give you the name
15 of at least ten that live there who -- who might have even
16 rented here in Nutley and left.

17 And it's more of the -- what the -- the property
18 offers; space. It has room. It's green. It's not -- you
19 know, I know the property that's 11 acres, 12 acres. You
20 know, you're not talking comparing the same thing as --

21 COMMISSIONER EVANS: Yeah, yeah.

22 MR. MALFITANO: -- you know, some of the
23 other sites that we're seeing.

24 But it's the same principle. You have open space,
25 you know? And it has a different appeal. But it's the walk

1 the dog in the evening.

2 So, to answer the trend, I -- we've been working
3 on this for over a year and we -- we met with the planners,
4 the engineers and with Mr. Intindola. We all threw ideas
5 back and forth and -- and what I was offering is what has
6 been done in the recent years and what we're planning to do
7 for the next probably ten years of apartments.

8 It's -- It's moving in that direction. As Carol
9 said, the school debt is -- a lifestyle, people just don't
10 want to maintain a home and not to make anything worse for
11 Commissioner Evans, taxes are high. And, so, people are
12 saying, gee, my taxes. My rent and -- they're offsetting --

13 COMMISSIONER PETRACCO: I agree with
14 (indiscernible). And they're (indiscernible).

15 COMMISSIONER TUCCI: Not the right guy
16 (indiscernible).

17 COMMISSIONER ROGERS: I feel sorry for you --

18 COMMISSIONER EVANS: Thank you.

19 (Indiscernible conversations.)

20 MAYOR SCARPELLI: So, Commissioners, do you have
21 any other questions for --

22 MR. ARCUTI: If I -- if I could just --

23 MAYOR SCARPELLI: -- the committee?

24 MR. ARCUTI: -- comment on what

25 Commissioner Petracco said about the variance thing.

1 Absolutely, there's a variance. So, if a person buys a
2 piece of property and we put this ordinance in place and
3 it's supposed to have 18 apartments and they want to put 22,
4 that's part of their denial letter. That's part of the
5 application process and a variance is either granted or not
6 granted.

7 Right now, they don't have to do that. They could
8 take that piece of property where -- and, according to us,
9 they could put 15, they could 30, and you can't say --

10 COMMISSIONER PETRACCO: As long as they meet the
11 parking requirements?

12 MR. MALFITANO: Correct.

13 MR. ARCUTI: Right. Right. You could
14 -- right. And we have -- I've given you several examples of
15 apartments.

16 COMMISSIONER PETRACCO: But what my point was, the
17 reason why I asked that question, Mark, was because my point
18 is is that a change in the density, you know, the -- and the
19 tweaks that you guys are making, and I have to tell you.
20 I'm more confused here today than I was ten years ago when I
21 walked in here, over this pressing issue because, you know,
22 like Anthony said before, it's coming to a town near you
23 like because --

24 MAYOR SCARPELLI: It's all over.

25 COMMISSIONER PETRACCO: -- that -- it's all over.

1 MR. KOZYRA: Definitely.

2 COMMISSIONER PETRACCO: You know? I went to Bobby
3 Giangeruso's fundraiser, the Mayor of Lyndhurst, a few months
4 ago. You were with me, Steve. Lou Stellato, the Bergen
5 County Chair, who's a pretty big deal and a really good guy,
6 he started his speech with, you don't see the shoemaker on
7 the corner. You don't see the butcher. Isn't that -- if you
8 don't develop, your town will be lost in the past.

9 However, the last couple years when, you know, we
10 started the development in Nutley, you know, it started
11 before us actually, you know, with the townhomes and some
12 apartments, you know? There seems to be a big public outcry
13 that, you know, the schools are overcrowded and that's not
14 what we want here, you know?

15 So, when -- when the Mayor said to you about, is it
16 -- is it feasible for a developer to come in here with all
17 these extra, you know, obstacles, you know, if you're the
18 developer? Is it -- does it warrant -- are they going to
19 build or do we -- are -- or do we have to address our school
20 problem? Is it a building problem that we have here? Is it a
21 school problem?

22 And, you know, how do we get our hands wrapped
23 around here -- this and I think a lot of people, in the
24 public, thought that once we changed the density ordinance,
25

1 you know, the eight per acre, that -- then that was the end
2 of like zoning and planning boards that if somebody came
3 with an application for more, it couldn't be granted.

4 So, that's not like a cure all because anybody
5 could apply for a variance as well.

6 MAYOR SCARPELLI: Sure.

7 MR. KOZYRA: Exactly.

8 MR. MALFITANO: But at least --

9 MS. KOZYRA: It's the law.

10 MR. MALFITANO: But (indiscernible) --

11 COMMISSIONER PETRACCO: Yeah. No. I'm saying
12 that's the process.

13 MR. MALFITANO: But at least by coming up
14 with a number, it's all part -- it'll be all part of the
15 application.

16 COMMISSIONER PETRACCO: And, plus -- and plus --

17 MR. MALFITANO: It's not part of the
18 application now.

19 COMMISSIONER PETRACCO: No. And I think -- I
20 think like --

21 MR. MALFITANO: Yeah.

22 COMMISSIONER PETRACCO: -- what Commissioner Tucci
23 said a while ago is I think it's time to take a pause and
24 let's see what's, you know, going on and what we want to be.
25 But I think that, you know, moving forward, we really have

1 to have some visioneers and I know that when -- during my
2 term as the mayor, we had planners come in, you know, and I
3 know Joe's had them in. And, you know, they all seem to say
4 the same thing to -- to the board when I was here was that
5 you're missing on Franklin Avenue to be
6 competitive; you're missing density and you're missing
7 parking which we did.

8 MR. MALFITANO: With what now? What are
9 you comparing Nutley too?

10 COMMISSIONER PETRACCO: No. What -- the -- what
11 the planners said that to be a successful --

12 MR. MALFITANO: I -- I know but most of
13 these planners don't have the same -- they don't live in
14 town, for one thing.

15 COMMISSIONER PETRACCO: Right. Right.

16 MR. MALFITANO: And they're not concerned
17 about the long-term view or it's development.

18 COMMISSIONER PETRACCO: Right.

19 MR. MALFITANO: And -- and I've heard it
20 thrown out there that, you know, Franklin Avenue can warrant
21 50, 60, 70, 80 units per acre. I've heard it said and I'm
22 not going to quote the person --

23 COMMISSIONER PETRACCO: Uh-huh.

24 MR. MALFITANO: -- who said it. And why
25 shouldn't we be going in that direction?

1 It's definitely not something in long-term
2 because, you know, you -- you drive up and down the same
3 streets I do.

4 COMMISSIONER PETRACCO: Uh-huh.

5 MR. MALFITANO: So, I -- I think that,
6 you know, through the help of the commissioners, we all have
7 the same vision. We -- that higher density may be appealing
8 and we all know that the first go around of apartment
9 building and construction, higher rents and then if -- if
10 you don't have amenities and you don't have things that keep
11 people redoing their lease --

12 COMMISSIONER PETRACCO: Yeah.

13 MR. MALFITANO: -- they leave and then
14 the property owner has a -- has a stretch of trying to
15 figure out --

16 MR. ARCUTI: The formula.

17 MR. MALFITANO: -- how to -- how to keep
18 his occupancy up.

19 COMMISSIONER PETRACCO: Right.

20 MR. MALFITANO: But --

21 COMMISSIONER ROGERS: You've got to --

22 MR. MALFITANO: -- going back to the
23 retail -- one -- one second, Steve --

24 COMMISSIONER ROGERS: Okay.

25 MR. MALFITANO: -- the retail -- another

1 thing about retail is that, you know, my -- my background is
2 mainly retail, you know? And the conversation is that
3 retail is dead and it's going away. And -- and you hear a
4 lot of the big boxes are closing up. The Sports Authority
5 and all the -- the other large chains. Toys R Us next.

6 But downtown retail is coming back. It's
7 revitalizing. People want to be able to walk to the shop.
8 They're looking for the hardware store again. They want --
9 you know, Nutley's businesses do well downtown. The food
10 business.

11 But, as Mark mentioned, we looked at what is a
12 proper size for a regional retailer and a national retailer.
13 It's not 600 square feet.

14 COMMISSIONER PETRACCO: What's the problem?

15 MR. MALFITANO: And you have to have an
16 inventory and a selection and you have to have enough
17 parking. So, when I go back to that original comment about
18 it's a balance. It's open space. It's parking. It's --
19 you know, the demographics are there but, you know, we all
20 draw in from some of the surrounding towns and that's what
21 retailers look like.

22 Go ahead, Steve. I'm sorry.

23 COMMISSIONER ROGERS: Great segue into what
24 I'm going to --

25 MR. MALFITANO: Okay.

1 COMMISSIONER ROGERS: -- offer.

2 I spoke to a number of business people over the
3 past few months on Franklin Avenue and in other communities.
4 And the question I asked was, what do we need to do to get
5 businesses here? What do we need to do to bring some
6 attraction here?

7 And to -- just about to a businessperson they
8 said, it's nearly impossible because of our competition with
9 the internet. Everyone is buying products over the
10 internet. Even I'm doing it now. I mean, it's easy. It's
11 convenience.

12 But saying that, after hearing your presentation,
13 I think that if we can somehow make our business community
14 attractive, like you say, bigger space. I've got to tell
15 you, I see people, they want to sit down and they want to
16 have coffee as they're shopping. They -- you'll go to
17 Barnes and Noble in Clifton, it's packed. They go over to
18 that Burlington Coats, I guess, it is.

19 MR. KOZYRA: Right.

20 COMMISSIONER ROGERS: Another -- so -- so, if we
21 -- look, we have no control over what businesses come in
22 other than what you're doing, I think is great, because
23 you're widening that space where you could get bigger
24 businesses to come in and maybe give the opportunity to make
25 it a place where it's so attractive that people will come

1 back.

2 So -- but I just wanted to offer that up that this
3 is what the talk is.

4 MR. MALFITANO: Uh-huh.

5 COMMISSIONER ROGERS: And -- and look, I don't
6 believe in giving up. I believe -- by the way, thanks for
7 the work you doing. And I know you don't get thanked a lot.
8 But you need to be thanked because this is a thankless job.

9 Right guys? Thankless job, we're in, right?

10 COMMISSIONER PETRACCO: Yeah.

11 COMMISSIONER ROGERS: Okay. So -- so --

12 COMMISSIONER EVANS: Well, I'm the tax guy.

13 COMMISSIONER ROGERS: But you're -- you're a God.
14 You're (indiscernible) --

15 (Indiscernible conversations.)

16 COMMISSIONER ROGERS: But my point is this, so the
17 mindset -- the mindset is something we also have to overcome
18 and let people know that, you know what? The internet maybe
19 doesn't have to kill our businesses if we do it the right
20 way.

21 COMMISSIONER PETRACCO: It's a complement. I --
22 I've talked to some of the same merchants that maybe you have
23 because I frequent the shops and --

24 COMMISSIONER ROGERS: Yeah.

25 COMMISSIONER PETRACCO: -- because I'm in the

1 retail development and I asked how they're doing, there's
2 not much vacancy in Nutley town.

3 MR. KOZYRA: Nope.

4 COMMISSIONER TUCCI: No.

5 MR. KOZYRA: There is not.

6 MR. MALFITANO: What are the percentage,
7 maybe off the top of your head, of the retail businesses are
8 owned by the retail store? A large amount?

9 COMMISSIONER ROGERS: No.

10 COMMISSIONER EVANS: No.

11 MR. MALFITANO: A small amount.

12 COMMISSIONER EVANS: They're not (indiscernible
13 small.

14 MAYOR SCARPELLI: Small amount.

15 MR. MALFITANO: So, we --

16 COMMISSIONER PETRACCO: You mean own the building
17 that they're in?

18 (Indiscernible conversations.)

19 COMMISSIONER EVANS: Yeah. They're all over the
20 place.

21 UNIDENTIFIED SPEAKER 3: Yeah, yeah. I'm saying
22 it's --

23 COMMISSIONER EVANS: There's not much
24 (indiscernible) --

25 (Indiscernible conversations.)

1 COMMISSIONER EVANS: Vacancies are about two and a
2 half percent of around 570, 60, 70.

3 MAYOR SCARPELLI: Our vacancy rate is -- is pretty
4 low on Franklin Avenue.

5 COMMISSIONER EVANS: Yeah. Yeah.

6 MAYOR SCARPELLI: And most of it -- most of the
7 people who keep them vacant are doing that by choice.

8 COMMISSIONER EVANS: Yes.

9 MAYOR SCARPELLI: So --

10 MR. MALFITANO: So, having retail, new
11 retail, will do one of a couple of things. It brings in new
12 or it gives the existing merchant a chance to maybe relocate
13 to a bigger space. Something that offers a little bit more
14 parking.

15 It will challenge the property owner of the
16 existing property that is not putting an investment back
17 into the property and is just leaving it as is to be more
18 competitive now. Now maybe he has to invest a little bit
19 into his first floor retail and improve it and now it
20 becomes a competitiveness. So, he doesn't want to have a
21 vacant space either.

22 So, it's a couple of effects, increasing that.

23 MAYOR SCARPELLI: I want to thank you guys for
24 your time and efforts as Commissioner Roger said.

25 COMMISSIONER ROGERS: Me, too.

1 MAYOR SCARPELLI: You guys did -- I know you put
2 in a lot of time and efforts and a lot of research to get to
3 this point, bring it to us and, now, we have some work to do
4 at this point.

5 MR. MALFITANO: Can I add one more thing
6 to that --

7 MAYOR SCARPELLI: Sure, Anthony.

8 MR. MALFITANO: -- if you don't mind?

9 Jerry's not here tonight, Deltufo. And,
10 along with what Al was saying about, you know, the other
11 towns and what's happening, he called the town of Montclair
12 about a year or so ago. And he said -- he had asked them
13 what -- how things are going. And they said they're in a
14 crisis mode there, too, because they're allowing business --
15 they have no ordinance that controls the size of retail and
16 their density is out of line.

17 And they're having the same experience that Nutley
18 is. Surprisingly here, considering Montclair is known for
19 its Church Street and its walkability of shops and stuff
20 like that, that, you know, behind the scenes, the
21 administrative part of the town is struggling to do exactly
22 what we are doing.

23 I had a recent conversation with the officials in
24 Woodbridge. They're struggling because they want to move to
25 27 units per acre and they're somewhere around 19-20 and

1 they're up in arms because they don't want to go that high.
2 And Woodbridge I would say would -- is ten times the size of
3 -- of --

4 MR. MALFITANO: Of Nutley.

5 MR. MALFITANO: -- Nutley. You know, it
6 takes in a lot of the towns, too.

7 MAYOR SCARPELLI: So, again, I want to thank you
8 guys.

9 COMMISSIONER EVANS: Ms. Carol, you --

10 MS. TANGORRA: Yeah.

11 MAYOR SCARPELLI: Carol, I'm sorry.

12 MS. TANGORRA: I just want to thank you
13 very much for hearing us tonight and as those of you know,
14 who have followed our progress, we have studied and learned
15 and researched and had experts in and we've worked very,
16 very hard on this.

17 So, I hope that you don't see it as a beginning
18 point because we pretty much see it as a finishing point.

19 MR. ARCUTI: Yeah.

20 MS. TANGORRA: This is it. We've worked
21 very, very hard on it. And I don't know what more, quite
22 honestly, can be done.

23 People want walkable communities. We want
24 someplace where people retire in town to live. They don't
25 want to go to cell-like apartments.

1 We want to attract new people into town who will
2 establish roots in the town. The timing is perfect with the
3 development that's going on and ON3 and I hope that you
4 will all give a lot of consideration to exactly what we've
5 presented here tonight.

6 MAYOR SCARPELLI: I'm going to ask you guys one
7 more thing. I'm going to ask you to stick around and in the
8 -- in the -- outside, if you could just summarize -- don't
9 kind of go through some of the scheduling things but the
10 main points of what we discussed and then if the
11 commissioners want to comment at all.

12 MR. ARCUTI: The density --

13 MAYOR SCARPELLI: Outside.

14 MR. ARCUTI: -- the parking and the
15 retail. Just those three basically.

16 MAYOR SCARPELLI: Yeah. If you could do that,
17 that'd be great.

18 MR. ARCUTI: Sure.

19 MAYOR SCARPELLI: We have a presentation by the
20 Tax Assessor. So, after that; all right?

21 MR. ARCUTI: Okay. Oh, that's going to
22 be tough to follow.

23 (Laughter)

24 COMMISSIONER ROGERS: And we'll have an executive
25 after.

1 (Indiscernible conversations).

2 MAYOR SCARPELLI: So, let's go outside.

3 (Background conversations).

4 (Whereupon, the board moved to public session)

5 (Pause)

6 PUBLIC SESSION

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

9 (Pledge of Allegiance)

10 (Pause)

11 (Indiscernible conversation).

12 COMMISSIONER TUCCI: I know.

13 MAYOR SCARPELLI: Madam Clerk.

14 MADAM CLERK: Yes, Mayor.

15 Board of Commissioners Public Meeting Thursday,
16 June 7, 2018. The time is 7:58.

17 Pursuant to the requirements of the Open Public
18 Meeting Act, Chapter 231, Public Law, 1975, notice of this
19 meeting was published in the December 14, 2017 issues of The
20 Nutley Sun, the Herald News and the Star Ledger.

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

24 Commissioner Rogers.

25 COMMISSIONER ROGERS: Here.

1 MADAM CLERK: Commissioner Tucci.

2 COMMISSIONER TUCCI: Here.

3 MADAM CLERK: Commissioner Evans.

4 COMMISSIONER EVANS: Here.

5 MADAM CLERK: Commissioner Petracco

6 COMMISSIONER PETRACCI: Here.

7 MADAM CLERK: Mayor Scarpelli.

8 MAYOR SCARPELLI: Here.

9 MADAM CLERK: All present, Mayor.

10 MAYOR SCARPELLI: Thank you, Madam Clerk.

11 We're going to switch around the agenda a little
12 bit.

13 The first thing we're going to do is we're going
14 to do the proclamations. Commissioner Petracco.,

15 COMMISSIONER PETRACCO: Thank you.

16 Yes, we have a proclamation here for our fallen
17 firefighters that we had. And, as I said in the back, we
18 were really fortunate to have our fire department and
19 everyone in town affairs that we got a beautiful monument
20 and I want to thank -- again thank Commissioner Tucci's
21 department for all your help. The monument came out
22 beautiful and, you know, all the firefighters help and
23 everybody was -- that was involved, it was really, really
24 well done. And it couldn't be better than having it on
25 Memorial Day, the ceremony. So, I'll read the proclamation.

1 WHEREAS, between the years of 1938 and 1942, four
2 Nutley Firemen lost their lives in service to the Township
3 of Nutley; and

4 WHEREAS, Thomas "Hickey" Woodruff was a career
5 Nutley Fire Fighter from 1931-1938. He was married to Mary
6 Webster Woodruff and they had two children together, Thomas
7 Jr. and Nancy. I

8 In his younger years, he was known as a great
9 baseball player. He received the nickname "Hickey" because
10 of his fondness for establishing hickory nut hunts.

11 On February 11th, 1938, he died from falling off a
12 6-foot ladder in headquarters; and

13 WHEREAS, Captain Frank Zimmerman was a career
14 Nutley Fire Fighter from 1923-1939. He was married to Mae
15 Owens Zimmerman. Frank was named the very first firefighter
16 once the department turned career.

17 In February of 1928, he was promoted to Captain.
18 For a number of years, he had taken great interest and spent
19 many hours repairing toys for the town's poor children at
20 Christmas time.

21 On September 13th, 1939 Captain Frank Zimmerman
22 experienced having a coronary embolism upstairs in the fire
23 department and passed away while on duty; and

24
25

1 WHEREAS, Andrew Miller was a career Nutley Fire
2 Fighter from 1929-1941. He was married to Anna May Miller
3 and left behind a 3-year-old son when he passed.

4 On November 8th, 1941 the Fire Department
5 responded to 66 Elm Place on the report of a working fire.
6 Andrew entered the basement by himself to suppress the fire
7 but slipped going down the stairs and broke his neck and
8 fractured his skull.

9 Captain Earl Manning went down to rescue him but
10 also slipped and broke his own ankle, but continued to
11 search for him and was able to carry him out. He was then
12 transported to St. Mary's hospital in Passaic where he was
13 pronounced dead; and

14 WHEREAS, Edward Stroba was a career Nutley Fire
15 Fighter from 1924-1942. He was a widower from his late wife
16 Virginia Seguin. As a child, Edward took up a great interest
17 in running and fishing as his hobbies.

18 On the evening of December 19th 1942, just days
19 before Edward was going to announce his engagement to his
20 girlfriend ,Katherine Stegner, a fire broke out in
21 Katherine's home at 75 William Street. Edward tried fighting
22 the fire but was overcome by smoke.

23 Outside he was given emergency medical treatment
24 by the Chief of Police along with a few other men. Moments
25 later the town physician ordered for Edward to be

1 transported to the hospital where he was later pronounced
2 dead of smoke suffocation; and

3 NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF
4 COMMISSIONERS, TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF
5 NEW JERSEY that these four Nutley Firemen be recognized and
6 commended for their service to duty and for their selfless
7 dedication to the residents in the Township of Nutley.

8 This is a proclamation, so we won't vote. But
9 it's very interesting to me because, even myself, until I
10 became a commissioner here, I didn't realize that we even
11 had a paid fire department going back that far and that
12 unfortunately we lost some lives back then.

13 So, it's a Nutley tradition that we always go
14 above and beyond and I just want to give -- thank the
15 firemen and everybody who took part in putting that monument
16 and having these guys' names on those plaques for an
17 eternity.

18 I think that that's a pretty big deal. So,
19 congratulations to all of you.

20 MAYOR SCARPELLI: Yeah. Thank you, commissioner.
21 And let me say that we have a lot of monuments in town. I
22 don't think there's a more beautiful monument than that
23 monument. It's --

24 COMMISSIONER PETRACCO: It's beautiful.
25

1 MAYOR SCARPELLI: -- it's gorgeous. It stands out
2 and the parks department and everybody who was involved in
3 the construction and design, you should be congratulated for
4 constructing a monument to honor these four individuals.

5 So, thank you to all involved and congratulations.

6 COMMISSIONER ROGERS: First of all, I'm sure all
7 of us here, in this room, and a good overwhelming majority
8 of the 29,000 people who live in this town, believe that you
9 are the best of the best. I mean, really mean that.

10 Commissioner Petracco used the word that we don't
11 hear much around us and that word is tradition. You know,
12 I'm looking and I'm reading and I'm saying, boy, isn't this
13 -- isn't this really nice, a pleasure, to see the Nutley
14 Fire Department strengthen the customs and traditions of
15 this great township we live in.

16 And maybe years from now, your children, my
17 grandchildren, are going to walk down Chestnut Street and
18 they're going to see that monument and they're going to read
19 about this and what you have allowed us to do is to give
20 something to our children, our grandchildren, and future
21 generations of people who live in this town, you've given us
22 history.

23 And Mr. -- I'm sorry, Commissioner Petracco,
24 you're right. I had no idea. No idea. Thank you. Thank
25 you for sharing this with us and God bless you all.

1 COMMISSIONER PETRACCO: Thank you, Steve.

2 COMMISSIONER TUCCI: Well, I think a wonderful job
3 was done by the Fire Department, in particular, Dominic
4 DiSimone and Mike LaChord (ph), because this was actually
5 their vision; all right?

6 And, then, they came to speak to us about it in
7 the Parks Department to see if there was any way we could
8 help and I would be remiss if I didn't recognize Lou
9 Malfitano, who pretty much, with Dominic and Mike, took
10 the bull by the horns. They came up with the design.

11 I don't think it could have come out any better.
12 It's a beautiful monument. It's a great testament to not
13 only the folks who are on there but also to the entire fire
14 department.

15 So, I want to congratulate all of you and thank
16 you for putting forth that effort.

17 COMMISSIONER EVANS: Overall, I was honored to be
18 part of the ceremony. It's just the tradition of Nutley to
19 recognize people from all walks of life and it's just very
20 special to recognize the fire fighters of our town.

21 There's many people who debate the cost of our
22 services but nothing replaces the fact that they're there,
23 that you guys are selfless and your caring for our people
24 and people in need. And you're willing to do what many
25 people are unwilling to do.

1 So, again, it was just an honor for me to be a
2 part of it.

3 MAYOR SCARPELLI: Thank you, guys. Let's -- yes.
4 (Applause)

5 COMMISSIONER TUCCI: Mayor, if I might, just --
6 just one more brief statement because unfortunately
7 oftentimes we overlook someone and I think we have
8 overlooked someone in this instance and that's Commissioner
9 Petracco; all right, who allowed, you know, you folks to
10 move forward and to come up with that beautiful design and
11 to have that there so that everyone can see it and everyone
12 could appreciate it.

13 So, Commissioner, thank you.

14 COMMISSIONER PETRACCO: Thank you. And --

15 MAYOR SCARPELLI: Dominic, do you want to say
16 anything?

17 COMMISSIONER PETRACCO: -- thank you for all your
18 help.

19 MAYOR SCARPELLI: Dominic, you want to say
20 anything? And then we'll take a picture with your guys.

21 MR. DISIMONE: I would like
22 to just thank you (indiscernible) Commissioner Petracco and
23 Commissioner Tucci for allowing us to have the monument
24 built in that location and everyone's help getting us
25 through us and -- it wasn't easy. A long time but

1 (indiscernible) members of the fire department, career or
2 volunteer, everyone helped out and we appreciate it. Thank
3 you very much.

4 MAYOR SCARPELLI: Let's take a picture, guys.

5 (Applause)

6 (Pause)

7 (Background conversations)

8 MAYOR SCARPELLI: Commissioner Evans, you want to
9 introduce the assessor.

10 UNIDENTIFIED SPEAKER: I'll wait for you.

11 (Pause)

12 COMMISSIONER EVANS: Thank you, Mayor.

13 Over the last several months, there's been a lot
14 of questions raised regarding the assessed value of property
15 in town, especially since the revaluation of the town that
16 occurred in 2006 and in the changes that occurred since we
17 -- in that intervening time.

18 So, I thought it would be valuable to have the
19 assessor provide a short presentation to highlight aspects
20 of the history for the town as well as his duties and
21 responsibilities, his governance, his independence and
22 provide some -- I think some insightful information.

23 One of the points that I think there's quite a bit
24 of confusion around relates to a -- an assessor's function
25 around something called a compliance plan which can be done

1 and Ed will talk about more specifically but the question
2 that we raised about land value adjustments which there's
3 been quite a few -- a bit of confusion about that and I felt
4 that it would be valuable one, to have an open presentation
5 and two, to make sure that Ed and his presentation addresses
6 that specific confusion.

7 So, Ed, I'm going to turn it over to you as our
8 tax assessor of the town. I want to share that Ed is very
9 unassuming. He's -- is a gentle giant in his nature.
10 However, he's very accomplished and highly qualified. So,
11 with that, Ed, thank you and you're on.

12 MR. BROWN: Thank you very much, Commissioner.

13 So, yeah, I'll try to be as brief as I can but
14 basically what I want to speak about tonight is what my
15 function is here, how the role of the assessor is governed
16 by State rules and also to speak about how assessments
17 change.

18 So, what I'm going to begin with is speaking about
19 the position of the assessor and I'm basically going to
20 quote a few lines from the New Jersey Handbook of Assessors.
21 And, from there, kind of summarize what that all means.

22 So, from this -- this slide here, assessors,
23 though selected and appointed by municipal officials, are
24 public officers whose duty as imposed and -- imposed by and
25 defined in State law.

1 When assessing property for taxation, the assessor
2 performs a governmental function as an agent of the State
3 Legislature.

4 The position of assessor takes on a judicial
5 quality in determining taxability and assessments of
6 property. In discharging these duties, an assessor is not
7 subject to the control of a municipality.

8 The intent is that assessors, like judges, should
9 be free to perform their duties without fear and must be
10 immune from pressure and harassment.

11 So, basically, what this means is that I'm an
12 employee of the township. I was appointed by the board of
13 commissioners. However, the board of commissioners are not
14 my supervisor. I deal directly -- or not deal, I should
15 say, but I -- my direct supervisor is the Essex County Board
16 of Taxation and the Tax Administrator. That's how the
17 position is set up throughout the State.

18 It's done so that I would never get pressure from
19 any -- any individual on the board of commissioners or any
20 governing body or an assessor in any municipality to raise
21 an assessment to lower an assessment to grant a deduction,
22 to disallow a deduction. It basically keeps the office pure
23 in a way.

24 Moving forward -- so, the function of the
25 assessor, and this is basically what my job is, is to

1 provide fair and equitable assessments throughout the
2 township.

3 Real property must be assessed at the same
4 standard of value to ensure that every property owner is
5 paying his or her fair share of the property tax.

6 So, in theory, two properties in the municipality
7 that have the same market value should essentially be paying
8 the same amount of taxes.

9 Assessments are based on and reflective of market
10 value whether through revaluation, reassessment or
11 compliance, and I'll speak to those different things in the
12 next few minutes, changes in assessed value are reactive to
13 market conditions for the of ensuring equitable tax
14 distribution among the tax base.

15 So, one of the ways that assessments are changed
16 are through a revaluation which, as many of you might know,
17 the Essex County Board of Taxation, with the teeth of the
18 State, have ordered the township for a valuation for 2021.
19 So, it's something that's going to be coming in the next few
20 years.

21 Or revaluations might be needed when properties in
22 a taxing district are not being assessed at the same rate of
23 true value and/or are being assessed substantially below or
24 above true market value.

25 Over time, market conditions change and

1 periodically assessments need to be updated to -- to
2 compensate for that. The purpose of a valuation is to
3 correct inequities within the township and create uniformity
4 throughout the assessments.

5 Market conditions, as I've alluded to before, have
6 differing effects on different types of properties. Either
7 different areas of town might become more desirable or less
8 desirable to live in and because the markets reacts to it
9 and prices will either go up or down.

10 Different styles of home might be more or less
11 desirable. In a tegus (ph) home like a split level for --
12 for instance, I mean, if you see -- if you're familiar with
13 split level homes, I don't think one's been built since the
14 1970s. It's not such a desirable style anymore. And the
15 market reacts to that.

16 The value of a -- kind of misconception is that
17 revaluations are done to increase tax revenue for the
18 township. That's inaccurate. The reason -- the function of
19 the revaluation is -- is to achieve a more fair and
20 equitable distribution of the total tax levies.

21 Revaluations are typically performed when the --
22 when ordered by the State. The State Division of Taxation
23 and County Tax Board also act in a regulatory manner,
24 approving the revaluation contract, the revaluation firm and
25 the tax maps.

1 Revaluations are contracted and performed by a
2 private firm under the supervision of the assessor.

3 And the reason why revaluations are most typically
4 performed when ordered by the State is because it's a very
5 expensive process. It's also very timely but it's -- it's a
6 very large contract that has to be assumed by the taxpayers
7 of the municipality.

8 In doing -- in doing a revaluation program, every
9 property within the township is inspected and revalued no
10 matter what type of property it is; be it residential,
11 commercial, exempt or vacant land.

12 Another way that assessments are adjusted is
13 through reassessment. And, similar to a revaluation in most
14 regards, where you're changing the value of every property
15 within the township but a reassessment program only requires
16 approval from the county. The State doesn't get involved.

17 They're often typically performed inhouse by a
18 qualified assessor and staff as determined by the County
19 Board of Taxation. However, there are municipalities that
20 do contract out and have a revaluation firm conduct them.

21 The township's last reassessment was for the 2010
22 tax year.

23 When conducted inhouse, the cost to the taxpayer
24 is little to none.

25 Another form of -- another way that assessments

1 are adjusted is through a compliance plan. This is also
2 performed inhouse by a qualified assessor. The assessor
3 must give notification, in writing, to the municipal
4 governing body, the County Board of Taxation and a county
5 tax administrator of the reasons why certain property and
6 the taxing district is warranted as well as providing
7 supporting documentation and statistical evidence.

8 And I have on this slide the form that's actually
9 submitted to the County Tax Board and along with that is
10 typically spreadsheets which show that certain areas of town
11 might, in fact, be over assessed or under assessed and that
12 adjustments to the land value might be -- might need to be
13 warranted.

14 Which brings me to the next point that during the
15 compliance plan, only land values are able to be adjusted.
16 You can't adjust the -- the building value.

17 When land values are changed consistently and
18 uniformly within a designated VCS -- VCS is an assessment
19 term, but it's basically an area of town, when a revaluation
20 or assessment, any type of -- well, I guess I should say
21 more broadly that throughout the town, there's different
22 neighborhoods and each of them are assigned a unique land
23 formula for that neighborhood.

24 The reason this is done is that certain areas
25 might be more desirable than others. Perhaps, you know,

1 property in Nutley Park should have a different land value
2 that perhaps a property on Essex Ave. And, then, you know,
3 the same could be said throughout the entire municipality.

4 Nutley has 64 different assessing neighborhoods
5 and they're delineated based on the geography and their --
6 and their zoning.

7 The land formula is the same for each property
8 within that neighborhood and, thus, that promotes equity
9 among the assessments.

10 One of the rules of the compliance plan is that in
11 any given area you cannot change more than 50 percent of the
12 land values in the township. If there is a need to adjust
13 more than 50 percent, then a compliance plan wouldn't be a
14 solution for the municipality. It would have to either
15 reassess it or a revaluation would have to be conducted.

16 As I mentioned with the reassessment, the cost to
17 taxpayers is little to none as it's done inhouse.

18 There's other ways of reducing assessment but the
19 -- the three I just spoke about are -- are macro changes,
20 changes that are either the entire municipality or sections
21 of the municipality.

22 Individually, everybody has the right to appeal
23 their -- their assessment. Every year, they can apply --
24 they can file their appeal with the County Tax Board or the
25 State Tax Court. Every year, there's an April 1st deadline

1 unless it's a revaluation year. Then, the deadline's pushed
2 to May 1st.

3 Properties assessed under a million dollars must
4 -- can't file straight to the State Tax Court. Their appeal
5 must start at the County Tax Board. I'm -- sorry yeah.
6 yeah.

7 Part of the process of an appeal is that it's a
8 burden of proof of the appellant to prove that their
9 assessment is wrong. The way the laws are set up here in
10 New Jersey is that an assessor and the assessment are
11 assumed correct. It's the petitioner or the appellant who
12 needs to prove that -- to prove that the assessment is
13 wrong.

14 For residential properties, that's typically done
15 by finding comparable sales of properties similar to -- to
16 yours or the homeowners and showing that these properties
17 would, in fact, call for a decrease in the assessed value.

18 What we also offer here and what I offer here, I
19 should say, in Nutley, we have a -- I have a form here on
20 the slide. In a formal assessment review, the property
21 owner can appeal -- can -- it's informal but can appeal
22 directly to my office or to myself.

23 I hold the taxpayer to the same standard that the
24 County Tax Board or State Tax Court would where they have to
25 prove that their assessment is wrong. But they can come

1 straight to me, basically filling out this form, and -- and
2 giving me some comparable sales that might prove that their
3 -- their home is, in fact, over assessed.

4 This form is available on the Nutley website.
5 And, then, if -- any change that -- if -- if I were to find
6 that a property is, in fact, over assessed, any change is
7 always for the following tax year.

8 Assessments are also increased over time. When
9 people do construction, when people renovate their homes,
10 put additions on their home, any type of -- a lot of types
11 of construction, I should say, will increase the value of
12 the property and, therefore, an added assessment is
13 warranted.

14 It could be for many different types of things. A
15 renovated kitchen, a renovated bath, adding a garage, a
16 fireplace, a patio, a porch. These are filed once a year
17 with the County Board of Taxation statutorily on October 1st
18 but they're already -- always prorated back to the date that
19 the construction is complete.

20 So -- but you have spot assessing. It's important
21 that adjustments are applied on an area wide basis where I
22 -- I talked about through revaluation or reassessment,
23 changing all the values in the municipality or a compliance
24 plan changing certain areas of town or neighborhoods of
25 town, if you will, of the town, if you will.

1 I can't just -- let's say a property sells for,
2 I'm going to just make up a number, 400,000 and I have it
3 assessed at 300,000. I can't just go change that number.
4 It's called spot assessing. It's discriminatory. Time and
5 time again, courts have overruled any type of spot
6 assessments.

7 And I think that's kind of what -- what I'm being
8 brought here to address is that there has been accusations
9 that my predecessor or my office, before I -- I worked here,
10 had changed or lowered certain individuals' values. It
11 can't be done. Specifically, the values were the board of
12 commissioners values, that their land values were reduced.

13 What -- what, in fact, happened were there was
14 compliance plans conducted where different areas of town
15 were adjusted and the lands values were -- were reduced to
16 speak to a softness in the market, to address that there
17 were areas of town that were over assessed.

18 So, yes. All the commissioners, their land values
19 were assessed but they were assessed at the same equitable
20 rate that that neighborhood would entail. So, if -- if one
21 of the commissioners was reduced, everybody in that
22 neighborhood was reduced. And, in fact, over 99 percent of
23 the properties in town were reduced at least once, but
24 mostly multiple times to react to changes in the market.

25 Just to give a brief history of -- a recent

1 history of -- of what's gone on in our office and what's
2 gone on with the assessments of the township, there was an
3 assessment -- there was a revaluation conducted in 2006. It
4 was the first revaluation that was conducted since 1977.
5 All the properties in the township were inspected and valued
6 by a contracted revaluation firm.

7 Because it had been so long -- well, I should back
8 track a little bit. There's a formula called the
9 equalization ratio which the State Division of Taxation
10 maintains and it -- the State holds all the sales in the
11 town and compares them to the assessments and he comes up
12 with a ratio of where the assessments are in relation to
13 true market value.

14 So, since it had been so long since the last
15 revaluation, at that point, and before the revaluation was
16 conducted, our assessments were only a 13.24 percent of
17 market value. After the revaluation, it was brought up to a
18 hundred percent of market value. Thusly, because of the
19 change in the aggregate of assessment, the tax rate was
20 reduced from \$15.66 to 2.05.

21 In 2010, an inhouse reassessment was conducted by
22 my predecessor. Assessments were updated. He had updated
23 the values to react to market conditions. As we know, there
24 was a housing bubble -- well, there was a housing crisis
25 and, subsequently, values started to -- to get softer from

1 the heights of 2006, 2007. For the -- when -- when --
2 because the assessment base was -- was reduced in 2010 with
3 the reassessment, the tax rate, therefore, went up. So, the
4 tax rate went from 2.33 to 2.77.

5 Over the years, multiple compliance plans were --
6 were performed, reducing different areas of town. AS I
7 said, most areas, over 99 percent of the areas, at least
8 once, most twice and in some areas even more than that, to
9 react to that softening in the market.

10 Hoffman LaRoche has also had a major impact on the
11 -- our assessment base. In 2013, before the imminent
12 closure was announced, the Hoffman LaRoche properties were
13 assessed at 313 million.

14 Subsequently, through the loss of value and
15 especially through demolition, the assessments were reduced
16 in '14 to 227 million and '15 to 125 million. That's in
17 assessed dollars. In tax dollars, that left about \$6
18 million in flux.

19 From 2006 to 2015, the aggregate of assessed
20 values, which is the total assessed values for all the tax
21 paying properties in town went from 4.15 trillion -- or
22 billion, I should say, to 3.23 billion. And as I mentioned
23 before it's attributable to the housing bubble, to Hoffman
24 LaRoche and overall just, you know, softening of market
25 conditions.

1 Recently, we have had a very strong housing market
2 in town and that's led to what I spoke about before, the
3 equalization ratio because these -- the market value's
4 increasing and the assessments are staying relatively the
5 same. That -- that's leading to the equalization ratio
6 being lower.

7 And, then, in 2021, well, we're going to be doing
8 it all again for a town-wide revaluation.

9 And I just wanted to -- I should have probably
10 mentioned it at the top, if anybody has -- ever wants to
11 speak about their assessment, if they ever have any
12 questions, my office is open Monday thru Friday. I'm right
13 here in this building on the first floor. You can't miss
14 me. That's my telephone number there; 973-284-4956.

15 I'm part-time. I'm here Mondays, Tuesdays and
16 Thursdays but I have an assistant who's here every day and,
17 even when I'm not here, I'm readily available via email.

18 MAYOR SCARPELLI: Thank you, Mr. Brown.
19 Commissioner.

20 COMMISSIONER EVANS: Ed, just a quick question. If
21 someone was to take a look at the change in the tax rate
22 over time, they would have to consider the drop in assessed
23 value -- of the over all assessed value of the town over
24 time in order to back out the tax rate change as a result of
25 the lower assessed value.

1 MR. BROWN: Absolutely. I mean, and really the
2 change in -- in the tax rate, especially when you're talking
3 about large changes, is really attributed to, you -- changes
4 in assessed value or changes in market.

5 So -- I mean, I always use the example that let's
6 say that right now I doubled every -- uniformly doubled
7 every assessment throughout the township. Mathematically,
8 the tax rate would cut in half. That's just how it -- or if
9 I reduce everybody from -- by 50 percent, then the tax rate
10 would go up 50 percent. So --

11 MAYOR SCARPELLI: Commissioners, any questions for
12 Mr. Brown?

13 COMMISSIONER EVANS: Thank you.

14 MR. BROWN: Thank you.

15 MAYOR SCARPELLI: Thank you very much. Very
16 informative.

17 (Pause)

18 MAYOR SCARPELLI: We have one more short
19 presentation from our conference meeting. We had members of
20 the Planning Board give us a report on the recommendations
21 for mixed use density.

22 And I'm going to have Ms. Tangorra and Mr. Arcuti
23 come up to summarize their presentation.

24 MS. TANGORRA: Thank you very much for having us
25 here this evening. Mark Arcuti (indiscernible).

1 MR. ARCUTI: Some time ago, first my name is Marc Arcuti,
2 I'm the vice chairman of the Planning Board, the Zoning
3 Committee of the Planning Board was asked to address some
4 concerns regarding the density in our town by the Zoning
5 Board and Code Enforcement.

6 Currently, there is no density requirement in the
7 books for mixed use.

8 Before I go on, because I don't want to forget
9 later, I want to thank the members of the Zoning Committee,
10 Lorraine, Jerry DeLufo, Anthony Malfitano and the entire
11 Planning Board. We spent a lot of time, many hours. Great
12 input. Great ideas. And that's how we came to the
13 presentation I'm about to give.

14 We came up with the density of 28 units per acre
15 which is pretty much in line with our surrounding towns.
16 Sometimes we're more. Sometimes we're a little bit less.

17 We also came up with 30 percent of the first floor
18 to be retail and/or non-residential. What that will do is
19 that will make the retail spaces a little bit bigger and a
20 little bit more versatile. Nothing -- nothing too small.

21 How we're going to help that is by changing the --
22 slightly changing the parking requirements. A one
23 bedroom apartment will have -- will require two parking
24 spaces and a half a parking space for every bedroom
25 thereafter.

1 Also, we determined that residential and then
2 mixed use building will only be allowed in B-2 and B-3
3 zones. B-3A and all the other zones were mixed use isn't
4 allowed, residential will not be allowed.

5 Now, as I said earlier, that's just a brief
6 summary of what we came up with. But this is a result of
7 many, many hours of hard work and we met several times
8 this has been going on -- this has been going on -- this
9 particular part of the project has been going on since last
10 April.

11 We came up with a great solution to an issue that
12 many people have addressed for many months now.

13 Now, Commissioners, we've done all the leg work.
14 We've brought this way, way down the road. And we're urging
15 you, I'm asking you, please bring it to the finish line. The
16 Planning Board wants it. Code Enforcement wants it and the
17 people want it. So, I think we should give them the
18 (indiscernible).

19 MAYOR SCARPELLI: Thank you, Mark. Commissioners,
20 any comments?

21 I just wanted to thank you and the Planning Board
22 and your committee for all the hard work. I know that you
23 put in a lot of hours and a lot of research and we really
24 appreciate your time and efforts in -- in bringing your
25 recommendations to us.

1 So, I want to thank you for all your efforts.

2 MR. ARCUIT: You're welcome. Thank you.

3 (Pause)

4 MAYOR SCARPELLI: Ms. Tangorra.

5 MS. TANGORRA: Thank you for having us here this
6 evening and I hope that you will take the work that we've
7 done very, very seriously. We've waited a long time for this
8 and it's the hope of everyone that you all act on it as
9 (indiscernible) expeditiously as possible. Thank you.

10 MAYOR SCARPELLI: Thank you, Ms. Tangorra.

11 All right. Let's go to minutes.

12 MADAM CLERK: Yes, Mayor.

13 We have Board of Commissioner Meeting Minutes for
14 April 3rd, 2018. I need a motion, please.

15 COMMISSIONER EVANS: Move it.

16 COMMISSIONER TUCCI: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 MADAM CLERK: We have Board of Commissioner
3 meeting minutes for May 1st, 2018. I need a motion.

4 COMMISSIONER EVANS: Move it.

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

17 MAYOR SCARPELLI: Communications.

18 MADAM CLERK: We have three event applications and
19 I will read them together and then we'll vote at once.

20 The Van Riper Trust has submitted an event
21 application to hold their Street Fair on Franklin Avenue
22 between Centre Street and Harrison Street on Sunday,
23 September 2, 2018 from 11:00 AM to 5:00 PM.

24 Mayor Joseph Scarpelli has submitted an
25 application for the 4th of July Celebration to be held on

1 Wednesday, July 4, 2018 from 6:00 PM to 10:00 PM on Franklin
2 Avenue between Church Street and Chestnut Street and the
3 Nutley Park Oval.

4 And The Nutley-Belleville Columbus Day Committee
5 has submitted an event application to hold their annual 36th
6 Columbus Day Parade along Franklin Avenue to the Oval in
7 Nutley on Sunday, October 7, 2018 from 12:00 to 4:30.

8 I need a motion.

9 COMMISSIONER TUCCI: Move it.

10 COMMISSIONER EVANS: 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 COMMISSINER PETRACCO: Aye.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 MADAM CLERK: And that's it for -- for
22 communications.

23 MAYOR SCARPELLI: Let's go to reports.

24 Commissioner Evans.

25 COMMISSIONER EVANS: Yes. I have a report for the

1 Code Enforcement Department for the month of May, 2018.

2 MAYOR SCARPELLI: Commissioner Tucci.

3 COMMISSIONER TUCCI: Yes. I have a Shade Tree
4 Report for the month of May, 2018.

5 MAYOR SCARPELLI: Bills, Madam Clerk.

6 MADAM CLERK: Yes, Mayor.

7 The bill list for June 7, 2018 --

8 COMMISSIONER TUCCI: Excuse me. Can you turn the
9 volume up or something. I'm having a hard time hearing you.

10 MADAM CLERK: Hearing me?

11 COMMISSIONER TUCCI: Yeah, very faint.

12 MADAM CLERK: I don't have a volume. Do I have a
13 volume?

14 (Pause)

15 COMMISSIONER EVANS: (Indiscernible) --

16 MADAM CLERK: I can speak louder. I can speak
17 louder.

18 COMMISSIONER TUCCI: That's better.

19 MADAM CLERK: Better?

20 MAYOR SCARPELLI: Better.

21 MADAM CLERK: Okay.

22 COMMISSIONER TUCCI: Thanks, Al.

23 MADAM CLERK: Bill list for June 7, 2018. Public
24 Affairs, \$118,260.98; Revenue and Finance, \$2,504,662.98;
25 Public Safety, \$800,732. -- I'm sorry, \$723, 35; Public

1 Works, \$113,687.75; Parks & Public Property, \$792,565.39;
2 Water Utility, \$86,127.25; payroll overtime for May 18th,
3 2018, total payroll for May 18th is \$872,935.38; payroll
4 overtime for June 1st, 2018, overtime payroll total is
5 \$40,379.71; total payroll for June 1st, 2018 is \$841,930.74;
6 for a grand total of \$6,130,893.82.

7 COMMISSIONER EVANS: Move the bills.

8 COMMISSIONER TUCCI: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

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

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

22 MADAM CLERK: Yes, Mayor.

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

1 Unless further time is granted by the Board, each
2 person shall limit their address to three minutes.

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

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

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

13 Mr. Scarpelli, on the bill list, what is South
14 Jersey Energy?

15 (Indiscernible conversation).

16 MR. MOORE: On the last page.

17 COMMISSIONER TUCCI: Oh, that's mine.

18 MR. MOORE: That's yours.

19 COMMISSIONER TUCCI: It's South Jersey. Yeah. I
20 thought you said -- I understood Mayor Scarpelli. I'm
21 sorry.

22 MR. MOORE: I (indiscernible) --

23 COMMISSIONER TUCCI: South Jersey Energy, that's a
24 -- we belong to a standard energy meeting. It's similar to
25 a JIF where they have a reverse auction and we get

1 reduced rates on both our electricity and our gas.

2 MR. MOORE: And you buy through --

3 COMMISSIONER TUCCI: We buy from them, correct.

4 MR. MOORE: -- (indiscernible).

5 COMMISSIONER TUCCI: Yes. We're part of a
6 consortium, a Statewide consortium.

7 MR. MOORE: Is that in bulk or is that individual?
8 I -- the reason I'm asking is because there's so many of
9 (indiscernible).

10 COMMISSIONER TUCCI: It's -- it's in bulk; all
11 right? And everyone in the consortium shares in the
12 savings.

13 And I believe, don't hold me to this, but I
14 believe the savings run anywhere to 15 to 20 percent less
15 than we ordinarily would pay through public service.

16 MR. MOORE: Okay. Now, is this -- I'm just trying
17 to -- I -- I know there's (indiscernible) the brokers. I
18 used to work for public service.

19 COMMISSIONER TUCCI: I'm sorry. You know it's
20 what?

21 MR. MOORE: I said I used to work for public
22 service. I understand the brokers. Now, you're buying --

23 COMMISSIONER TUCCI: Okay.

24 MR. MOORE: -- through somebody else.

25 COMMISSIONER TUCCI: Right.

1 MR. MOORE: But you're still using public service.
2 Is there a reason --

3 COMMISSIONER TUCCI: Yeah. Nothing changes. The
4 only thing that changes is who we pay this for but
5 transmission is all over public service's network.

6 MR. MOORE: Yeah. They have (indiscernible).

7 COMMISSIONER TUCCI: Uh-huh.

8 MR. MOORE: Thank you.

9 COMMISSIONER TUCCI: You're welcome.

10 MAYOR SCARPELLI: Anybody else like to address the
11 Board --

12 COMMISSIONER TUCCI: It's a great program, by the
13 way.

14 MAYOR SCARPELLI: -- of Commissioners --

15 COMMISSIONER TUCCIE: It saved us a lot of money
16 over the years.

17 MAYOR SCARPELLI: Sorry, Commissioner.

18 COMMISSIONER TUCCI: Sorry.

19 MAYOR SCARPELLI: Anybody else like to address the
20 board of commissioners on agenda items only?

21 What are commissioner announcements? Any
22 announcements, Commissioners?

23 COMMISSIONER TUCCI: One announcement, last night
24 we had our countdown to kindergarten event. It was the
25 first one. We had approximately a hundred children and two

1 hundred parents there.

2 So, there are -- our youngsters can begin to
3 socialize with each other and meet each other and hopefully
4 be in the same classes with one another and it was a -- it
5 was a great success.

6 I just want to thank my parks department for all
7 the effort they put forth and it's programs like this that
8 keeps our town together and keeps everyone with that great
9 sense of community that we have.

10 Thank you, Mayor.

11 MAYOR SCARPELLI: Thank you, Commissioner.

12 Any other announcements, Commissioners?

13 COMMISSIONER ROGERS: Yeah.

14 MAYOR SCARPELLI: Sure. Go, Commissioner.

15 COMMISSIONER ROGERS: Sure. I want to enhance on
16 what Commissioner Tucci.

17 I might sound like a broken record but this is a
18 very important --

19 COMMISSIONER TUCCI: Oh, no, not at all.

20 COMMISSIONER ROGERS: -- important topic
21 nationally as well as locally.

22 COMMISSIONER TUCCI: Uh-huh.

23 COMMISSIONER ROGERS: These recreation programs
24 that you have, especially now you're talking about
25 kindergarten age, it's important to understand that when

1 children get in a structured environment at an early age,
2 sports, any athletic program, the music programs we have in
3 the schools, you're beginning to keep them away from
4 trouble. You're keeping them away from going in a direction
5 that would be real problems for parents down the road.

6 And -- and I -- I guess I'll repeat this forever
7 because I see the results.

8 COMMISSIONER TUCCI: Uh-huh.

9 COMMISSIONER ROGERS: I absolutely see the results
10 and I can tell you, commissioner, there are parents in this
11 town that are seeing the results. So, I just want again
12 thank you for the work you're doing down there at the parks
13 department.

14 COMMISSIONER TUCCI: Thank you, Commissioner. I
15 appreciate that.

16 MAYOR SCARPELLI: Thank you, Commissioner.

17 I have one announcement. The farmer's market will
18 begin on July 17th. New location, parking lot nine, which
19 is next to Ciccolini's and it's from nine to two.

20 So, the farmer's market will start up and that
21 will run through October.

22 That's all for announcements. Let's move into
23 ordinance introductions. Commissioner Petracco.

24 COMMISSIONER PETRACCO: Yes. Thank you.

25 I have Ordinance No. 3387 for introduction. An

1 Ordinance to amend an ordinance codified in the Code of the
2 Township of Nutley, Chapter 228, vehicles and traffic Article III
3 entitled weight restrictions.

4 Excuse me. Do you want me to start over? Okay.

5 Particular section 17 Entitled Vehicles over designated
6 weight excluded to add to the location set forth.

7 I move that this Ordinance be passed for a second
8 reading and advertise in The Nutley Sun together with notice
9 required by law and further consideration of said Ordinance
10 for final passage by the board of commissioners be held at a
11 second reading of July 3rd, 2018.

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 MAYOR SCARPELLI: He just stepped away for a
19 moment.

20 MADAM CLERK: Okay. Commissioner Petracco?

21 COMMISSINOER PETRACCO: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 COMMISSIONER PETRACCO: Ordinance No. 3388, an
25 ordinance to amend an ordinance codified in the code of the

1 Township of Nutley, Chapter 228 entitled Vehicles and
2 Traffic, particularly Article VII, special zones and areas,
3 Section 29A entitled Handicapped Parking to add 102
4 Brookdale Avenue and 183 Park Avenue.

5 I move that this Ordinance be passed to a second
6 reading and advertised in The Nutley Sun together with the
7 notice required by law and that further consideration of
8 said Ordinance for final passage by the board of
9 commissioners be held at its next reading on July 3rd, 2018.

10 I move the Ordinance.

11 COMMISSIONER TUCCI: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSINOER PETRACCO: Aye.

18 MADAM CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 COMMISSIONER PETRACCI: Ordinance No. 3389 for
21 introduction, an ordinance to amend an ordinance codified in
22 the code of the Township of Nutley, Chapter 228, Vehicles
23 and Traffic, to add Article XVI, Section 56, entitled Do Not
24 Block the Box.

25

1 I move that this Ordinance be passed to a second
2 reading and advertised in The Nutley Sun together with the
3 notice required by law and that further consideration of
4 said ordinance for final passage by the board of
5 commissioners to be held at its second reading on July 3rd,
6 2018.

7 I move the ordinance.

8 COMMISSIONER TUCCI: Second.

9 COMMISSIONER PETRACCO: Thank you.

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSINOER PETRACCO: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER PETRACCO: Ordinance for
19 introduction, 3390, an ordinance to amend an ordinance
20 codified in the code of the township of Nutley, Chapter 13,
21 Police Department, Article III, entitled Extra Duty
22 Assignments, particularly Section 15 and Section 16.

23 I move that this Ordinance be passed to a second
24 reading and advertised in The Nutley Sun together with the
25 notice required by law and that further consideration of

1 said Ordinance for final passage by the board of
2 commissioners to be held at its second reading on July 3rd,
3 2018.

4 I move the Ordinance.

5 COMMISSIONER TUCCI: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Petracco?

11 COMMISSINOER PETRACCO: Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 COMMISSIONER PETRACCO: Thank you.

15 MAYOR SCARPELLI: Move on to public hearings.

16 Commissioner.

17 COMMISSIONER PETRACCO: Yes. I have a public
18 hearing, an ordinance on Number 3384, an ordinance to amend
19 an ordinance codified in the code of the Township of Nutley,
20 Chapter 673, entitled Vehicles Impoundment which is our
21 towing ordinance.

22 I open the public portion of the meeting.

23 MAYOR SCARPELLI: Anybody who would like to be
24 heard on Ordinance No. 3384?

25 Seeing none. I move to close the --

1 COMMISSIONER TUCCI: Second.
2 MADAM CLERK: Commissioner Rogers?
3 COMMISSIONER ROGERS: Aye.
4 MADAM CLERK: Commissioner Tucci?
5 COMMISSIONER TUCCI: Aye.
6 MADAM CLERK: Commissioner Petracco?
7 COMMISSINOER PETRACCO: Aye.
8 MADAM CLERK: Mayor Scarpelli?
9 MAYOR SCARPELLI: Aye.
10 COMMISSIONER PETRACCO: I move the ordinance.
11 COMMISSIONER TUCCI: Aye.
12 COMMISSIONER PETRACCO: Second.
13 COMMISSIONER TUCCI: Second.
14 MADAM CLERK: Commissioner Rogers?
15 COMMISSIONER ROGERS: Aye.
16 MADAM CLERK: Commissioner Tucci?
17 COMMISSIONER TUCCI: Aye.
18 MADAM CLERK: Commissioner Petracco?
19 COMMISSINOER PETRACCO: Aye.
20 MADAM CLERK: Mayor Scarpelli?
21 MAYOR SCARPELLI: Aye.
22 COMMISSIONER PETRACCO: Thank you.
23 MAYOR SCARPELLI: Let's move on to Resolutions.
24 Commissioner Rogers.
25

1 COMMISSIONER ROGERS: I have two Resolutions
2 regarding health. And they're both important but one is
3 really important.

4 Resolution No. 139-18 recognize the month of June
5 as Alzheimer's and Brain Awareness Month.

6 Now, look, on this issue of Alzheimer's, we have
7 across the country, you know, as our populations get older,
8 a lot of people are getting inflicted with this disease.
9 And, to my surprise, I've learned that even people in their
10 upper 40s and 50s can begin to get inflicted with this.

11 So, it's important that the public maybe get some
12 education on this, the signs of this. I can tell you with
13 the police department, Commissioner Petracco, and I have
14 teamed up over the years to ensure that two things happen in
15 Nutley.

16 One, you come to the public health department if
17 you feel that there's someone in your home who may be
18 inflicted by this Alzheimer's disease; and, two, if they
19 are, we get bracelets. They have a log of the people in the
20 police department that have Alzheimer's because, I'll tell
21 you what, even when I was on the police department, many
22 times we would see a car stopped in the middle of traffic.
23 We'd get out and a person wouldn't know who they are or
24 where they're from.

25

1 So, this is some serious business when it comes to
2 Alzheimer's and I -- I would just ask that people get
3 educated with regard to that.

4 So, I move this Resolution.

5 COMMISSIONER PETRACCO: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Petracco?

11 COMMISSINOER PETRACCO: Yes. And I -- I'd just
12 like to echo Commissioner Rogers' words. It's unbelievable
13 that the seniors that we have with the -- this issue,
14 commissioner, and how much time it takes to locate that
15 person for their loved ones and it -- it's really heartfelt
16 because when you have grandkids crying at the police station
17 and -- or parents and, you know, they're looking for their
18 elderly mom or dad, it's --

19 COMMISSIONER ROGERS: Frightening.

20 COMMISSIONER PETRACCO: -- it's frightening. So,
21 I -- I applaud your efforts. Thank you.

22 COMMISSIONER ROGERS: Right. The second one is to
23 recognize the month of June as --

24 MADAM CLERK: Mayor -- I'm sorry. I --

25 COMMISSIONER ROGERS: -- Men's Health Month.

1 MADAM CLERK: I'm sorry. I just need Mayor
2 Scarpelli to --

3 COMMISSIONER ROGERS: Oh, I'm sorry.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 MADAM CLERK: Okay.

7 COMMISSIONER ROGERS: Okay. The second one is
8 regarding the recognition of men's health month. Another
9 issue. Wait, wait, you lose some weight. You look pretty
10 good. The epidemy of good health right next to me.

11 But recognizing men's -- got to have some fun.
12 Got to have some.

13 We're recognizing and heightening awareness of
14 men's health month because, I've said before, that we are
15 probably the worst, worst when it comes to men's health.
16 Women do a great job. They go to the doctors. They get
17 checked on. We don't.

18 And, unfortunately, many, many times, it's when a
19 near tragedy strikes that we rush to the doctors and we
20 scratch our heads and we say, you know, we should have went.

21 So, the purpose of this is simply is to heighten
22 awareness. I know people watch. A lot of people watch.
23 Probably a little bit more than CNN. The fact of the matter
24 is that they're watching these -- these telecasts.

25 So, I really speak for them as well as I speak for

1 people here because we to really step it up when it comes to
2 health especially when you have children and grandchildren;
3 wouldn't you say?

4 COMMISSIONER PETRACCI: Absolutely.

5 COMMISSIONER ROGERS: You know, we shouldn't cheat
6 -- cheat them out.

7 And, doc, I'm sure you agree with me. You're a
8 doctor.

9 MAYOR SCARPELLI: Absolutely.

10 COMMISSIONER ROGERS: Mauro Tucci, you agree with
11 me, right?

12 COMMISSIONER TUCCI: Absolutely.

13 COMMISSIONER ROGERS: Thank you very much. Okay.
14 I move this Resolution.

15 COMMISSIONER TUCCI: Mayor, can I ask a question?

16 MAYOR SCARPELLI: Sure.

17 COMMISSIONER TUCCI: Commissioner, did I see on
18 the bulletin board on your public affairs building that you
19 have a memory screening program going on?

20 COMMISSIONER ROGERS: Yes. Yes. Yeah. We have
21 -- we have a lot of great services in town. I'm glad you
22 mentioned that.

23 And there is loss of memory. People, you know,
24 there are reasons why they lose memory and they're methods
25 and there's programs and there's therapies to help

1 strengthen that part of the brain. Thanks.

2 COMMISSIONER TUCCI: Thank you. I commend on
3 that.

4 COMMISSIONER ROGERS: Thank you very much.
5 Okay. I move the resolution.

6 COMMISSIONER PETRACCO: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Petracco?

12 COMMISSINOER PETRACCO: Aye.

13 MADAM CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER ROGERS: Commissioner Tucci, I forget
16 -- I forgot it was there.

17 MAYOR SCARPELLI: Commissioner Evans, you're back
18 right on time.

19 COMMISSIONER EVANS: Yeah. Thank you.

20 MAYOR SCARPELLI: Resolutions.

21 COMMISSIONER EVANS: Yes. So, I have several
22 resolutions. I had to step out to take a phone call because
23 I'm trying to follow the State and what -- what the status
24 is of our aid. So, I don't have any news to report. I just
25 got a phone call. Now, they're telling me there's nothing

1 to -- to report yet. So, just -- we're trying to stay on
2 top of it and we're doing the best we can to track it.

3 Everything I've been told so far, you know, knock
4 on wood, that -- you know, the amount of money that -- the
5 amount of aid that we requested, we haven't been told we're
6 not going to get it. But, again, it's still early. Later,
7 over the next couple of weeks, we'll get clarification. So,
8 with that, let me just go through the Resolutions.

9 Given the fact that the State budget is in flux
10 and we need -- we've made a request for aid, we cannot
11 finalize our municipal budget which means the county cannot
12 certify the tax rate. The county rate itself is in flux
13 because they're expecting aid as well.

14 So, it requires that we need to anticipate doing
15 an estimated tax bill for the third quarter. And,
16 hopefully, before we have to do the fourth quarter bill, and
17 hopefully within the next few weeks, we'll be able to
18 finalize the 2018 budget.

19 So, with that, this Resolution authorizes us to do
20 an estimated tax bill for the third quarter only for 2018.

21 WHEREAS, due to the delay in approval of the state
22 aid figures in the 2018 Budget, the Essex County Board of
23 Taxation is unable to certify the tax rates for the year
24 2018; and
25

1 WHEREAS, without a certified rate the Tax
2 Collector of the Township will be unable to issue the 2018
3 tax bills in a timely manner;

4 NOW, THEREFORE, BE IT RESOLVED, by the Board of
5 Commissioners: 1. The Tax Collector of the Township of
6 Nutley is hereby authorized and directed to prepare and
7 issue estimated tax bills for the Township of Nutley for the
8 third installment for 2018.

9 The Tax Collector shall proceed and take action as
10 permitted and required by Chapter 72, Public Laws of 1994,
11 and N.J.S .A. 54:4-66.2 and 54:4-66.3.

12 The total estimated tax levy for 2018 is hereby
13 set at \$115,578,854.00. The total estimated tax rate for
14 2018 is hereby set at \$3.537.

15 So moved.

16 COMMISSIONER TUCCI: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSINOER PETRACCO: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 COMMISSIONER EVANS: BE IT RESOLVED by the Board
3 of Commissioners of the Township of Nutley that the
4 Treasurer be, and she is hereby authorized to refund
5 overpayments of tax charges of \$4,836.16 for the accounts
6 listed in this Resolution.

7 So moved.

8 COMMISSIONER TUCCI: 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 COMMISSINOER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 COMMISSIONER EVANS: BE IT RESOLVED by the Board
20 of Commissioners of the Township of Nutley that the
21 Treasurer be and she is hereby authorized to refund
22 overpayment of property taxes arising from tax court
23 judgments totaling \$6,843.00 for the accounts listed in this
24 Resolution.

25 So moved.

1 COMMISSIONER TUCCI: 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 COMMISSINOER PETRACCO: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 COMMISSIONER EVANS: The next Resolution
13 establishes a petty cash fund for the Department of Revenue
14 and Finance pursuant to N.J.S.A. 48:5-21, it's deemed
15 necessary to designate a custodian for this.

16 BE IT RESOLVED by the Board of Commissioners that
17 the custodian is Kathy Rempusheski and she will be bonded
18 for a surety bond in the amount of \$10,000.00;

19 BE IT FURTHER RESOLVED that two certified copies
20 of this Resolution be submitted to the director of the
21 Division of Local Governmental Services for approval.

22 So, move.

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 COMMISSINOER PETRACCO: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 COMMISSIONER EVANS: The next three Resolutions
10 all relate to the fact that we need to continue to operate
11 under a temporary budget approval that authorized by
12 statute.

13 So, the next three Resolutions will cover the
14 water utility, our bond interest and principal payments as
15 well as the operating budget.

16 So, the first one is 143-18.

17 WHEREAS, N.J.S.A. 40A: 4-20 provides that there
18 are -- where contracts, commitments or payments are to be
19 made prior to the final adoption of the 2018 Water Utility
20 Budget, emergency appropriations may be lawfully made for
21 the purposes and amounts required in the manner and time
22 therein provided; and

23 NOW, THEREFORE, BE IT RESOLVED that in accordance
24 with N.J.S.A. 40A:4-20:

25 1. The emergency and temporary appropriations be

1 and the same are hereby made for the total amount
2 \$1,181,513.00; and

3 2. That said emergency temporary appropriations
4 will be provided for in the 2018 Water Utility Budget from
5 the accounts that are listed in the Resolution.

6 So move.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSINOER PETRACCO: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER EVANS: WHEREAS, New Jersey Statute
19 N.,J.S.A. 40A:4-19 provides that where debt service is to be
20 paid in 2018 prior to the time of the final adoption of the
21 2018 Budget, temporary appropriations should be made for the
22 amount of such debt service in the manner and time therein
23 provided;

24 NOW, THEREFORE, BE IT RESOLVED, by the Board of
25 Commissioners of the Township of Nutley, that the following

1 temporary appropriations be made in the current fund for
2 bond interest, bond principal, Green Acres loan principal
3 and interest and in the water operating budget, NJEIT trust
4 principal, trust interest and -- and trust fund principal
5 for the amounts that are listed in the Resolution.

6 So move.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSINOER PETRACCO: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER EVANS: WHEREAS, N.J.S.A 48:20
19 provides that contracts, commitments or payments are to be
20 made prior to the final adoption of the 2018 budget
21 emergency appropriations may be lawfully made for the
22 purpose and amounts required in the manner and time therein
23 provided.

24 NOW, THEREFORE, BE IT RESOLVED that in accordance
25 with N.J.S.A. 48:4-20, one, an emergency temporary

1 appropriation be and the same is hereby made for the total
2 amount of \$11,314,591.00; said appropriation will be
3 provided for in the 2018 budget for the accounts that are
4 listed in the Resolution for all of the operating
5 departments of the township.

6 So move.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSINOER PETRACCO: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER EVANS: My last Resolution is for the
19 annual audit. The audit for 2017 was conducted by a
20 registered municipal accountant, Nissivoccia and
21 Company. The report was completed and it needs to be filed
22 within six months after the completion of the work, which
23 would be June 30th.

1 NOW -- WHEREAS, N.J.S.A. 40A:5-4 requires the
2 governing body of every local unit to have made an annual
3 audit of its books, accounts and financial transactions.

4 WHEREAS, the annual report on the audit for the
5 year 2017 has been filed by a registered municipal
6 accountant with the municipal clerk pursuant to N.J.S.A.
7 40A:5-6 and a copy has been received by each of the members
8 of the governing body.

9 WHEREAS, R.S. 52:27(b)(34) authorizes the local
10 finance board of the State of New Jersey to prescribe
11 reports pertaining to local fiscal affairs; and

12 WHEREAS, the local finance board has promulgated a
13 regulation requiring that the governing body of each
14 municipality shall bring a resolution, certify to the local
15 finance board of the State of New Jersey that all members of
16 the governing body have reviewed as a minimum the sections
17 of the annual report entitled General Comments and
18 Recommendations.

19 WHEREAS, the members of the governing body have
20 personally reviewed as a minimum the annual report of
21 audits, specifically the sections of the annual audit
22 entitled General Comments and Recommendations as evidenced
23 by the group affidavit form of the governing body attached
24 hereto.

25

1 WHEREAS, each -- as such Resolution of
2 certification shall be adopted by the governing body no
3 later than 45 days after the receipt of the annual audit
4 pursuant to N.J.A.C. 5:36-5; and

5 WHEREAS, all members of the governing body have
6 received and familiarized themselves with at least the
7 minimum requirements of the local finance board of the State
8 of New Jersey as stated aforesaid and have subscribed to the
9 affidavit as provided by the local finance board.

10 WHEREAS, failure to comply with the local finance
11 board may subject members of the local governing body to
12 penalty provisions.

13 NOW, THEREFORE, BE IT RESOLVED by the Board of
14 Commissioners of the Township of Nutley hereby states that
15 it has complied and does hereby submit a certified copy of
16 this Resolution and the required affidavit to said board to
17 show evidence of said compliance. We members of the
18 governing body of the Township of Nutley, County of Essex,
19 do -- duly sworn and according to law upon oath depose and
20 say, one, we are duly elected members of the board of
21 commissioners in performance of our duties, we have
22 familiarized ourselves with the contents of the annual audit
23 of -- municipal audit filed with the clerk.

24

25

1 We certify that we have personally reviewed and
2 are familiar with, as a minimum, the section entitled
3 Comments and Recommendations.

4 So move.

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 COMMISSINOER PETRACCO: Aye.

14 MADAM CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 COMMISSIONER EVANS: Thank you, Mayor.

17 MAYOR SCARPELLI: Thank you. Commissioner
18 Petracco.

19 COMMISSIONER PETRACCO: WHEREAS, sealed bids for
20 furnishing and delivering police, dispatchers and crossing
21 guard uniforms and equipment were publicly opened and read
22 on May 23,2018; and

23 WHEREAS, Turnout Uniforms is the only bidder; and

24 WHERAS, the funds in the amount of \$48,000.00 are
25 available in an appropriation entitled 8-01-310-200 "Police

1 and Dispatcher Maintenance & Allowance" and the funds, in
2 the amount of \$12,500 are available in an appropriation
3 entitled 8-01-308-200, "Crossing Guards Allowance"
4 and has been certified by the Chief Financial Officer, said
5 certification being attached to this Resolution.

6 NOW, THEREFORE, BE IT RESOLVED by the Board of
7 Commissioners of the Township of Nutley, County of Essex,
8 State of New Jersey that a contract for furnishing and
9 delivering police, dispatchers and crossing guard uniforms
10 and equipment, consistent with the 2018 clothing voucher
11 allocation be and hereby awarded to Turnout Uniforms, 195
12 Patterson Avenue, Little Falls, New Jersey 07424.

13 I move the Resolution.

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 COMMISSINOER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 COMMISSIONER PETRACCO: That's all I have.

1 MAYOR SCARPELLI: Thank you, Commissioner.

2 WHEREAS, the Township of Nutley has a need to
3 acquire the services of a professional engineer to assist
4 the Township with defending itself against a tort claim made
5 by Hoffman LaRoche and other environmental issues as a non-
6 fair and open contract pursuant to the provisions of
7 N.J.S.A. 19:44A-20.4 or 20.5 as appropriate; and

8 WHEREAS, the chief financial officer has
9 determined and certified in writing that the value of the
10 aggregate services provided by the vendor for January 1st,
11 2018 to December 31st, 2018 will not exceed \$15,000.

12 NOW, THEREFORE, BE IT RESOLVED that the Board of
13 Commissioners, Township of Nutley, County of Essex, State of
14 New Jersey, authorizes the mayor to enter into a contract in
15 accordance with N.J.S.A. 1:44A20.4 of 20.5 with McDonald
16 Professional Engineering Services for the proposal as stated
17 above.

18 BE IT FURTHER RESOLVED that the business
19 disclosure entity certificate and determination of value be
20 placed on file with this Resolution.

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 COMMISSINOER PETRACCO: Aye.

6 MADAM CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 WHEREAS, the office of the municipal clerk has
9 received written notification from Nutley Post 30 American
10 Veterans of World War II holder of public liquor license
11 number 071631031001 and that their membership has voted that
12 they no longer wish to renew said license.

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, hereby terminates the club liquor
16 license number 071631031001 issued to the Nutley Post 30
17 American Veterans of World War II, 184 Park Avenue, Nutley,
18 New Jersey, effective June 7th, 2018.

19 AND BE IT FURTHER RESOLVED that a copy of this
20 Resolution be sent to the State of New Jersey Office of the
21 Attorney General the Division of Alcohol and Beverage
22 Control in order to dissolve club liquor license number
23 071631031001.

24 I move the Resolution.

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 COMMISSINOER PETRACCO: Aye.

9 MADAM CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 That concludes the business portion of our
12 meeting.

13 Madam Clerk.

14 MADAM CLERK: Yes, Mayor.

15 All persons addressing the Board of Commissioners
16 regarding community concerns, should approach the microphone
17 and provide their name and address for the record.

18 Unless further time is granted by the Board, each
19 person shall limit their address to three minutes.

20 All remarks to the Board and its individual
21 members must be addressed to the Mayor. The Mayor may defer
22 citizens' comments to the appropriate member of the Board.

23 Dialogue between citizens and others addressing
24 the Board shall be allowed, unless the Mayor, or presiding
25 officer or the majority of the membership of the Board,

1 shall determine that the interests of decorum and/or the
2 expeditious conduct of municipal business are being
3 adversely affected by such dialogue.

4 MAYOR SCARPELLI: Does anybody like to address the
5 Board of Commissioners this evening?

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

7 Mr. Mayor, our tax rate last year was 3.473. It's
8 being increased to 3.537 and I remember last year, the
9 State aid, we used to get 5.5 million and last year it was
10 reduced 3.6 million.

11 My question is this year's State aid, are we going
12 to get 5.5 million back because are we going
13 to get 5.5 million? Yes or no. Or do you have it?

14 MAYOR SCARPELLI: I don't think you listened to
15 Commissioner Evans when he came back is that we have not
16 gotten any definitive --

17 MR. ODRIA: I'm sorry. The (indiscernible)
18 restating the question, do you think we're going to get 5.5
19 million back. That -- that's what I meant to say. I'm
20 sorry.

21 MAYOR SCARPELLI: We're hopeful we're going to get
22 5.5 million.

23 MR. ODRIA: Okay. Well, the reason why I'm asking
24 is because -- I mean, if I work for the county or -- and
25 state, and I look at Nutley, and I would say to myself, they

1 need 5.5 million, the same way we gave to them back in 2016,
2 I think it was.

3 But if they're going to buy property, like
4 Ciccolini's and the bike shop, I mean, what else is --of the
5 -- the town leaders of Nutley are going to buy. And if they
6 have money for that, why would we give them 5.5 million? And
7 then another thing comes up. June 18th, there's been a
8 salary -- wage increases.

9 The State is going to look at that, too. So, if
10 they have enough money to give town employees higher -- even
11 higher salaries. And do you think that's going to help our
12 chances to get 5.5 million in State aid if -- if the board
13 if just doing this -- you know, giving money away?

14 MAROR SCARPELLI: Mr. Odria, I don't -- I don't
15 follow your premise because I don't think we're giving money
16 away.

17 The things we've done in the past were things that
18 we think are responsible to the future of this town. And we
19 will see what the State does and we're very hopeful and all
20 -- and we're encouraged by everything that we've heard from
21 the State that we will be getting the \$5.5 million.

22 Commissioner Evans, you want to add anything.

23 MR. ODRIA: (Indiscernible) I'm sure that you do.

24 MAYOR SCARPELLI: Okay. Excuse me a second.

25 Commissioner Evans, do you want to add anything?

1 COMMISSIONER EVANS: Michael, the things that you
2 raised, right; one, I think you're taking certain points out
3 of context to try and sensationalize it for a purpose.

4 MR. ODRIA: I is not sensation. It's all
5 about money.

6 COMMISSIONER EVANS: And I would -- and it's my
7 turn, okay?

8 MR. ODRIA: Uh-huh.

9 COMMISSIONER EVANS: So, to be factual, the points
10 that you've raised, the purchase of the bike shop, was
11 discussed with the State. The purchase of the Ciccolini's
12 property was discussed with the State.

13 The review of our budget was fully discussed with
14 the State because I had to sit with them and walk through
15 that and provide a justification of that. And, after that
16 review, the State agrees that Nutley should receive aid.

17 The only thing that's left for us to determine, at
18 this point in time, is how much and as it presently is
19 stated today, as you indicated, the tax rate is going up.
20 Why is it going up? Because statutorily we are not allowed
21 to anticipate \$550,000 worth of revenue.

22 So, if we get the same amount of aid as we got the
23 previous year, the tax increase goes down because we're able
24 to now recognize that revenue, okay? Very, very significant
25 point.

1 The other points that are in our increase is
2 related to bills. One is the increase in our sewage bill of
3 \$194,000; an increase in our pension bill of \$389,000 and
4 lower actual revenue in our water utility than was
5 anticipated due to lower consumption of \$343 -- \$341,000.

6 And you know this because it's all posted on the
7 social media site in certain segments in a certain way.

8 So, the point that I'm raising with you is, one,
9 this board has worked very, very hard and very diligently to
10 look at the issues that are going on in town and trying to
11 address them in a very competent way. And I would be happy
12 to sit down with you and go through all of the information
13 that needs to be -- for you to be -- have a better
14 understanding of what it costs to manage a municipality so
15 that you would understand your taxes better. And I'd be
16 happy to do that with you.

17 In fact, I have offered that many, many times to
18 anybody who's willing to sit down and understand both the
19 revenue and the appropriations that we have to address.

20 So, to your point is we didn't leave anything out.
21 There's no -- there's no point or merit any statement that's
22 been raised in the past that suggest that somehow our aid
23 was cut last year because we purchased a Ciccolini's property
24 or we purchased the Davis property because it's absolutely
25 untrue and factually a lie.

1 So, the point of all of this is it's important
2 that I would be happy to sit down with you to walk through
3 the facts so that we avoid the misleading points that
4 continue to actually plaque our -- our town.

5 My hope very strongly is we've made a request for
6 five and a half million dollars worth of aid. If we just
7 get the 3.6 million we got last year, we will be able to
8 reduce our budget increase by \$550,000 which will be a win
9 for the town. Every penny above \$3.6 million is a win.

10 And, right now, I haven't been given any indication that our
11 aid will be cut below the level of 2017 nor have I been told
12 that our request for 5.5 million lacks merit and therefore
13 we would be denied.

14 The only thing that would cause us to lose aid
15 will be structural changes in the State budget negotiations
16 that are going on right now before they adopt a budget for
17 2018.

18 MR. ODRIA: Okay. But if you just ask them 5.5
19 million, how come you can't ask for any more? 7.5 million.

20 COMMISSIONER EVANS: Yeah. But, no, I can go down
21 and --

22 MR. ODRIA: You know, I would have asked for ten
23 million.

24 COMMISSIONER EVANS: I can go down there ask them
25 for -- for \$20 million. I can go down there and I have with

1 the -- with representing this full board of commissioners,
2 and some of their predecessors, and pointed out to the State
3 that ask very basic questions.

4 One, why does Nutley get \$11 million in school aid
5 when our surrounding towns get more? Why? What's the basis
6 for that? Right?

7 Why in the municipal aid, basic municipal aid, why
8 does Nutley get 3.4 million, 3.2 million dollars of
9 structural aid when our surrounding community actually gets
10 \$7 million more?

11 The significance of that is, as you well imagine,
12 is significant for every taxpayer in town and we've been
13 arguing that since 2006 and the challenge that we have is
14 that in order to fix it, the State legislature has to
15 actually adopt new laws to change the aid formula which,
16 right now, no one in the State legislature is willing to
17 actually put forth a new formula to structurally trying to
18 fix it.

19 So, right now, the suggestion that a new budget
20 that says we are going to try and do -- they're going to try
21 and increase funding to the school formula, if they
22 accomplish that, Nutley wins because we'll get more aid.

23 MR. ODRIA: And our property taxes will go down,
24 be reduced?

25

1 COMMISSIONER EVANS: It -- now, the whole point of
2 getting that aid is to reduce property taxes, yes.

3 Absolutely.

4 MR. ODRIA: Because I'm sure every homeowner
5 (indiscernible --

6 COMMISSIONER EVANS: Michael, let me -- I'm going
7 to be really clear about something. Every one of the
8 commissioners up here is a taxpayer, too. I don't want to
9 pay increased property taxes. I get the first look at what
10 my taxes are going to go up every year because when we get
11 -- fund with the budget, we have to do that.

12 No one here ever wants to arbitrarily or in a
13 capricious way increase taxes. We face -- we are faced
14 with, for example, what do you do when you get a bill for
15 \$194,000 from the Passaic Valley Sewer Company saying your
16 sewer charge is going up? Do we tell people that they have
17 to manage their sewage and provide less sewage so the bill
18 goes down? We have to do that.

19 When we have an increase in -- and you see the
20 fuel prices that are going now and gas prices go up or oil
21 prices go up. We're not different than --

22 MR. ODRIA: And they also go down too --

23 COMMISSIONER EVANS: We all have to do -- yes.
24 And we all have to do it and if you take a look
25 structurally, not just Nutley, but structurally in the State

1 of New Jersey, there is a challenge with property tax
2 because of the nature of the State laws that drive property
3 tax as the solution to funding much of what the State needs.

4 So, I appreciate your concern. In fact, there's
5 no one that's more frustrated about looking at a tax
6 increase than this board of commissioners. Every time we
7 sit down and we work really, really hard and we've worked
8 very hard on the introduction of the 2018 budget to actually
9 reduce \$2.9 million projected increase and we worked very
10 hard to do that. And, at the very end, we got very close
11 and we actually got bills that we couldn't compensate for.

12 MR. ODRIA: Well, from one fellow homeowner to
13 another Nutley fellow homeowner, how about consolidation
14 with the other towns? Have you ever talked to like
15 Bloomfield and Belleville --

16 COMMISSIONER EVANS: Sure.

17 MR. ODRIA: -- and say, hey, look, you know, maybe
18 we could put some of these --

19 COMMISSIONER EVANS: Absolutely. There --

20 MR. ODRIA: -- public works and all that together
21 and --

22 COMMISSIONER EVANS: You can -- you can look at
23 that in --

24

25

1 MR. ODRIA: That -- that one superintendent of
2 schools for four towns maybe instead of having four
3 different ones, you know?

4 COMMISSIONER EVANS: So, put that into
5 perspective, Michael. It's -- it's a nice point, right?
6 And no -- no idea or suggestion is without merit.

7 But put it into perspective. Within a ten mile
8 radius of Franklin and Centre, in this area, there's 659,000
9 people. The density is enormous. So, you might adjust a
10 position here and there. But, structurally, change it where
11 you're going to reduce property taxes by some substantial
12 amount of money? Not happening. It's just impractical.

13 But I (indiscernible) --

14 MR. ODREA: (Indiscernible) more optimism --

15 COMMISSIONER EVANS: But the -- the point is is
16 that you make that suggestions, don't you think this board
17 of commissioners has already thought about that? Don't you
18 think Commissioner Petracco has a relationship with other
19 municipalities and they talk about combining services?
20 Health services is already combined and outsourced and it's
21 a shared service.

22 We've already combined garbage services with the
23 school under one contract to avoid the double cost of that.
24 Much of the work that's done in the parks and recreation
25

1 department is funded by under -- under grants. We have
2 hired people to actually search this stuff for us.

3 MR. ODRIA: So, you let me ask you if you can do
4 that --

5 COMMISSIONER EVANS: So, my point is with -- my
6 point is, your suggestion that -- that haven't we considered
7 -- considered that? I want to tell you, absolutely.

8 MR. ODRIA: But, see if you have done that -- so,
9 what is -- what is making our property tax go up, each
10 homeowner, like three, four hundred dollars?
11 Is it like the pensions that we're forced to pay? Is it the
12 salary increases that the town pays that we're forced to
13 pay? Is it (indiscernible) control (indiscernible) spending
14 like (indiscernible). Is it that's what costing us more
15 money?

16 COMMISSIONER EVANS: The cost of services across
17 the board in the State of New Jersey have risen dramatically
18 since the early 2000s. Yes. Right?

19 And when you think about when you go back to the
20 early 2000s, there is a period of time that the State had a
21 moratorium on pension funding. Sure, property taxes stayed
22 down then.

23 Also, federal laws were different in terms of what
24 the cost is and how you dispose of garbage. What's required
25 under healthcare and the cost of healthcare which is a State

1 provided benefit which we, if we wanted to offer and say in
2 Nutley, we are not offering a pension benefit, or we're not
3 offering a healthcare benefit --

4 MR. ODRIA: So, you guys don't take
5 (indiscernible) --

6 COMMISSIONER EVANS: -- (indiscernible)
7 statutorily. Statutorily, we're not allowed to do that.
8 It's a State provided benefit. It's under the law.

9 So, there are restrictions that we are governed by
10 at a municipal level, at all levels. You're forgetting, you
11 know, what was the cost increase to secure the major
12 utilities for us, for the country? Water, sewage,
13 electrical and the bonding that occurred, you know, several
14 years ago, to protect those sites because of the nature of
15 terrorist activity and the threats that we face.

16 They authorized bonding increase, huge bonds, to
17 secure those sites. They don't pay for them. It comes out
18 as a rate increase and everybody who is part of the system
19 has to pay that. So, we get that bill and that actually
20 drive property taxes up because there isn't --

21 MR. ODRIA: Well, I --

22 COMMISSIONER EVANS: -- an ability to offset it.

23 MR. ODRIA: All I want to say is if I were into
24 politics and, trust me, I've thought about it, and that
25 people have asked me to run and run in this town and, you

1 know what? I would be, no, seriously, I would be like a
2 radical. I would go against them. Like, you know,
3 you aren't going to do that because the good
4 people of this Nutley -- especially Nutley, they're losing
5 their homes. People are moving out. And --

6 COMMISSIONER EVANS: What wouldn't you do? What
7 wouldn't you do?

8 MR. ODRIA: What would I do? I'll say no.
9 Renegotiate contracts.

10 COMMISSIONER EVANS: You would say no --

11 MR. ODRIA: You know, and if they don't like what
12 they're getting, you know what? Well, you know what you can
13 do? You can go to another career. I mean, if you cannot
14 appreciate what we give you, and you want more?

15 COMMISSIONER EVANS: The answer -- the bottom line
16 is --

17 MR. ODRIA: Well, maybe (indiscernible) out.

18 COMMISSIONER EVANS: The point is I appreciate
19 your frustration and I appreciate that you feel as though
20 that there is that liberty to say no or the suggestion that
21 might even be that we're not. We negotiate very heavily and
22 the simple point is we will continue to do that. But we
23 have to face the reality of when we get a bill, we are
24 responsible for that and we have to pass that on to a
25 taxpayer. Or, do like we have been doing, provide

1 justification and fight for additional aid or find another
2 source of revenue.

3 MR. ODRIA: All --

4 MAYOR SCARPELLI: Thank -- thank you, Mr. Odria.

5 MR. ODRIA: (Indiscernible) --

6 MAYOR SCARPELLI: Mr. -- Michael --

7 MR. ODRIA: (Indiscernible) --

8 MAYOR SCARPELLI: Michael, Michael, Michael,
9 you're time is up.

10 MR. ODRIA: It really hits home when people say that
11 and it is a swamp here in New Jersey and in this county, Essex
12 and in this town.

13 COMMISSIONER EVANS: Nutley is a wonderful town.

14 MAYOR SCARPELLI: Thank you, Michael. Anybody else
15 wish to address the board of commissioners this evening?

16 COMMISSIONER TUCCI: Mayor, can I make one more
17 announcement --

18

19 MAYOR SCARPELLI: Sure.

20 COMMISSIONER TUCCI: -- before we adjourn.

21 Starting tomorrow evening at the high
22 school, our Nutley Parks Department Theater Program will be
23 presenting Shrek tomorrow's evening performance, it will
24 also go on Saturday at seven o'clock and Sunday at two
25 o'clock and (indiscernible).

1 I almost forgot to announce, the Franklin
2 Spring Festival which will be next Thursday, June 14th at
3 six o'clock. Thank you.

4 MAYOR SCARPELLI: Thank you, commissioner. I need
5 a motion to go into executive session to discuss --

6 MR.GENITEMPO: Contract negotiations and
7 litigation.

8 COMMISSIONER TUCCI: So move.

9 COMMISSIONER ROGERS: Second. Second.

10 MADAM CLERK: Thank you.

11 WHEREAS, Section 8 of the Open Public Meeting Act,
12 Chapter 231, Public Law 1975 permits the exclusion of the
13 public from meetings in certain circumstances; and

14 WHEREAS, the public body is of the opinion that
15 such circumstances exist; and

16 WHEREAS, the board of commissioners of the
17 Township of Nutley, in the County of Essex and State of New
18 Jersey, desires to proceed to closed executive session.

19 AND NOW, THEREFORE, BE IT RESOLVED, by the board
20 of commissioners of the Township of Nutley to move into
21 closed executive session to discuss contract negotiations
22 and litigation.

23 BE IT FURTHER RESOLVED that at the time when such
24 discussion may be disclosed to the public shall be when and
25 as such disclosure may be made without adversely affecting

1 the Township of Nutley, pending and/or anticipated legal,
2 personnel, contractual matters and other matters within the
3 exceptions provided for by statute.

4 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. We will be coming back to close
14 the meeting. No action will be taken.

15 (Whereupon, the meeting moved into executive)

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

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I, Pamela A. Skaw, certify that the foregoing transcript is a true and accurate record of the June 7, 2018 proceedings.


Pamela A. Skaw

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