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TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING) TRANSCRIPT OF
) PROCEEDINGS
)

SEPTEMBER 4, 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

Job No. 3011297
Transcribed by: Pamela A. Skaw

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

2 CONFERENCE SESSION

3 (Background conversation)

4 MAYOR SCARPELLI: Let me know when you're ready,
5 sir. You ready?

6 COMMISSIONER TUCCI: I'm ready.

7 MAYOR SCARPELLI: Madam Clerk.

8 MADAM CLERK: Thank you, Mayor.

9 The Board of Commissioners public meeting Tuesday,
10 September 4th, 2018.. The time is 7:05.

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

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

18 Commissioner Rogers.

19 COMMISSIONER ROGERS: Here.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Here.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Here.

24 MADAM CLERK: Commissioner Petracco.

25 COMMISSIONER PETRACCO: Here.

1 MADAM CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Here.

3 MADAM CLERK: All present, Mayor.

4 MAYOR SCARPELLI: Thank you, Madam Clerk.

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

7 COMMISSIONER PETRACCO: I just have one ordinance
8 introduction for a handicapped spot, I believe.

9 MAYOR SCARPELLI: Commissioner Evans.

10 COMMISSIONER EVANS: I have several resolutions
11 tonight regarding refunds of permit fees, tax charges.

12 I have the corrective action plan related to the
13 2017 audit. We just have to introduce the resolution so
14 that we can file the action -- the report with the Division
15 of Local Governmental Services.

16 And I have a resolution regarding Hendricks
17 Appraisal Company for \$7500.

18 MAYOR SCARPELLI: Thank you, Commissioner.
19 Commissioner Rogers.

20 COMMISSIONER ROGERS: I have an ordinance. In
21 fact, it's a two-part ordinance. Commissioner Tucci will
22 explain his part in a minute.

23 It's an ordinance for second reading. What I did
24 was lowered the base minimum salaries of certain individuals
25 in my department and I think they were too high and I think

1 when people come into a job, the entry level should be a
2 little bit lower than what we had it. So, I'm going to
3 introduce that ordinance to change that.

4 Commissioner Tucci.

5 COMMISSIONER TUCCI: Yeah. My -- my portion of
6 this is -- was reinserting the Section 4 concerning
7 longevity which somehow got included. But, when I went back
8 and, with the consent of all of the Commissioners, we went
9 back to a -- the ordinance that was adopted in February of
10 '04 eliminating longevity for any employer -- any employee
11 hired after March 22nd.

12 So, I do believe all -- all the bargaining units
13 now, with any new hires, after this date, will no longer get
14 longevity.

15 And there was also another section in here
16 concerning the payout for sick days, all right, which has
17 since been struck. And it's back to the way that I believe
18 it should have been from the beginning.

19 And that's it. That's all I have to say on this.

20 MAYOR SCARPELLI: Anything else you have,
21 Commissioner?

22 COMMISSIONER ROGERS: No. That's fine. Thank
23 you.

24 MAYOR SCARPELLI: Commissioner.

25 COMMISSIONER TUCCI: Sure.

1 I have a shade tree report for the month of
2 August. And I have two resolutions; one refunding tree
3 permit fees of -- at various addresses totaling \$350 and the
4 renewal in the Suburban Essex Joint Insurance Fund which
5 will take us from January of 2018 to January 1st, 2022.

6 And that's all I have.

7 MAYOR SCARPELLI: Thank you, Commissioner.

8 We have a presentation by Dave Lustberg tonight
9 about Wayfinding Concepts.

10 As I updated you guys at one of the previous
11 meetings that the Chamber of Commerce put together people
12 from Hackensack and people from Eastwick College to get
13 together to come up with some Wayfinding concepts.

14 Since Mr. Lustberg is -- that's sort of his
15 expertise, he's been sitting in on the meetings in order for
16 us to come up with what the cost may be, so we can get some
17 contributions from the two entities at least that I just
18 said. We need to decide what kind of concept we like so
19 that we can go back to them with some sort of cost analysis.
20 So, that's going to be his presentation tonight.

21 And I promised him I'd have him on by seven
22 thirty. He has a personal issue to -- that he has to attend
23 to tonight.

24 COMMISSIONER PETRACCO: Then we could have him on
25 at quarter after seven.

1 MAYOR SCARPELLI: Also, I have an introduction of
2 our long awaited density ordinance. The ordinance -- I'm
3 asking to introduce this tonight. I assume it -- it really
4 just basically takes the Planning Board's recommendations
5 and putting it in some sort of zoning coordinate capacity.

6 I gave you -- I've given everybody or sent
7 everybody a red line version just to review like the major
8 things that the -- that the ordinance will have. It be
9 limit the mixed use to 28 units per acre; at least 30
10 percent --

11 COMMISSIONER PETRACCO: Joe, before -- before you
12 move on, because I did review some of this very -- the
13 document today.

14 MAYOR SCARPELLI: Uh-huh.

15 COMMISSIONER PETRACCO: And the only question --
16 one of the questions I -- when is this -- we're going to
17 vote on this?

18 MAYOR SCARPELLI: Going to introduce it tonight.

19 COMMISSIONER TUCCI: This is only an introduction.

20 COMMISSIONER PETRACCO: This is only an
21 introduction?

22 COMMISSIONER EVANS: Only an introduction and it's
23 only really -- you have the whole zoning ordinance. It's
24 only --

25 MAYOR SCARPELLI: Right.

1 COMMISSIONER EVANS: -- it's Chapter 70 that's
2 (indiscernible).

3 COMMISSIONER PETRACCO: Yeah. I -- no, I broke it
4 down.

5 COMMISSIONER EVANS: It's a couple pages.

6 COMMISSIONER PETRACCO: Right. But the -- the one
7 that I'm -- I question is the density. So, when you say
8 it's 28 --

9 MAYOR SCARPELLI: Twenty-eight units per acre.

10 COMMISSIONER PETRACCO: Twenty-eight units -- for
11 what zone?

12 MAYOR SCARPELLI: For all mixed use and -- and
13 then the --

14 COMMISSIONER PETRACCO: So, are we -- are we going
15 up in units because I thought we had 20 and 25?

16 MAYOR SCARPELLI: No.

17 COMMISSIONER EVANS: No.

18 MAYOR SCARPELLI: B-2 --

19 COMMISSIONER EVANS: There was no -- there was no
20 density limit for B-3.

21 MAYOR SCARPELLI: There's no density for mixed use
22 at all.

23 COMMISSIONER EVANS: Right. For mixed use.
24 That's what this is -- this is --

25 MAYOR SCARPELLI: That's the -- that's --

1 COMMISSIONER EVANS: -- this is correcting that.

2 MAYOR SCARPELLI: -- the issue at hand.

3 COMMISSIONER PETRACCO: Right. There's no
4 densities -- okay. So --

5 MAYOR SCARPELLI: Garden apartments now have the
6 20 density --

7 COMMISSIONER PETRACCO: So, that's -- I'm thinking
8 of the 20?

9 COMMISSIONER TUCCI: So.. what

10 COMMISSIONER PETRACCO: So, that's my question.
11 So, why are we --

12 COMMISSIONER TUCCI: So, what drove the number of
13 units? Parking?

14 MAYOR SCARPELLI: Parking.

15 COMMISSIONER EVANS: Yeah. So --

16 COMMISSIONER TUCCI: Okay.

17 COMMISSIONER EVANS: -- what --

18 MAYOR SCARPELLI: Mostly.

19 COMMISSIONER EVANS: Yeah. The --

20 MAYOR SCARPELLI: And there are other bulk
21 requirements.

22 COMMISSIONER EVANS: Right. So --

23 COMMISSIONER TUCCI: Okay.

24 COMMISSIONER EVANS: -- by shaping the bulk
25 requirements and meeting the parking requirements --

1 COMMISSIONER TUCCI: Uh-huh.

2 COMMISSIONER EVANS: -- sort of then figure -- and
3 having a height limit, it then basically said based on what
4 that configuration is, the net effect is the number of
5 units.

6 COMMISSIONER TUCCI: Right.

7 COMMISSIONER EVANS: So, this --

8 MAYOR SCARPELLI: So --

9 COMMISSIONER EVANS: -- puts it.

10 MAYOR SCARPELLI: So, basically, right --

11 COMMISSIONER PETRACCO: Well, you are right but in
12 here I think they said something about height, too.

13 COMMISSIONER TUCCI: I read -- I read this -- this
14 very exciting document.

15 COMMISSIONER PETRACCO: Change anything? No?

16 COMMISSIONER TUCCI: It was -- and I have -- I
17 have -- I agree with it. I agree with the majority of it;
18 all right?

19 I had -- I definitely agree with the concept
20 behind the revision but I do have a bunch of questions.

21 MAYOR SCARPELLI: And I think we need to flesh
22 out those questions because --

23 COMMISSIONER TUCCI: Yeah.

24 MAYOR SCARPELLI: -- I can tell you -- so, let me
25 just go through what they -- they're recommendations.

1 COMMISSIONER EVANS: Okay.

2 MAYOR SCARPELLI: So, they had 28 -- 28 units per
3 acre. They had at least a 30 percent of the first floor
4 should be either -- I think they called it non-residential
5 use. So --

6 COMMISSIONER TUCCI: Uh-huh.

7 MAYOR SCARPELLI: -- that would be either
8 commercial --

9 COMMISSIONER EVANS: Commercial.

10 MAYOR SCARPELLI: -- and common areas, right?

11 COMMISSIONER EVANS: And retail.

12 MAYOR SCARPELLI: And -- yeah. Commercial, retail
13 and common areas.

14 They had 70 percent two bedroom; 30 percent one
15 bedroom which I think based on the Rutgers study, we need to
16 really look at that.

17 COMMISSIONER TUCCI: Yeah. I can tell you I don't
18 agree with that.

19 MAYOR SCARPELLI: Yeah.

20 COMMISSIONER TUCCI: I could not agree with that
21 70 percent.

22 COMMISSIONER EVANS: (Indiscernible) --

23 COMMISSIONER TUCCI: Two bedroom. So -- all
24 right?

25 COMMISSIONER ROGERS: I got a question.

1 MAYOR SCARPELLI: I know the --

2 COMMISSIONER TUCCI: I don't agree with the 28. I
3 -- I'm -- my -- I was thinking more along the lines of 25.

4 COMMISSIONER ROGERS: Mayor, I have a question
5 with regard to the two bedrooms.

6 The concern that I'm sure we all have is are we
7 going to see kids come in? Are we going to see families or
8 children come in because --

9 MAYOR SCARPELLI: Well, that's what I'm saying.
10 The Rutgers study --

11 COMMISSIONER ROGERS: -- our schools --

12 MAYOR SCARPELLI: -- says that one bedrooms -- I'm
13 going to try to summarize it. One bedroom in a higher rise
14 building that attracts people with higher incomes will
15 produce less kids.

16 COMMISSIONER ROGERS: But here's my point. I
17 think we -- we need --

18 COMMISSIONER EVANS: Yeah.

19 MAYOR SCARPELLI: Okay.

20 COMMISSIONER ROGERS: Yeah. I don't trust these
21 studies, okay? That's my -- I don't trust them at all.

22 But my point is this is that -- and I don't know
23 how we're going to do this because nothing's a guarantee.
24 But I think we really have to be prepared for an influx of
25 kids if they're going to put two bedrooms in there.

1 I mean, I -- I really have a problem with that.

2 MAYOR SCARPELLI: Listen.

3 COMMISSIONER ROGERS: And I don't --

4 MAYOR SCARPELLI: Commissioner, I -- I --

5 COMMISSIONER TUCCI: I think we all do.

6 MAYOR SCARPELLI: Yeah. We all do.

7 COMMISSIONER TUCCI: I think we're on the same
8 page with that one.

9 MAYOR SCARPELLI: I'm just giving you what the Planning
10 Board's recommendations are.

11 COMMISSIONER TUCCI: Right.

12 COMMISSIONER EVANS: This is --

13 COMMISSIONER ROGERS: Okay.

14 COMMISSIONER EVANS: I think --

15 COMMISSIONER PETRACCO: If I want to build
16 something while you guys are thinking --

17 (Laughter)

18 MAYOR SCARPELLI: Well, it's one of the reasons I
19 think we should introduce it though.

20 COMMISSIONER PETRACCO: I think --

21 COMMISSIONER TUCCI: I think we should introduce
22 it. I think it's --

23 COMMISSIONER ROGERS: Okay. Okay.

24 COMMISSIONER TUCCI: -- long overdue and I think
25 we need to flush out --

1 COMMISSIONER PETRACCO: Yeah.

2 COMMISSIONER TUCCI: -- what -- what are concerns
3 are.

4 COMMISSIONER ROGERS: Right.

5 COMMISSIONER TUCCI: And straighten this out once
6 and for all.

7 COMMISSIONER EVANS: I think it's really important
8 to get clarity out there that says for a given acre --

9 MAYOR SCARPELLI: Uh-huh.

10 COMMISSIONER EVANS: -- there's -- this is what is
11 allowed, period. And get that -- and get that clarity.

12 What the mix is and -- in shaping that, because
13 this calls for one bedroom apartments are 950 square feet;
14 two bedroom apartments at 1200 square feet. It increases
15 the parking requirement but it says a minimum square footage
16 of a unit -- maximum square footage -- or a minimum square
17 footage of a unit is 1500 square feet.

18 COMMISSIONER TUCCI: Could we dictate what --

19 COMMISSIONER ROGERS: what that
20 means.

21 (Indiscernible conversation)

22 COMMISSIONER ROGERS: Could we dictate what type of
23 housing? For example, can we say, look, we want single
24 bedroom senior housing there?

25 In other words, because with senior housing,

1 you're not going to have -- you're not going to have
2 children.

3 COMMISSIONER EVANS: Yeah. I -- what I think --

4 COMMISSIONER TUCCI: Can we do that?

5 COMMISSIONER EVANS: Yeah. I think we have a lot
6 of questions around that.

7 COMMISSIONER TUCCI: Okay.

8 COMMISSIONER EVANS: And I think we should be
9 hearing from Topology, our planner.

10 COMMISSIONER TUCCI: Okay.

11 COMMISSIONER EVANS: We should be getting somebody
12 who can articulate for us what the Rutgers study said and
13 what it says and what it really means.

14 COMMISSIONER TUCCI: Okay.

15 COMMISSIONER EVANS: And -- and I do -- do think
16 we probably need more information about what's our actual
17 experience based on the stuff that --

18 COMMISSIONER PETRACCO: I think that's the -- the
19 -- hit the nail right on the head.

20 COMMISSIONER EVANS: Okay. So --

21 COMMISSIONER PETRACCO: Is -- has anybody ever
22 gone back and did -- knocked on doors and see what is -- is
23 the Rutgers study accurate? Isn't it accurate? I mean, we
24 -- don't we have the ability to do that.

25 MAYOR SCARPELLI: Well, this is a brand

1 new study. So --

2 COMMISSIONER PETRACCO: Okay.

3 COMMISSIONER TUCCI: Well, the thing is with the
4 studies is --

5 MAYOR SCARPELLI: Based on --

6 COMMISSIONER TUCCI: Usually when the old ones
7 don't work, they come up with a new one.

8 COMMISSIONER ROGERS: Yes.

9 MAYOR SCARPELLI: That's actually what happened.

10 COMMISSIONER TUCCI: All right. So, that's -- I
11 thought -- When we went through -- what we went through
12 is --

13 MAYOR SCARPELLI: Wasn't working.

14 COMMISSIONER ROGERS: No.

15 COMMISSIONER TUCCI: When we went through this
16 exercise some time ago, the school board came up with a
17 study that was contrary to the study that you had, okay?

18 COMMISSIONER EVANS: Right.

19 COMMISSIONER TUCCI: And then there was another
20 study that was contrary to those both studies.

21 I -- I'd really like to -- you just said something
22 interesting. Knocking on doors. I'd really like to see and
23 find out what we experience with Cambridge Heights; what we
24 experience with apartments here and there. And how many
25 kids actually came in versus what the study said.

1 To your point, it will give us a good gut feeling.

2 COMMISSIONER EVANS: And I think -- I think we
3 have to --

4 MAYOR SCARPELLI: I think we could get that
5 information.

6 COMMISSIONER EVANS: -- put that --

7 COMMISSIONER TUCCI: Good. I think that's what we
8 should go on.

9 COMMISSIONER EVANS: But I also think it's
10 important, you know, because I have a lot of questions on
11 the ordinance, as we all do.

12 COMMISSIONER TUCCI: Right.

13 COMMISSIONER EVANS: And I think we should spend
14 some time on it. But I also think it's important for us to
15 get something introduced, right, which actually puts out
16 some criteria --

17 COMMISSIONER TUCCI: Okay.

18 COMMISSIONER EVANS: -- that we, before we adopt,
19 we'll refine. But I think we have to get -- get something
20 on the books.

21 MAYOR SCARPELLI: So --

22 COMMISSIONER TUCCI: That's fair. It opens
23 up --

24 MAYOR SCARPELLI: -- I think --

25 COMMISSIONER EVANS: Yeah.

1 MAYOR SCARPELLI: So, I know I got this to you on
2 Friday.

3 COMMISSIONER TUCCI: Right.

4 MAYOR SCARPELLI: So, you guys really -- we need
5 to -- to flush it out.

6 COMMISSIONER TUCCI: Right.

7 MAYOR SCARPELLI: But I think the introduction is
8 important --

9 COMMISSIONER TUCCI: Okay.

10 MAYOR SCARPELLI: -- so that nothing else comes on
11 the table.

12 COMMISSIONER TUCCI: Uh-huh.

13 MAYOR SCARPELLI: We're in a lull right now. So,
14 let's get it introduced. Let's at least have it, you know,
15 the 28 units per acre, we can always go lower.

16 COMMISSIONER EVANS: Uh-huh.

17 MAYOR SCARPELLI: We can redefine the number of
18 units -- the number of bedrooms. We can look at the square
19 footage. That 1557 --

20 COMMISSIONER EVANS: Yeah.

21 MAYOR SCARPELLI: -- is -- is a land mass. So, if
22 you took an acre and divided it by 1557 you come up with 28.

23 COMMISSIONER EVANS: Units. All right. That's --
24 that's how they got the units.

25 MR. GENITEMPO: It needs a couple more words

1 And --

2 MAYOR SCARPELLI: Yeah.

3 COMMISSIONER EVANS: Yeah.

4 MAYOR SCARPELLI: So, it's not a minimum.

5 COMMISSIONER EVANS: Yeah. It (indiscernible).

6 MAYOR SCARPELLI: It's not a minimum dwelling
7 unit.

8 COMMISSIONER EVANS: It's a hell of a house.

9 MAYOR SCARPELLI: So -- yeah. So --

10 COMMISSIONER TUCCI: Right.

11 MAYOR SCARPELLI: If you took -- if you took the
12 whole acres -- what was it, counselor? Forty --

13 MR. GENITEMPO: Forty-three thousand
14 (indiscernible).

15 MAYOR SCARPELLI: Forty-three thousand six hundred
16 and divided it by 1557, you come up to 28.

17 COMMISSIONER EVANS: (Indiscernible) --

18 COMMISSIONER TUCCI: And what was the other -- the
19 other piece in here, every -- every other 69 square feet --

20 MAYOR SCARPELLI: Any -- any --

21 COMMISSIONER TUCCI: -- not designated --

22 MAYOR SCARPELLI: -- room -- any room 69 square
23 feet or more shall be considered a bedroom.

24 COMMISSIONER TUCCI: Right. Not called what? A
25 living room or a kitchen --

1 COMMISSIONER EVANS: Or a study or --

2 MAYOR SCARPELLI: So, if it's not a --

3 COMMISSIONER TUCCI: Something so --

4 MAYOR SCARPELLI: So, in other words, if it's a
5 study and it's over 69 square feet, it's a bedroom.

6 COMMISSIONER TUCCI: Yeah. Yeah.

7 COMMISSIONER EVANS: It's deemed a bedroom no
8 matter what.

9 MAYOR SCARPELLI: Right.

10 COMMISSIONER EVANS: Yeah.

11 MAYOR SCARPELLI: So, you can call it whatever you
12 want.

13 COMMISSIONER TUCCI: So, that -- that would be a
14 den.

15 MAYOR SCARPELLI: Yeah. A den or --

16 COMMISSIONER TUCCI: Or -- or some other --

17 MAYOR SCARPELLI: -- a library.

18 COMMISSIONER TUCCI: -- or a library.

19 COMMISSIONER EVANS: Yeah.

20 COMMISSIONER TUCCI: Or a computer room.

21 COMMISSIONER EVANS: I think it exempted kitchens
22 and dining rooms, right?

23 COMMISSIONER TUCCI: With a -- with a castro
24 convertible for those that still remember them. You guys
25 are too young.

1 (Indiscernible conversations.)

2 COMMISSIONER TUCCI: You had one, Al.

3 (Laughter)

4 MAYOR SCARPELLI: So, that's my -- my introduction
5 of an ordinance.

6 I've got some --

7 MR. GENITEMPO: Just so the record is clear, these
8 suggested changes have been morphed over years.

9 COMMISSIONER TUCCI: Uh-huh.

10 MR. GENITEMPO: So, this is not something we're
11 doing in reaction to any particular development or -- or
12 anybody's idea to put something in town. This is something
13 that has been on the record theoretically through the
14 Planning Board for a few years now.

15 COMMISSIONER TUCCI: Right.

16 MR. GENITEMPO: I'm not -- I'm not commenting on
17 how long it's taken. I'm just saying this is not
18 reactionary to whatever is going on in town, the Roche
19 development, none of that has nothing to do with that. It's
20 about what you've been trying --

21 COMMISSIONER TUCCI: Uh-huh.

22 MR. GENITEMPO: -- to do for some time --

23 COMMISSIONER TUCCI: Right.

24 MR. GENITEMPO: -- and come up with some type of
25 density --

1 COMMISSIONER TUCCI: And I -- I can only speak for
2 myself.

3 MAYOR SCARPELLI: (Indiscernible) anything.

4 COMMISSIONER TUCCI: But I -- yes. I know exactly
5 what you mean and I think everybody's going to agree.

6 This is not to discount the work that the Planning
7 Board has done.

8 MR. GENITEMPO: Exactly.

9 COMMISSIONER TUCCI: Because they've --

10 MR. GENITEMPO: This is --

11 COMMISSIONER TUCCI: -- been working very hard --

12 COMMISSIONER EVANS: Yes.

13 COMMISSIONER TUCCI: -- for a very long time.

14 COMMISSIONER EVANS: Right.

15 COMMISSIONER TUCCI: All right? Just that
16 sometimes our perspective is a little different than theirs
17 and --

18 MAYOR SCARPELLI: And I -- I think --

19 COMMISSIONER TUCCI: -- Right --

20 MR. GENITEMPO: The Rutgers study is different
21 than the previous study because --

22 COMMISSIONER TUCCI: Right.

23 MR. GENITEMPO: -- it's gotten more specific in
24 terms of height and income and things; not just one, two,
25 three bedrooms.

1 COMMISSIONER TUCCI: But I think our -- our goal,
2 counselor, and I'm sure you all will agree, and I'm sure the
3 Planning Board would agree, is -- is to protect -- to
4 protect, especially the schools from becoming overwhelmed
5 because that could easily become a --

6 MR. GENITEMPO: I agreed one hundred percent --

7 COMMISSIONER TUCCI: --Did you see the
8 superintendent letter--

9 MAYOR SCARPELLI: It's -- it's not only that.
10 It's also --

11 COMMISSIONER TUCCI: (Indiscernible) --

12 MAYOR SCARPELLI: -- it's also to control --
13 control how many units are -- are on a particular property
14 that's independent of the -- how much parking you could fit
15 on that -- that lot.

16 MR. GENITEMPO: Right.

17 MAYOR SCARPELLI: Right? Because I think what's
18 happened over the years is without having a density defined
19 for mixed use it's -- you know, I don't think anybody, you
20 know, ten or fifteen years ago thought that we're going to
21 be able to take a building, raise it up in the air and park
22 underneath.

23 And most of the bulk requirements were considering
24 building on a piece of property and parking around it.

25 COMMISSIONER TUCCI: Right.

1 MAYOR SCARPELLI: So --

2 COMMISSIONER ROGERS: Are those units inclusive of
3 affordable housing or is that a whole differing thing?

4 MAYOR SCARPELLI: That's a whole different --

5 COMMISSIONER ROGERS: Okay.

6 MAYOR SCARPELLI: -- different animal.

7 What are my resolutions? I have raffle
8 applications. I have a professional contract award to
9 Topology. I have sealed bid to go our for Nairn Place
10 Roadway Improvement. I have an award of a contract to the
11 Morris County Co-Op for line painting and I have approve a
12 grant application and authorize submission for a grant to --
13 a grant to pave Grant Avenue. And an award of a
14 professional service to Arterial for vehicular traffic
15 planning services.

16 Madam Clerk, anything on the agenda?

17 MADAM CLERK: Yes. I have regular minutes for
18 August 7th, 2018 and also under communications the Nutley
19 Elks are requesting permission to hold Sunday raffles.

20 And that's all I have.

21 MAYOR SCARPELLI: Mr. Genitempo.

22 MR. GENITEMPO: I'll have a need for executive.
23 We can do it after. I have Mr. Cifelli coming in.

24 (Indiscernible) --

25 COMMISSIONER TUCCI: I just have -- I just have

1 like a five minute one concerning personnel before we go out
2 there.

3 MAYOR SCARPELLI: Can we go to five so I can get
4 Lustberg in?

5 COMMISSIONER TUCCI: I can do it absolutely in
6 five.

7 MAYOR SCARPELLI: All right. Motion to go into
8 executive for personnel.

9 COMMISSIONER TUCCI: So moved.

10 COMMISSIONER EVANS: Second.

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

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

17 WHEREAS, the Board of Commissioners of the
18 Township of Nutley, in the County of Essex and State of New
19 Jersey, desires to proceed to closed executive session.

20 AND NOW, THEREFORE, BE IT RESOLVED, by the Board
21 of Commissioners of the Township of Nutley to move into
22 closed executive session to discuss personnel.

24 BE IT FURTHER RESOLVED that at the time when such
25 discussion may be disclosed to the public shall be when and

1 as such disclosure may be made without adversely affecting
2 the Township of Nutley, pending and/or anticipated legal,
3 personnel, contractual matters and other matters within the
4 exceptions provided for by statute.

5 Commissioner Rogers.

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Tucci.

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Evans.

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Petracco.

12 COMMISSIONER PETRACCO: Here.

13 MADAM CLERK: Mayor Scarpelli.

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER PETRACCO: Aye.

16 (Whereupon, the meeting moved into executive)

17 (Background conversations).

18 (Whereupon, the board moved to public session)

19 PUBLIC SESSION

20 (Background conversations.)

21 MAYOR SCARPELLI: You guys ready?

22 (Pause)

23 MAYOR SCARPELLI: I apologize.

24 (Pause)

25 (Indiscernible background conversations)

1 MAYOR SCARPELLI: Madam Clerk, speak into the mic.

2 MADAM CLERK: I'm sorry. It's turning off. Okay.

3 Sorry.

4 Again, pursuant to the requirements of the Open
5 Public Meeting Act, Chapter 231, Public Law, 1975, notice of
6 this meeting was published in the December 14, 2017 issues
7 of The Nutley Sun. the Herald News and the Star Ledger.

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

11 Commissioner Rogers.

12 COMMISSIONER ROGERS: Here.

13 MADAM CLERK: Commissioner Tucci.

14 COMMISSIONER TUCCI: Here.

15 MADAM CLERK: Commissioner Evans.

16 COMMISSIONER EVANS: Here.

17 MADAM CLERK: Commissioner Petracco.

18 COMMISSIONER PETRACCO: Here.

19 MADAM CLERK: Mayor Scarpelli.

20 MAYOR SCARPELLI: Here.

21 MADAM CLERK: All present, Mayor.

22 MAYOR SCARPELLI: Thank you. We're going to skip
23 the -- go to presentations. Dave.

24 Dave's going to update us on some Wayfinding
25 Concepts. The Chamber of Commerce put together meetings

1 with Hackensack Meridian School of Medicine and with
2 Eastwick College to collaborate on some wayfinding signage
3 throughout the township. It now comes down to the cost
4 factor and the cost factor will be what concept the
5 Commissioners choose. So, Mr. Lustberg is going to give us
6 a presentation on the wayfinding signs and, then, we'll have
7 time to digest that and see which direction we're going to
8 go.

9 So, Dave, I'll turn it over to you.

10 MR. LUSTBERG: Thank you, Mayor and
11 thank you commissioners. --

12 COMMISSIONER TUCCI: speak into that
13 microphone --

14 (Pause)

15 MR. LUSTBERG: Hello, hello. Here we go. Okay.

16 So, thank you for your time tonight and I
17 apologize for turning my back to everyone here.

18 So, I'm going to just walk through a quick
19 presentation. We've been working for just a few weeks to
20 pull together some concepts for the vehicle wayfinding
21 system in collaboration with the Mayor and a few key
22 stakeholders to help cars navigate from various destination
23 outside of the town to some of the -- to some of the areas
24 within the town particularly the On-Three redevelopment
25 area, Hackensack Meridian and a few other destinations.

1 And I think that the key thing that was important
2 was getting people that are visiting the town to -- that are
3 going -- potentially going to On-Three to also go from On-
4 Three to the downtown to sort of take advantage of the
5 additional vehicular traffic and -- and increase business
6 potentially in the downtown. So, that was a key.

7 So, the first thing I'm going to do is just walk
8 you through -- this is -- my firm is Arterial. We're a
9 street design firm. We're located in Mont Claire and we
10 design all sorts of streetscape improvements and wayfinding
11 being one of them.

12 So, a couple of projects that we've worked on --
13 I'll just show you a few examples of wayfinding systems so
14 that you're familiar with what we're referring to.

15 So, this is the wayfinding system that we designed
16 for downtown Montclair. So, you can see that we designed
17 it as a system so that there is pedestrian, vehicular,
18 pedestrian wayfinding which are the smaller signs.
19 Vehicular wayfinding which is the sign to the left where you
20 can see it says parking. And, then, right down to sort of
21 kiosks that help pedestrians find different destinations.
22 And it all works together as one system.

23 So, this is a shot of the vehicular wayfinding
24 system that was built. You can see the walking times are on
25 the sign. Maps are included in that system. And they're

1 sort of clustered together on -- on one post to minimize
2 what we call street clutter or the number of posts that are
3 on the street.

4 Right down to the kiosks which almost act like a
5 kiosk like when you're at the mall or something like that to
6 help pedestrians get around the downtown.

7 So, that's the system that we designed for
8 Montclair.

9 This is a system that we did for downtown Newark
10 and this one, you know, what you'll notice is every sign is
11 distinct and sort of represents the place that it's in. So,
12 there is no sort of cookie cutter correct design for any
13 given place.

14 So, here in Newark, this is a little more of an
15 industrial design and you'll notice that at the top of the
16 sign is this logo and a logo actually denotes what area of
17 Newark you're in. So, there are different districts.
18 There's University Heights. There's the downtown district.
19 There's the Iron Down. So, the logo on top helps you
20 navigate so you know what area of Newark you are in.

21 In Hanover, they preferred -- this is a sort of
22 off road system. So, it's a little bit more natural
23 looking. So, we used wood posts and you can see that it's a
24 little more appropriate for that environment. So, place
25 branding, you know, telling people where they are. These

1 are the posts being manufactured. You can see the nice
2 cedar posts. And here, they are going in. The map, the
3 branding, the pedestrian destinations and mile markers.

4 And, finally, this is one that we're just
5 completing for -- for Union, New Jersey. This one is just
6 being installed now. And this is a simple system. This is
7 vehicular wayfinding only. And they just wanted to sign
8 people to their parking lots. So, this consists of public
9 parking lot signs directing cars to the parking lots and,
10 then, the parking lot markers that tell you the sort of
11 rules about that parking lot etcetera.

12 So -- and then you'll notice about this one is
13 that it's a very simple design and it's kind of classic but
14 it is also -- has a kind of modern look to it with the clean
15 lines and -- and simplicity of it.

16 And, finally, these are some options that we did
17 for a town in Maryland. Again, a system. And, so, you can
18 see that we can -- using the same information, a variety of
19 design types.

20 So, the big question when we start the project is
21 what is the correct style for Nutley that expresses what
22 Nutley is, the culture, the history, etcetera.

23 So, this is just a quick glance at some of the
24 other elements that are used throughout the town; whether
25 it's the website, or the football team, the gateways to the

1 town, et cetera. So, we look at the colors, the fonts and
2 things like that to try to determine how to begin developing
3 the sign system. And one of the important things that was
4 pointed out to us was the importance of the town seal. And
5 so you can see it's a very intricately designed seal and it
6 has these three circles that sort of represent three
7 important pieces, I believe, of the history of Nutley.

8 So, it looks to me like history in the upper left,
9 arts and culture in the upper right and science at the
10 bottom. I'm not sure if that's a hundred percent correct
11 but that was our interpretation.

12 So, with that, we developed a few options, you
13 know, esthetics, and this is conceptual at this point. But
14 that's the sort of stage that we're at.

15 So, we try to do a wide variety of options to get
16 a visual preference to understand the -- sort of what people
17 like, right? So, we give a full range. So, this would be a
18 very traditional design, right?

19 So, this uses the marine color which is the
20 traditional color for the town. You can see that the P is
21 the same similar font as what's used on the gateway signs.
22 It's a very traditional font.

23 And you'll notice at the base of the signs, it's
24 not that easy to make out in -- on this screen here, just
25 with a projector but on the bottom of the sign is a

1 silhouette of the Municipal Building. So, it's a -- it is a
2 -- it's sort of a darkened silhouette at the base and, then,
3 in the lower left is a -- is the town seal.

4 And you'll notice the circles, sort of a circle
5 around the P, the circle around the logo, sort of playing
6 off of the circles that are present in the town seal.

7 So, here is just a quick closer glimpse of that so
8 you see the silhouette at the bottom. The stone base and
9 that -- the stone base comes from the history of Nutley as a
10 -- as a town that had quarries. So, we thought that it was
11 important maybe to introduce some stone into the sign to
12 sort of celebrate that a little bit.

13 But, again, you can see that this is a very
14 traditional option.

15 So, then, we go to the other side of the spectrum,
16 right? And we said, okay. Well, what if we did something
17 very sort of youthful I guess, almost whimsical and we sort
18 of threw the traditional color palette out the window and we
19 just played with the circles and we developed an option like
20 that. And that's sort of what this option is.

21 So, you can see just sort of zoomed in the key
22 destinations and, you know, the use of that circle again.
23 You know, very colorful, very distinct.

24 Now, if you look at these two sign types, right,
25 the first one, you can see that that one, if you set that in

1 the town, would be -- you know, would sort of blend in, you
2 know, it would blend in with the character of the town.

3 This one would obviously stand out very much. So,
4 it depends on what range you're looking for, right?

5 And, then, the final option that we developed was
6 a sort of third option that we felt was a sort of middle
7 ground between the traditional and that more modern, more
8 whimsical look. So, we played with the curve a little bit
9 so you can see the curve on the sign.

10 And, so, this uses those traditional colors,
11 that's maroon and the -- the sort of maroon and white that
12 the town is -- that's the colors of the town, and plays with
13 that curve a little bit.

14 But it goes back to a little bit more of a
15 traditional look and, then, we came back with the colorful,
16 with that sort of pop that we felt was -- was a nice touch,
17 you know, adding that color and making the sign feel fresh
18 and we did that by -- by introducing logos.

19 So, for example, the -- anything with an
20 educational component would have this sort of graduation cap
21 or some icon like that and that's where that color can come
22 back into play.

23 So, this was a third option that we developed. So
24 downtown, we should a little store. On Three, we show the
25 offices and, then, the educational component, we show the

1 graduation cap and it's a nice way to kind of, I think,
2 relate it back to the town logo and the three circles and
3 also tie in the color a little bit. So, this was a third
4 option.

5 And, again, there -- you know, there isn't a -- at
6 this point, there isn't a right option or a wrong option.
7 There's just preferences, right? And hopefully we look at
8 these and we develop some preferences and, then, we sort of,
9 you know, develop a final design from that.

10 So -- so, that's -- I think that's --

11 MAYOR SCARPELLI: Okay.

12 MR. LUSTBERG: Did I cover that, Mayor.

13 MAYOR SCARPELLI: (Indiscernible) --

14 COMMISSIONER TUCCI: Mr. Mayor, I keep --

15 MAYOR SCARPELLI: Yeah.

16 COMMISSIONER TUCCI: I'm sorry. Were you going to
17 go ahead?

18 MAYOR SCARPELLI: I -- I just wanted to make sure.
19 Dave, can you get us the -- either electronically to the
20 clerk or to Al Genitempo so he can distribute what you --

21 MR. LUSTBERG: Absolutely. Yeah. This is a PDF.
22 I can -- I can provide that to you.

23 MAYOR SCARPELLI: Thank you.

24 COMMISSIONER ROGERS: I have a question.

25 MR. LUSTBERG: Sure.

1 COMMISSIONER ROGERS: I'm not an artist. I -- I
2 like to think out of the box so you see that flag?

3 MR. LUSTBERG: Yes.

4 COMMISSIONER ROGERS: Chestnut. That's the symbol
5 of our town. Can you --

6 MR. LUSTBERG: Okay.

7 COMMISSIONER ROGERS: -- can you produce these
8 signs -- how do you guys feel about that, in the shape of a
9 chestnut and uniform all over town? If it's -- if you think
10 it's appropriate. That's been -- I mean, we used to have
11 our police badges with that particular symbol on it and it's
12 all over the place. So, just something to think about.

13 COMMISSIONER EVANS: Steve, I agree with -- I was
14 going to suggest that Dave you speak to John Demmer (ph) --

15 MR. LUSTBERG: Uh-huh.

16 COMMISSIONER EVANS: -- you know, John Zimko
17 is -- a lot of --

18 MR. LUSTBERG: I do.

19 COMMISSIONER EVANS: -- people with a lot of
20 history about the town. So, it might be an opportunity --

21 MR. LUSTBERG: Yeah.

22 COMMISSIONER EVANS: -- to unlock some of the
23 history.

24 And the other comment I'd make -- I wanted to
25 share is that I think this is wonderful. It's long overdue.

1 The economic development advisory committee and
2 the outside study that we had done, one of the more
3 significant recommendations was to introduce wayfinding
4 signs and -- for a lot of reasons.

5 MR. LUSTBERG: Uh-huh.

6 COMMISSIONER EVANS: You know, given the length of
7 Franklin Avenue and its different quadrants. Also, the
8 access to our town. So, from the north, south, east and
9 west --

10 MR. LUSTBERG: Right.

11 COMMISSIONER EVANS: -- understanding how you
12 navigate through and where you -- where you want to go
13 efficiently.

14 MR. LUSTBERG: Uh-huh.

15 COMMISSIONER EVANS: Right? Those were all
16 recommendations that were unanimously supported by the
17 Board. We held off on it given what was going on with the
18 Roche property and some of the other things that were in
19 town and I'm glad the time has finally come for us to be
20 talking about this.

21 COMMISSIONER ROGERS: Okay. I have to stand
22 corrected on something before the letters and calls come in.

23 MAYOR SCARPELLI: Uh-huh.

24 COMMISSIONER TUCCI: Commissioner Petracco said,
25 you know what, Commissioner? I think it's an acorn.

1 MAYOR SCARPELLI: It is an acorn.

2 COMMISSIONER TUCCI: Thank you.

3 COMMISSIONER EVANS: Okay.

4 MAYOR SCARPELLI: Any questions, Commissioners?
5 Okay. Dave, just going to stop you that way we
6 can digest it and --

7 MR. LUSTBERG: I want an acorn.

8 MAYOR SCARPELLI: -- see if you can get the acorns
9 somewhere in there.

10 MR. LUSTBERG: Yeah. No. I think -- I think
11 that's a good idea.

12 MAYOR SCARPELLI: A good suggestion.

13 COMMISSIONER PETRACCO: Where could we find out
14 where all these signs are going to be placed and what names
15 are going to be on it; what directions to what businesses
16 and --

17 MAYOR SCARPELLI: Well --

18 COMMISSIONER PETRACCO: Sorry. Being an advocate
19 for the businesses all the time but I -- I am a small
20 business in the town, too.

21 MAYOR SCARPELLI: But I -- I think what we're
22 going to try to do, Commissioner, is -- is resolve some of
23 those questions.

24 But, certainly, if we have On3 and the school
25 of medicine and Eastwick, hopefully picking up a large

1 portion of the tab, they're going to direct them to their
2 sites but also to downtown.

3 What it does I think is it brands us -- you know,
4 when you're coming into town, and you see On3 ,
5 Hackensack School of Medicine, Eastwick College, it
6 automatically brands us as a college town, right? It
7 changes the -- maybe some of the perception.

8 So, it -- it's a branding of the -- of the whole
9 town in that direction and, then, directing them to
10 downtown, not necessarily to -- to businesses but, you know
11 -- but, indirectly, if you're coming in from the parkway and
12 you get off at 150 and like similar to where our -- our
13 entry sign is and it says, you know, straight line, On3
14 School of Medicine, Downtown, Eastwick College,
15 right?

16 And, then, as you get to Centre Street, you know,
17 there will be a directional sign sending you down to
18 Bloomfield Avenue all the way to the end, to On-Three and
19 the School of Medicine. There will be directional signs on
20 Centre Street say to Eastwick College, and sending you to
21 downtown.

22 So, it kind of, you know --

23 MR. LUSTBERG: Uh-huh.

24 MAYOR SCARPELLI: -- I don't want to speak for
25 Dave but kind of --

1 MR. LUSTBERG: Yeah.

2 MAYOR SCARPELLI: -- it sets you up so as you
3 enter the town, it directs you to an area and, then, directs
4 you all of that area, right?

5 MR. LUSTBERG: Yes.

6 MAYOR SCARPELLI: So --

7 COMMISSIONER ROGERS: And, Dave, you'll be able to
8 give us an artist's conception of the acorn signs?

9 MR. LUSTBERG: Yes.

10 COMMISSIONER ROGERS: I really --

11 MR. LUSTBERG: Yes.

12 COMMISSIONER ROGERS: -- I think it's a neat thing.

13 MR. LUSTBERG: No. It's a -- and --

14 COMMISSIONER ROGERS: You're coming to Nutley --

15 MR. LUSTBERG: Yeah --

16 COMMISSIONER ROGERS: -- you'll know it's us.

17 MR. LUSTBERG: Yeah. And I can see that those are
18 the three circles from the -- from the seal --

19 COMMISSIONER TUCCI: Yes.

20 MR. LUSTBERG: -- also that --

21 COMMISSIONER ROGERS: That's just something unique --

22 MR. LUSTBERG: Yeah.

23 COMMISSIONER PETRACCO: When can we -- when can we
24 actually expect to see something in the ground like these
25 signs? I mean, is this months away --

1 MAYOR SCARPELLI: This is just the first -- this
2 is just the first step, Commissioner.

3 COMMISSIONER PETRACCO: So, is this part of the --
4 I mean, our redevelopment third phase the --

5 MAYOR SCARPELLI: No. No. This is totally
6 different.

7 COMMISSIONER PETRACCO: So, on -- on the side --
8 on the --

9 MAYOR SCARPELLI: This is totally different. So,
10 listen, I think we're at a phase where it's in our hands at
11 this point to come up with what concept we like. For then
12 Dave to come up with some sort of cost, depending on the
13 number of signs that we need. And, then, to present that
14 to the people who hopefully will be paying for this.

15 COMMISSIONER TUCCI: So, Mayor, just one question,
16 if I might?

17 MAYOR SCARPELLI: Sure.

18 COMMISSIONER TUCCI: And I know you mentioned the
19 medical school, I'm hoping they would contribute to this
20 obviously. Gene and the On Three folks and Eastwick
21 College. So, there would be no outlay from public dollars.

22 MAYOR SCARPELLI: That's what -- that's our goal,
23 Commissioner.

24 COMMISSIONER TUCCI: Okay. Just wanted to
25 reaffirm that. Thank you, Mayor.

1 MAYOR SCARPELLI: That's our goal.

2 Any other questions? Thank you, Dave. If --

3 COMMISSIONER EVANS: Yeah. Just a real quick
4 thing.

5 MAYOR SCARPELLI: Sure.

6 COMMISSIONER EVANS: We -- we -- as a Board, we've
7 talked about this quite a bit is -- is the notion of
8 branding.

9 MAYOR SCARPELLI: Uh-huh.

10 COMMISSIONER EVANS: You know, establishing a
11 brand of the --

12 MAYOR SCARPELLI: Yes.

13 COMMISSIONER EVANS: -- town in light of the
14 redevelopment that's going on at Hoffman LaRoche, especially
15 where some of the redevelopment pushed towards our neighbor,
16 right?

17 MAYOR SCARPELLI: Uh-huh.

18 COMMISSIONER EVANS: The -- and we haven't had
19 anything, right? As you're thinking about this, anything
20 you can add to it that really brings to life the brand of
21 what it means to be a Nutley-ite --

22 MAYOR SCARPELLI: Right.

23 COMMISSIONER EVANS: -- and of this town would be
24 -- we would like -- I would personally like to see -- but I
25 know all the Board -- all the Commissioners would like to

1 see more on that.

2 MAYOR SCARPELLI: Yeah.

3 COMMISSIONER EVANS: Okay?

4 MAYOR SCARPELLI: That's -- that -- that's what
5 our goal is and, you know, that's -- that is the -- exactly
6 the kind of feedback we need so that -- so that we can -- so
7 that we can get there, you know?

8 So, that's -- I think that working through this
9 process, you know, hopefully we get to a point that -- that
10 that's exactly what it does.

11 COMMISSIONER EVANS: Yeah. I know you appreciate
12 it. So --

13 MAYOR SCARPELLI: Okay. Dave, again, I'm -- I
14 know I tried to -- I said I'd get you on at seven thirty but
15 business called.

16 MR. LUSTBERG: No, please. It's my pleasure.
17 Okay. Thank you.

18 (Chorus of thank you)

19 MAYOR SCARPELLI: Let's go to minutes, Madam
20 Clerk.

21 MADAM CLERK: Thank you, Mayor.

22 Regular meeting minutes for August 7th, 2018. I
23 need a motion, please.

24 COMMISSIONER EVANS: Move it.

25 COMMISSIONER ROGERS: Second.

1 MADAM CLERK: Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Petracco.

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye. Communications.

11 MADAM CLERK: The Nutley Elks Lodge #1290 has
12 submitted a letter requesting permission to hold instant
13 raffles daily, including Sundays, from September 9th, 2018
14 to September 6th, 2019. I need a motion.

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. Reports.Commissioner Petracco.

2 COMMISSIONER PETRACCO: Yes. I have a Public Safety
3 Monthly report for July 2018.

4 MAYOR SCARPELLI: Commissioner Tucci.

5 COMMISSIONER TUCCI: Yes. I have a Shade Tree
6 Monthly Report for August of 2018.

7 MAYOR SCARPELLI: Bills, Madam Clerk. I'm going
8 to pull 2718 from the bill list.

9 MADAM CLERK: Yes, Mayor. We have --

10 MAYOR SCARPELLI: As well as --

11 MADAM CLERK: I'm sorry.

12 COMMISSIONER EVANS: As well as 18-1934.

13 MAYOR SCARPELLI: And the appropriate amounts to
14 be subtracted from whatever total you come up with, correct?

15 Just read it as is, Madam Clerk.

16 MADAM CLERK: Okay.

17 The corrected total payroll for August 9, 2018,
18 part of the August 20th, 2018 bill list. The total
19 corrected amount is \$279,069.80. The corrected grand total
20 for the August 20th, 2018 bill list is \$3,637,996.72.

21 COMMISSIONER EVANS: So move the corrected amount.

22 COMMISSIONER TUCCI: Second.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 MADAM CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 MADAM CLERK: Commissioner Petracco.

5 COMMISSIONER PETRACCO: Aye.

6 MADAM CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 MADAM CLERK: Okay. The bill list for September
9 4th, 2018. Public Affairs, \$106,203.20; Revenue and
10 Finance, \$3,067,597.13; Public Safety, \$53,396.00; Public
11 Works, \$97,703.38; Parks and Public Property, \$671,870.44;
12 Public Utility, \$29,695.74. Total payroll, \$843,405.28.
13 Grand total, \$4,870,643.88.

14 COMMISSIONER EVANS: Move the bills as adjusted.

15 COMMISSIONER TUCCI: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Petracco.

23 COMMISSIONER PETRACCO: Aye.

24 MADAM CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

1 Public comment on agenda items only. Madam Clerk.

2 MADAM CLERK: Yes, Mayor. Just one moment,
3 please. I'm sorry.

4 All persons addressing the Board of Commissioners
5 regarding community concerns, should approach the microphone
6 and provide their name and address for the record.

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

9 All remarks to the Board and its individual
10 members must be addressed to the Mayor. The Mayor may defer
11 citizens' comments to the appropriate member of the Board.

12 Dialogue between citizens and others addressing
13 the Board shall be allowed, unless the Mayor, or presiding
14 officer or the majority of the membership of the Board,
15 shall determine that the interests of decorum and/or the
16 expeditious conduct of municipal business are being
17 adversely affected by such dialogue.

18 MAYOR SCARPELLI: Does anybody like to address the
19 Board of Commissioners on agenda items only?

20 (Indiscernible conversation.)

21 MAYOR SCARPELLI: We'll look at that, Mr. Moore.

22 MR. MOORE: Thank you.

23 I have a quick question what (indiscernible)
24 company or (indiscernible) purposes?

25 MAYOR SCARPELLI: I have no idea, Mr. Moore.

1 MR. MOORE: I'm curious because next
2 (indiscernible) I'm just curious (indiscernible).

3 MAYOR SCARPELLI: We'll look into that, Mr. Moore.
4 (Pause)

5 MR. MOORE: (Indiscernible).

6 MAYOR SCARPELLI: You --

7 MR. MOORE: I'm sorry. Do you want me to repeat
8 my question?

9 I'm just curious all the departments purchase
10 Nestle water, which is a water company. But all of your
11 water jugs are Poland Springs.

12 MAYOR SCARPELLI: We'll look into that
13 discrepancy, Mr. Moore.

14 MR. MOORE: I have four questions --

15 MR. GENITEMPO: Mr. Mayor, Nestle owns
16 Poland Springs.

17 MAYOR SCARPELLI: Thank you.

18 MR. MOORE: Yeah. I didn't know they owned them
19 because I know they got in trouble for something else.

20 On page one, I believe it's under Revenue and
21 Finance, Rutgers University for \$2500. What is that for?

22 COMMISSIONER EVANS: That was pulled tonight.

23 MR. MOORE: I can't hear you.

24 COMMISSIONER EVANS: The item was pulled tonight.

25 MR. MOORE: Oh, it was?

1 COMMISSIONER EVANS: Yes --

2 MR. MOORE: It's still here.

3 COMMISSIONER EVANS: Well, you -- we just went
4 through a process of adjusting for that.

5 MR. MOORE: And right below it, Rutgers
6 University, what's that \$7300, \$733?

7 COMMISSIONER EVANS: That would be for a clerk's
8 course that one of the clerk's in the clerk's office is
9 taking this Fall.

10 MR. MOORE: What -- what's the name of the course?

11 COMMISSIONER EVANS: I don't remember it off the
12 top of my head. But there's five courses that are involved
13 with taking -- as part of the training for the clerk's
14 office through Rutgers. That's one of the courses. I just
15 don't know which one it -- which number it is.

16 MR. MOORE: Oh, (Indiscernable).

17 COMMISSIONER EVANS: You can.

18 MR. MOORE: Is -- the bottom of, I think, it's
19 page three, Essex County Community College, \$1300, Public
20 Safety.

21 UNIDENTIFIED SPEAKER: (Indiscernible).

22 MR. MOORE: It's Public Safety. It's the bottom
23 of page three. It's Essex County College for \$1300.

24 (Pause)

25 MAYOR SCARPELLI: (Indiscernible) --

1 UNIDENTIFIED SPEAKER: (Inaudible).

2 COMMISSIONER PETRACCO: The best way for me to
3 answer is to find out exactly what it's for. I'm sure it's
4 for a class for the chief or a fireman or something to do
5 with that. But -- but whatever it is, I'll get an answer
6 back to you.

7 MR. MOORE: Okay. Thank you.

8 And there's one -- the one last class, Rutgers
9 University for \$300, that's Public Safety, too. Would you
10 do the same thing?

11 COMMISSIONER PETRACCO: I will.

12 MR. MOORE: Then, there's just one question. Why
13 are there so many the media center?

14 MAYOR SCARPELLI: For what?

15 MR. MOORE: Media Center? In Media Center.

16 COMMISSIONER PETRACCO: That's for police
17 officers, they have to go through, especially when we're
18 hiring them, they have to report and get a fitness for duty
19 examination. So, that's where we send them to.

20 MR. MOORE: There's quite a few of them. Do that
21 -- do they --

22 COMMISSIONER PETRACCO: Yeah. Well, we -- how
23 many are there? (Indiscernible) --

24 MR. MOORE: It's quite a few. There's more than
25 ten.

1 COMMISSIONER PETRACCO: We use the doctors quite a
2 bit. But I'll look into that, too and I'll get back to you
3 with an accurate answer. I'll answer him tomorrow.

4 UNIDENTIFIED SPEAKER: (Inaudible).

5 MR. MOORE: Thank you.

6 COMMISSIONER PETRACCO: You're welcome.

7 MAYOR SCARPELLI: Anybody else wish to address the
8 Board of Commissioners on agenda items only?

9 Seeing none, Board of Commissioner -- oh, I'm
10 sorry, Ms. Rubino.

11 MS. RUBINO: I don't know if this would be
12 considered an agenda item, the gentleman who just spoke;
13 would that go under --

14 MAYOR SCARPELLI: Sure. You can ask a question
15 about that?

16 MS. RUBINO: I -- you don't seem to know how much
17 it would cost. I know that nothing has been finalized. But
18 who's paying for this? I --

19 MAYOR SCARPELLI: I don't know if you heard
20 Commissioner Tucci's question.

21 MS. RUBINO: No.

22 MAYOR SCARPELLI: But --

23 MS. RUBINO: I didn't --

24 MAYOR SCARPELLI: -- he asked --

25 MS. RUBINO: -- hear.

1 MAYOR SCARPELLI: He -- he asked if anybody -- if
2 any public dollars would be going towards this and our -- my
3 answer was that's our goal is to not have any public dollars
4 go towards this and have the people who sponsor this to pay
5 for them.

6 MS. RUBINO: Okay. We will find out exactly how
7 much and who's paying before this is initiated
8 is that right? --

9 MAYOR SCARPELLI: Absolutely. That -- one of the
10 reason we had the presentation tonight is so that we can
11 come up with a final concept so that a cost could be
12 estimated.

13 MS. RUBINO: Thank you.

14 MAYOR SCARPELLI: Anybody wish to address the --
15 the Board of Commissioners on agenda items only?

16 Board of Commissioner announcements.

17 COMMISSIONER EVANS: Mayor, I -- does anybody else
18 -- I wanted to give an update regarding the review of the
19 properties where we've learned of an occupancy violation.
20 So, I'd like to give that update at this time. Is that
21 okay, Mayor?

22 MAYOR SCARPELLI: Sure.

23 COMMISSIONER EVANS: Okay. So --

24 MS. RUBINO: Can you speak louder?

25 COMMISSIONER EVANS: I will, Ms. Rubino. I

1 absolutely will. Can you hear me?

2 MS. RUBINO: (Inaudible).

3 COMMISSIONER EVANS: All right. If -- if it falls
4 off just raise -- shout it out, okay? Okay.

5 So, first, I want to thank all residents who are
6 willing to alert us of possible violations of our Municipal
7 Code. I know sometimes it take courage to do so.

8 It's very important for all residents to
9 understand that they can inquire about a permit or an
10 occupancy violation and know that it will be thoroughly
11 reviewed and, if valid, a violation notice or, if necessary,
12 a summons will be issued.

13 Last year the Code Enforcement Office issued over
14 60 occupancy related violation notices, several of which
15 were identified by a call from a resident.

16 Given the world we live in, we decided that in
17 addition to our website homepage, we need to add a phone app
18 to make it easier to report possible violations or to ask a
19 question. This app will enable residents to have the option
20 if they so choose to file a complaint or raise a question
21 anonymously. And to be clear we welcome all questions.

22 With regard to a recent question raised by a
23 resident about extra bedrooms in an apartment building on
24 Franklin Avenue, I want to report that after being made
25 aware of a possible violation, I ordered a comprehensive

1 review of all the properties that are owned by this builder.

2 As a new standard practice, once we become aware
3 of an issue, the individual -- any individual owners
4 multiple properties, we will review all properties owned by
5 that individual.

6 I think it's very important that people understand
7 that we take occupancy violations or permit violations very,
8 very seriously. So, if you happen to own multiple
9 properties, and we find that -- a violation in one, we're
10 going to check them all. All right.

11 In particular to this matter, I ordered the
12 inspection of over 400 apartment units and to insure that we
13 didn't miss anything given the office's familiarity working
14 with the builder, these properties -- with these properties,
15 I ordered that an independent building inspector from
16 another town who didn't -- you know, didn't do business in
17 Nutley was to be used to actually carry out these
18 inspections.

19 The opportunity was to take a very objective look
20 and make sure that we would identify any compliance issues.

21 Based upon this review, we've identified 13
22 violations of occupancy with regard to over 400 units that
23 were inspected. So, 13 out of 400 units.

24 We also, upon are file review, identified a
25 density limitation with -- as it relates to 18 other units.

1 After consultation with my Commissioners, right,
2 we have demanded from the owner the following: (1) all of
3 the violations must be eliminated by the owner. This
4 process has begun. Already one of the apartment units that
5 had an extra apartment has been modified and renovated to
6 remove the extra bedroom.

7 Since the apartments are occupied by tenants, we
8 have made it clear that the units in violation will need to
9 be renovated either by relocating the tenant now, if it's
10 possible, or upon the expiration of the current lease term.

11 The apartment will need to be renovated and
12 modified according to eliminate the violation before we will
13 issue a CO and allow any further occupancy in that unit.

14 As it relates to the units where there's a density
15 issue, there is a review that's currently underway with
16 legal counsel. We have been advised by our township
17 attorney that I'm not at liberty tonight to discuss the
18 progress of that issue.

19 I will, though, make it clear that when I am able
20 to speak about it, I will do so.

21 Any legal fees that are incurred in order to
22 address this issue will be paid by the owner of the
23 building. The taxpayers will not be obligated to pay any
24 portion of those legal fees.

25 In addition to making the repairs, discussions are

1 underway to decide on a way forward related to the potential
2 litigation that could arise out of the 18 units. As I am
3 not able to discuss it at this time, as I have previously
4 stated, based on upon guidance of -- from the attorney,
5 where we are right now, I will, though, at a future date,
6 when I'm able to, make sure that we provide full disclosure.

7 The other aspect of this is -- is that whatever
8 the settlement is of some amount, whatever that -- that is,
9 it's important that we identify what that money is and we
10 figure out how to use it to -- to the best interest of the
11 residents of Nutley.

12 Until we do so, we'll figure out all of our
13 options which could include establishing a trust account
14 until we can identify uses or other possible benefit for the
15 town and that's agreed to by the Board of Commissioners.

16 So, we do not -- it's important that given what's
17 involved that it just doesn't get lost in the vapor
18 (indiscernible); that it is identified; it's tracked and we
19 can point to something that will have a permanent valuable
20 benefit to the town.

21 And that's our hope. As with all things, we rely
22 on our compliance procedures to prevent these things from
23 happening. Upon review, gaps were noted in our historical
24 inspection and file procedures. These gaps have been
25 corrected and I'm confident that this will not happen again.

1 I'm also very pleased to share that Dave Berry
2 has assumed the duties of construction official for the
3 Code Enforcement Department as of June 1st.

4 Finally, with the help -- to help homeowners and
5 tenant and builders, I've asked Dave to prepare a series of
6 reminders and updates for (indiscernible) that will help us
7 all better understand the rules around our Code involving
8 occupancy, zoning and construction.

9 And these updates will begin later this month and
10 will -- you'll see them on our website as we -- as we go
11 forward.

12 One of the more significant issues that has been
13 developing in our town over the last couple years is simply
14 occupancy related violations. It's not uncommon to find a
15 kitchen in a basement that doesn't belong there. We're
16 finding occupancies over rooftops of garages. We found --
17 we've been finding conversions of garages into dwelling
18 units because the nature of families are being redefined.

19 We've had issues where though well intentioned
20 where a family unit has evolved and has changed and
21 modifications were made to adapt to a particular family
22 circumstance.

23 Unfortunately, the changes that were made didn't
24 comply with our Code. In these cases, in all of these
25 cases, the demand from our Code Office has always been to

1 remove what's in violation. If people comply, we're very
2 happy to support that. If a fine is necessary, we'll
3 provide it.

4 If we face resistance on it, it is automatic that
5 a summons is issued and we'll go to court on -- with --
6 before our municipal judge.

7 So, to help people because of this increasing
8 trend around occupancies, it's important that we send out
9 reminders and we make things available to the public because
10 it's simple and it's easy to say, here's our e-code. Go
11 refer to the e-code. We're going to pull things out and
12 prepare plain language summaries to help people better
13 understand.

14 So, thank you. Thank you, Mayor.

15 MAYOR SCARPELLI: Okay. Any other Commissioner
16 announcements? We will move to ordinance introductions.

17 COMMISSIONER TUCCI: I absolutely do. I'm sorry.
18 I was reading.

19 I just have two -- two lighter announcements to
20 make.

21 One that on -- on Thursday, September 6 at 6:30,
22 we will be conducting our pep rally for our cheerleaders and
23 our midget football team. So, that's -- always proves to be
24 a wonderful and exciting night.

25 And on Friday, September 7th, we will be holding

1 out movie under the stars at seven p.m. in the Nutley
2 Oval. Thank you.

3 MAYOR SCARPELLI: What's the name of the movie.

4 COMMISSIONER TUCCI: The movie? Frank?

5 MR. DEMAIIO: Excuse me?.

6 COMMISSIONER TUCCI: The movie?

7 MR. DEMAIIO: Coco.

8 COMMISSIONER TUCCI: Coco. Yes. Coco.

9 Thank you. Thank you. There's so many it's hard
10 to keep track. Yes. Thank you.

11 MAYOR SCARPELLI: Let's move to ordinance
12 introductions. Commissioner Rogers.

13 COMMISSIONER ROGERS: Mr. Mayor, I have an
14 ordinance to amend ordinance number 3385 --

15 COMMISSIONER TUCCI: Wait. Start again. Okay.
16 Turn this up.

17 COMMISSIONER ROGERS: An ordinance to amend
18 Ordinance No. 3385 passed on second reading on June 19th,
19 2018. The salaries of certain officers and employees of the
20 Township of Nutley, County of Essex, State of New Jersey,
21 effective January 1st, 2017.

22 As I explained inside, ladies and
23 gentlemen, I actually lowered the base salary, the minimum
24 base salary. I thought they were a little too high. When
25 people get a job, they should come in thinking that they're

1 going to earn their pay and sometimes, you know, it's an
2 incentive when you keep your salaries low when they're
3 coming in, they got to gradually gain momentum to get
4 increased pay.

5 So, I move that this Ordinance be passed to a
6 second reading and advertised in The Nutley Sun together
7 with the notice required by law and that further
8 consideration of said Ordinance for final passage by the
9 Board of Commissioners be held at its second reading on
10 October 2nd.

11 And, before I move it, Commissioner Tucci, you're
12 a part of this Ordinance.

13 COMMISSIONER TUCCI: Yes. Thank you. Thank you,
14 Commissioner.

15 I'd like to thank you for allowing me to piggyback
16 on your Ordinance to correct Section 4 and repeal Ordinance
17 No. 3385 that was adopted on June 19th which reinstated
18 longevity for certain employees.

19 And this -- this amendment will, in fact, revert
20 back to Ordinance No. 2830 which was adopted on February
21 18th of 2004, which eliminated longevity for any employee
22 hired after March 22nd of '04. And, also, for amending the
23 amount of sick days that can be paid in changing that
24 language.

25 So, I thank you for that opportunity,

1 Commissioner, as well as all the other Commissioners and the
2 Mayor.

3 COMMISSIONER ROGERS: Thank you, Commission. I
4 move the Ordinance.

5 COMMISSIONER TUCCI: Second.

6 COMMISSIONER PETRACCO: Second. Oh, excuse me.

7 MAYOR SCARPELLI: Certainly.

8 COMMISSIONER ROGERS: Thank you.

9 COMMISSIONER PETRACCO: I'll secede to my elder,
10 Commissioner Tucci seconded it.

11 COMMISSIONER TUCCI: Oh, elder.

12 (Laughter)

13 COMMISSIONER PETRACCO: Respectful to my --

14 COMMISSIONER TUCCI: Digging yourself deeper.

15 MADAM CLERK: I'm sorry. Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Petracco.

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 Commissioner Petracco.

1 COMMISSIONER PETRACO: Yes.

2 MAYOR SCARPELLI: Commissioner Petracco.

3 COMMISSIONER PETRACCO: Yes. I have Ordinance No.
4 3396 an ordinance to amend an ordinance codified in the Code
5 of the Township of Nutley, Chapter 228, entitled "Vehicles
6 and Traffic" particularly Article VII, Special Zones and
7 Areas, Section 29A, entitled "Handicapped Parking" to remove
8 the location set forth thereon.

9 This is an introduction. And I move that this
10 ordinance be passed to a second reading and advertised in
11 The Nutley Sun together with the notice required by law and
12 that further consideration of said ordinance for final
13 passage by the Board of Commissioners to be held at its
14 second reading on, I believe, October 2nd, 2018.

15 I move the ordinance.

16 COMMISSIONER ROGERS: And I'll second the
17 youngster's movement of the ordinance.

18 COMMISSIONER PETRACCO: Thank you, Commissioner.

19 COMMISSIONER ROGERS: You're welcome.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Petracco.

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 I have a -- a ordinance that is for the entire
6 Board of Commissioners and it's Ordinance No. 3397 which is
7 out long awaited mixed use density ordinance, the most
8 important aspect of which will limit the mixed use to 28
9 units per acre.

10 This ordinance is to amend an ordinance codified
11 in the Code of the Township of Nutley, Chapter 700, entitled
12 "Zoning" particularly Article III entitled "Terminology,
13 Definitions", Article V, "General Regulations", Article VII,
14 "Use Regulations, Mixed Use", Article IX, "Garden
15 Apartments" and Article XIII, "Parking Spaces and Loading
16 Berths."

17 I move that this Ordinance be passed to a second
18 reading and advertised in The Nutley Sun together with the
19 notice required by law and that further consideration of
20 said Ordinance for final passage by the Board of
21 Commissioners to be held at a second reading on October 2nd,
22 2018.

23 I will emphasize this is for introduction only;
24 that the Commissioners have some minor concerns with this
25 Ordinance that -- that need to be addressed. But we feel

1 it's important to get something out there and introduce it.

2 So, I move the Ordinance.

3 COMMISSIONER TUCCI: I'll second that and not
4 necessarily agree with the 28 units per acre.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: And before I vote, I -- I
7 just want to publicly state that we could all agree that the
8 decisions we make in a final analysis, we are considering
9 impact on our schools. We're considering the impact on our
10 downtown. Before we make these decisions -- well, I'll
11 speak for myself, but I'm sure you agree.

12 Before I make a final decision on this, I want to
13 make absolutely sure that our schools are not going to be
14 negatively impacted where down the road we're going to see
15 more students come in that we just can't handle any more.

16 With regard to our downtown, we -- you know, we've
17 got concerns about that. I've got concerns about how many
18 types of stores and retail stores and are they going to put
19 all kinds of different stores there that are going to
20 negatively impact our downtown.

21 I know none of us want to see that. But I just
22 share this with you just to let you know that we really are
23 going to dig deep into this and really do what we think is
24 best for the town.

25 And, Mayor, I'm sure the public is also going to

1 have input on this also, correct?

2 MAYOR SCARPELLI: Well, that's why there's a
3 public hearing, Commissioner.

4 COMMISSIONER ROGERS: Okay. Thank you. Okay. I
5 vote yes. Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: I vote yes on -- on
10 introduction and echo the comments that were made. I think
11 we have more research to do.

12 I want to though acknowledge that the Planning
13 Board has done significant work on this over several years.
14 And, so, they've gone through a very thoughtful process so
15 tonight's introduction is also out of respect for the work
16 that's been done and the recommendation.

17 We need to give it a scrub so to speak. I think
18 it's important that we acknowledge the very hard work that
19 they -- that they went through to get it to this point.

20 I think the same thing, Steve, to your point is
21 this has a mix of 70 percent of the units in the building to
22 be two bedrooms. I think we all want to know what the real
23 impact of that could be and I think until we --

24 COMMISSIONER TUCCI: Uh-huh.

25 COMMISSIONER EVANS: -- address that, I'm fine

1 with introduction but before we go to adoption, I think we
2 have more work to do. So, aye.

3 MADAM CLERK: Commissioner Petracco.

4 COMMISSIONER PETRACCO: I -- I would just --
5 couple echoing statements as well as I think that both
6 Commissioners said that there is a lot of language in here
7 that, you know, especially with these apartments seem to be
8 the key word in Nutley now and I think that we did a good
9 job and thanking Commissioner Tucci for, you know, kind of
10 slowing down the path of these apartments before we take a
11 look at it.

12 But I think the most important thing that we
13 should do because what -- regarding this document, I mean,
14 this really shapes our town. It says who goes to -- is on
15 the board and planning board and for what they go for, I
16 really think it's very instrumental that we get into all
17 these apartments, multi-use buildings and really check
18 instead of just going by a Rutgers study again that says,
19 you know, what we've all heard.

20 I think it's very important that we go back to
21 these buildings now and really know who's living in them,
22 how many kids there are, how it's impacting all of our
23 services and move it forward because, obviously, there's a
24 big public outcry about people are not -- are that -- are
25 thinking the building should be done at this point.

1 So, I vote aye but possibly some changes in there.
2 Thank you.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Yeah. Not to reiterate what
5 everybody else has said but yes, it's a long time coming and
6 we took the Planning Board's recommendations that they made
7 and put them in an ordinance form.

8 It's now up to us to kind of go through it and I
9 think have some input from some of our professionals so we
10 come up with an ordinance that limits how many units we have
11 especially on some of the small parcels that we have in town
12 that -- that get developed.

13 And I think as Commissioner Tucci said maybe 28's
14 not the final number. Maybe it's a little lower. But this
15 is a long time coming. And, you know, I'm -- I'm just glad
16 to be moving it tonight and getting this moving forward.

17 So, I vote aye.

18 Okay. Ordinance -- public hearings. Commissioner
19 Petracco.

20 COMMISSIONER PETRACCO: I have a public hearing,
21 Ordinance No. 3394 an ordinance to amend an ordinance
22 codified in the Code of the Township of Nutley, Chapter 228,
23 entitled "Vehicles and Traffic" particularly Article VII,
24 Section 29A entitled "Handicapped Parking".

25 I move that we open the public portion of the

1 meeting.

2 MAYOR SCARPELLI: Anybody that would like to be
3 heard on Ordinance No. 3397?

4 Seeing none.

5 COMMISSIONER PETRACCO: Move to close the public
6 portion of the meeting.

7 COMMISSIONER TUCCI: Second. Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Petracco.

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER PETRACCO: I move the ordinance.

19 COMMISSIONER TUCCI: Second.

20 COMMISSIONER PETRACCO: Thank you.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Petracco.

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 COMMISSIONER PETRACCO: Thank you.

7 MAYOR SCARPELLI: Let's move to resolutions.

8 Commissioner Tucci.

9 COMMISSIONER TUCCI: Yes.

10 WHEREAS, the Township of Nutley Ordinance No. 665-
11 22, Preservation of Trees states that Tree Removal Permits
12 must be obtained for a cost of \$50.00 per tree; and

13 WHEREAS, the Township of Nutley, Department of
14 Parks and Recreation authorizes a refund for each tree
15 permit submitted upon the planting of a new tree on the said
16 property; replacement tree size and species being approved
17 in advance by the Township Forester; and

18 WHEREAS, funds will be available from account
19 C-01-904-905; and

20 NOW, THEREFORE, BE IT RESOLVED, that the Board of
21 Commissioners of the Township of Nutley, County of Essex,
22 State of New Jersey that the Township Treasurer is
23 authorized to refund the Tree Permit Fees collected as per
24 the Shade Tree Preservation Ordinance for the properties
25 stated below:

1 69 N. Spring Garden Avenue, 6 trees for a total of
2 \$300.00 and 69 Montclair Avenue, 1 tree in the amount of
3 \$50.00.

4 I move the Resolution.

5 COMMISSIONER EVANS: Move it.

6 COMMISSIONER TUCCI: I move it. You second it.

7 COMMISSIONER EVANS: Oh, second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 COMMISSIONER TUCCI: WHEREAS, the Suburban Essex
19 Joint Insurance Fund hereinafter called the Fund is a duly
20 chartered and municipal insurance fund as authorized by NJSA
21 48:10-36; and

22 WHEREAS, the Township of Nutley is currently a
23 member of said fund; and

24 WHEREAS, effective December 31st, 2018, said
25 membership will expire unless earlier renewed; and

1 WHEREAS, the governing body of the Township of
2 Nutley has resolved to renew said membership.

3 NOW, THEREFORE, it is agreed as follows:

4 (1) The Township of Nutley hereby renews its
5 membership in the Suburban Essex Joint Insurance Fund for a
6 three-year period beginning January 1, 2019 and ending
7 January 1, 2022;

8 (2) The Township of Nutley hereby ratifies and
9 reaffirms the indemnity and trust agreement, by-laws and
10 other organizational and operational documents of the
11 Suburban Essex Joint Insurance Fund as from time to time
12 amended and altered by the Department of Insurance in
13 accordance with the applicable statute and administrative
14 regulations as if each and every one of said documents were
15 re-executed contemporaneously herewith; and

16 (3) The Township of Nutley agrees to be a
17 participating member of the Fund for the period herein
18 provided for and to comply with all the rules and
19 regulations and obligations associated with said membership.

20 I move the resolution.

21 COMMISSIONER EVANS: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

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

8 MAYOR SCARPELLI: Thank you, Commissioner.

9 Commissioner Evans.

10 COMMISSIONER EVANS: Thank you, Mayor.

11 WHEREAS, all government units must prepare and
12 submit a corrective action plan as part of the annual audit
13 process in accordance with OMB Circular A, 13-33 and 9801.

14 NOW, THEREFORE, BE IT RESOLVED, by the Board of
15 Commissioner of the Township of Nutley, County of Essex, New
16 Jersey, that the attached corrective action plan for the
17 audit year 2017 is hereby approved.

18 BE IT FURTHER RESOLVED, that a copy of this
19 corrective action plan is to be kept on file in the Township
20 Clerk's office and one certified is to be submitted to the
21 Director of the Division of Local Governmental Services.

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 COMMISSIONER PETRACCO: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 COMMISSIONER EVANS: BE IT RESOLVED by the Board
10 of Commissioners of the Township of Nutley, County Essex
11 that the Treasurer be, and she is, hereby authorized to
12 refund overpayment of property taxes in the amount of
13 \$9,026.33 for the lots and blocks listed below.

14 So move.

15 COMMISSIONER TUCCI: Second.

16 MADAM CLERK: Commissioner Rogers?

17 COMMISSIONER ROGERS: Aye.

18 MADAM CLERK: Commissioner Tucci?

19 COMMISSIONER TUCCI: Aye.

20 MADAM CLERK: Commissioner Evans?

21 COMMISSIONER EVANS: Aye.

22 MADAM CLERK: Commissioner Petracco?

23 COMMISSIONER PETRACCO: Aye.

24 MADAM CLERK: Mayor Scarpelli?

25 MAYOR SCARPELLI: Aye.

1 COMMISSIONER EVANS: WHEREAS, the Code Enforcement
2 Department received a permit fee in the amount of \$75 from
3 Lombardo Environmental for a property located at 49 Brown
4 Street in Nutley;

5 WHEREAS, it was determined that Lombardo
6 Environmental is no longer contracted to do the work at 49
7 Brown Street;

8 WHEREAS, funds are available in account C01904903.

9 NOW, THEREFORE, BE IT RESOLVED, by the Board of
10 Commissioners of the Township of Nutley that the Township
11 Treasurer is authorized to refund the permit fee in the
12 amount of \$75 for Lombardo Environmental.

13 So move.

14 COMMISSIONER TUCCI: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 COMMISSIONER EVANS: WHEREAS, the Code Enforcement

1 Department received a permit fee in the amount of \$340 from
2 Bergen Essex Contractors for 69 Alexander Avenue; it was
3 determined that there was damage to the home due to the
4 storm on May 15th, 2018; and, therefore, a permit fee has
5 been waived.

6 WHEREAS, funds are available in account C01904903.

7 NOW, THEREFORE, BE IT RESOLVED, by the Board of
8 Commissioners of the Township of Nutley, State of New
9 Jersey, the Treasurer is hereby authorized to refund the
10 permit fee in the amount of \$340 to Bergen Essex
11 Contractors.

12 So move.

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 Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Aye.

22 MADAM CLERK: Mayor Scarpelli?

23 MAYOR SCARPELLI: Aye.

24 COMMISSIONER EVANS: BE IT RESOLVED by the Board
25 of Commissioners of the Township of Nutley, County of Essex,

1 State of New Jersey that the Treasurer be and she is hereby
2 authorized to refund overpayment of property changes in the
3 amount of \$6,003.77 for Block 6501, Lot 6.

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 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 COMMISSIONER EVANS: BE IT RESOLVED by the Board
17 of Commissioners of the Township of Nutley, the State of New
18 Jersey, that the Treasurer be and she is hereby authorized
19 to refund over payment of property tax in excess of the tax
20 or assessment levied in the amount of \$22,000.

21 This is in effect basically an overpayment for
22 Block 5002-7.

23 So move.

24 COMMISSIONER TUCCI: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 MADAM CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 COMMISSIONER EVANS: Thank you, Mayor.

11 MADAM CLERK: Excuse me, Mayor. I think

12 Commissioner Evans has one more, number 188.

13 COMMISSIONER TUCCI: Hendricks.

14 COMMISSIONER EVANS: I got it. Allen gave it to
15 me.

16 I'm sorry. It wasn't in my folder.

17 WHEREAS, the Township of Nutley has a need to
18 acquire the services of a professional real estate appraiser
19 to assist with negotiations associated with Prism Capital
20 Partners; Phase II A Redevelopment Plan as a non-fair and
21 open contract pursuant to the provision of NJSA 1944A 20.4,
22 20.5;

23 WHEREAS, Hendricks Appraisal Company, LLC, 7
24 Hutton Ave., West Orange, New Jersey, has submitted a fee
25 schedule for providing such services, the total of which is

1 not to exceed \$7500;

2 WHEREAS, the anticipated term of this contract is
3 for 12 months from September 4th, 2018 through September
4 3rd, 2019.

5 WHEREAS, funds will be available from account
6 Number 801204205 and have been certified by the chief
7 financial officer; said certification being attached to this
8 resolution.

9 WHEREAS, Hendricks Appraisal Company has completed
10 and submitted a business entity disclosure certification
11 which certifies they have not made any reportable
12 disqualifying contributions to a political or a candidate
13 committee in the Township of Nutley in the previous one year
14 and that the contract will prohibit them from making any
15 reportable contributions through the term of the contract;

16 WHEREAS, the business disclosure entity
17 certification and determination of value be placed on file
18 with this resolution.

19 NOW, THEREFORE, BE IT RESOLVED, by the Board of
20 Commissioners that the Mayor and the Municipal Clerk are
21 authorized to enter into a contract with Hendricks Appraisal
22 Company for the above services not to exceed \$7500.

23 So move.

24 COMMISSIONER TUCCI: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 MADAM CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 COMMISSIONER EVANS: Thank you, Mayor.

11 MAYOR SCARPELLI: WHEREAS, raffle applications
12 have been received from the following organization: Nutley
13 Elks Lodge, License No. 30-18, daily pull tab instant
14 raffle, to be held Sunday, September 9th, 2018 through
15 Friday, September 6th, 2019; the Nutley Junior Raider
16 Booster Club, License No. 31-18, off premise 50-50 cash
17 raffle to be held Saturday, December 1st, 2018.

18 WHEREAS, the applications have been reviewed and
19 approved by the Municipal Clerk and the police department.

20 NOW, THEREFORE, BE IT RESOLVED, by the Board of
21 Commissioners of the Township of Nutley, County of Essex,
22 State of New Jersey, that the aforementioned licenses are
23 approved and the Municipal Clerk is authorized to issue the
24 raffle licenses.

25 I move the resolution.

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 COMMISSIONER PETRACCO: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 WHEREAS, the Township of Nutley has a continuing
13 need to retain professional services of a licensed planner,
14 Topology, LLC, to provide professional planning services
15 primarily related to the ongoing redevelopment of the
16 Hoffman LaRoche and the Ciccolini properties in the Township
17 of Nutley.

18 NOW, THEREFORE, BE IT RESOLVED by the Board of
19 Commissioners, Township of Nutley, County of Essex, State of
20 New Jersey, hereby designates Topology, LLC as the planner
21 and enter into an agreement, contract prepared by the
22 Township attorney, in an amount not to exceed \$50,000, to be
23 evenly divided.

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 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye.

11 BE IT RESOLVED by the Board of Commissioners of

12 the Township of Nutley, County of Essex, State of New

13 Jersey, that the Township Clerk is hereby authorized to

14 advertise for sealed bids for the Nairn Place Roadway

15 Improvement Project in the Township of Nutley to be received

16 on behalf of the Board of Commissioners in the Commissioner

17 chambers, Township Hall, One Kennedy Drive, Nutley, New

18 Jersey on Wednesday, September 26th, 2018, at 3 p.m.

19 prevailing time at which time they will be opened and read.

20 I move the resolution.

21 COMMISSIONER TUCCI: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 WHEREAS, Nutley is a member of the Morris County
8 Cooperative Pricing Counsel; and

9 WHEREAS, the Morris County Coop awarded a bid for
10 traffic striping on roadways, contract no. 36, to Denville
11 Line Painting, Inc., 2 Green Pond Road, Rockway, New Jersey,
12 for a period of January 1st, 2018 to December 31st, 2018.

13 WHEREAS, Nutley wishes to utilize the Morris
14 County Coop to install traffic striping on various locations
15 in Nutley, New Jersey; and

16 WHEREAS, funds are available from ordinance no.
17 3445A and have been attached -- and certification by the
18 chief financial officer; said certification being attached
19 to this resolution.

20 NOW, THEREFORE, BE IT RESOLVED by the Board of
21 Commissioners of the Township of Nutley, County of Essex,
22 State of New Jersey that a contract be awarded to Denville
23 Line Painting, Inc. not to exceed \$7500 and that the Mayor
24 and the Township Clerk are hereby authorized to enter into
25 and sign said contract for the Township of Nutley.

1 I move the resolution.

2 COMMISSIONER TUCCI: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 This is Resolution 199-18. This is approval to
14 submit a grant application and execute a grant contract with
15 the New Jersey Department of Transportation for the Township
16 of Nutley Grant Avenue Road Project from Passaic Avenue to
17 Myrtle Avenue.

18 NOW, THEREFORE, BE IT RESOLVED that the
19 Commissioners of the Township of Nutley formally approve the
20 grant application for the above stated project.

21 BE IT FURTHER RESOLVED that the Mayor and Township
22 Clerk are hereby authorized to submit an electronic grant
23 application identified as MA2019, Township of Nutley Grant
24 Avenue Road Project; 00084 to the New Jersey Department of
25 Transportation on behalf of the Township.

1 BE IT FURTHER RESOLVED that the Mayor and Township
2 Clerk are hereby authorized to sign the grant agreement on
3 behalf of the Township of Nutley and their signatures
4 constitute acceptable to the terms and conditions of the
5 grant agreement and approves the execution of the grant.

6 I move the resolution.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Petracco?

15 COMMISSIONER PETRACCO: Aye.

16 MADAM CLERK: Mayor Scarpelli?

17 MAYOR SCARPELLI: Aye.

18 WHEREAS, the Township of Nutley has a need to
19 retain professional services for a design of vehicular
20 wayfinding systems primarily related to the ongoing
21 redevelopment of Hoffman-LaRoche and to direct traffic
22 between various existing and future destinations within the
23 Township of Nutley;

24 WHEREAS, this contract is awarded without
25 competitive bid as professional services in accordance with

1 NJSA 1944A 20.4 or 20.5 of the Local Public Contracts Law
2 because the -- the contract is for a service performed by a
3 person authorized by law to practice a recognized profession
4 that is regulated by law.

5 WHEREAS, the Township -- the Board of
6 Commissioners have determined that Arterial located at 105
7 Grove Street, Suite 7, Montclair, New Jersey is best suited
8 to provided these services to the Township of Nutley.

9 WHEREAS, Arterial LLC has completed and submitted
10 a business entity disclosure certification which certifies
11 that they have not made any reportable disqualifying
12 contributions to a political or candidate committee in the
13 Township of Nutley in the previous one year and the contract
14 will be -- prohibit them from making any reportable
15 contributions through the term of the contract.

16 WHEREAS, funds are available from account number
17 801226200 and will be certified by the chief financial
18 officer; said certification to be attached to this
19 resolution and will be reimbursed by escrow account set up
20 by each respective developer of the property; and

21 WHEREAS, Arterial will provide professional
22 planning services at a cost not to exceed \$50,000; and

23 WHEREAS, the anticipated term of this contract is
24 for 12 months from January 1st, 2018 through December 31st,
25 2018.

1 NOW, THEREFORE, BE IT RESOLVED, by the Board of
2 Commissioners of the Township of Nutley, County of Essex,
3 State of New Jersey, that the Mayor is hereby authorized to
4 enter into contract with Arterial as a professional service
5 in the amount not to exceed \$50,000.

6 I move the resolution.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye conditioned that we get
12 reimbursed for every dollar we spend.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: That's a good condition. Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 That concludes the business portion of our
20 meeting.

21 Anybody wish to address the Board of Commissioners
22 this evening?

23 (Pause)

24 MS. BOSICK: Maria Bozza, 209 Highfield
25 Lane, Nutley.

1 I'm -- this is, I guess, for Mr. Evans. I noticed
2 you said that there were 13 -- 13 violations relative to --

3 MAYOR SCARPELLI: Ms. Bozza, could -- can you
4 speak into --

5 MS. BOZZA: I'm sorry.

6 MAYOR SCARPELLI: -- the microphone.

7 COMMISSIONER EVANS: We're having trouble hearing
8 you.

9 MS. BOZZA: Oh, I'm sorry. I believe you said
10 there were 13 violations relative to the apartment --

11 COMMISSIONER EVANS: Yes.

12 MS. BOZZA: -- the apartments. Well, somebody
13 obviously had to sign -- I have a two family house and every
14 time I rent it, I have to get a certificate of occupancy.
15 Somebody had to sign it. So, what happens to the gentleman
16 who signed the certificate of occupancy? What is his
17 penalty?

18 COMMISSIONER EVANS: I -- that individual is not
19 here but disciplinary action has been taken.

20 MS. BOZZA: I don't -- I can't hear you.

21 COMMISSIONER EVANS: The individual is not here.
22 I can assure you disciplinary action has been taken.

23 The procedural --

24 MS. BOZZA: Well, besides disciplinary action,
25 shouldn't there be -- if he broke the law, shouldn't he have

1 to pay more than a, you know, a slap on the wrist or
2 whatever he gets?

3 COMMISSIONER EVANS: I appreciate your comment but
4 disciplinary action has been taken.

5 MS. BOZZA: Say again.

6 COMMISSIONER EVANS: I appreciate your comment but
7 action has been taken.

8 MS. BOZZA: I still didn't hear you.

9 COMMISSIONER EVANS: I appreciate your comment.

10 MS. BOZZA: Right.

11 COMMISSIONER EVANS: Action has been taken.

12 MS. BOZZA: And can we know the action?

13 COMMISSIONER EVANS: I just shared it, the individual
14 has been disciplined.

15 MS. BOZZA: Yeah. But what -- don't we have a
16 right as taxpayers to know what the discipline is? This is
17 our town.

18 COMMISSIONER EVANS: You have a right to know that
19 the individual was disciplined. As to the extent of that
20 discipline, and what's involved under civil service rules
21 and regulations, I have followed those rules exactly.

22 MS. BOZZA: Everything is so secretive. No --

23 COMMISSIONER EVANS: There's no secret.

24 MS. BOZZA: No mention -- no mention of names. I
25 mean, it seems like everything is real -- it's like a good

1 old boys club here, you know? Where everybody is -- you
2 know --

3 COMMISSIONER EVANS: I appreciate your comment and
4 to a degree I actually resent it.

5 MS. BOZZA: Well, I'm sorry you resent it. But,
6 I mean, I --

7 COMMISSIONER EVANS: Thank you. I appreciate your
8 comment.

9 MS. BOZZA: -- am a taxpayer and therefore I have
10 the right --

11 COMMISSIONER EVANS: And I appreciate it. And I
12 am a taxpayer, too.

13 MS. BOZZA: Right.

14 COMMISSIONER EVANS: And I -- every day, this
15 Board of Commissioners and myself included work very hard to
16 represent --

17 MS. BOZZA: I understand --

18 COMMISSIONER EVANS: -- all of the residents.

19 MS. BOZZA: I understand.

20 COMMISSIONER EVANS: And a suggestion where I may
21 not be doing that --

22 MS. BOZZA: I'm not --

23 COMMISSIONER EVANS: -- I resent.

24 MS. BOZZA: -- saying you're not doing it. I'm
25 just saying that he should -- we have a right to know what

1 his discipline is -- what the discipline is. I mean --

2 COMMISSIONER EVANS: Thank you for your comment.

3 MS. BOZZA: -- we know what the discipline for
4 the President of the United States will be and we can't know
5 what it will be for a town --

6 COMMISSIONER EVANS: I'm not sure we know that
7 either.

8 MAYOR SCARPELLI: Anybody else wish to address the
9 Board of Commissioners this evening?

10 (Pause)

11 MR. DEFILIPPIS: I'm going to have to raise the
12 mic a little bit.

13 Good evening. John DeFilippis,
14 D-E-F-I-L-I-P-P-I-S, 101 River Road.

15 Mayor Scarpelli, members of the Board of
16 Commissioners, I hope everyone had a great summer. Mine
17 went entirely too fast. It always seems to do that.

18 Here today to discuss everyone's favorite topic
19 which is the town property behind Sleepy Hollow on River
20 Road.

21 I know not all of you were present but I attended
22 the end of year Commissioner's meeting in December to notify
23 the Board of Commissioners that we had yet another issue
24 with that hill.

25 You might remember a few years ago, a boulder

1 actually came loose, rolled down the hill. And I'm not
2 talking a small boulder; a huge boulder, went right through
3 the fence into a vehicle, literally could have and would
4 have killed somebody if someone was there at the time.

5 In December, a tree on your side of the property
6 fell onto our side, onto a vehicle, damaged the vehicle. I
7 had to contact the Department of Parks. I will say they did
8 respond right away, in a timely fashion. Police responded
9 in a timely fashion as well.

10 I brought that too your attention. I suggested,
11 at the time, that an engineer survey the property and start
12 looking at a plan to maybe -- to do something to make it
13 safer.

14 Over the past eight months, I have tried to get
15 more information about that. I was in touch with a
16 gentleman, I believe his name was Sal Ferraro. He did
17 return one of my phone calls. He said he was going to put
18 the engineer in touch with me. That never happened.

19 I followed up with him. Again, no return phone
20 call. I will say Ms. Pettas was very helpful trying to
21 get someone to get back to me. Again, that didn't happen.

22 So, eight months later, I still don't have an
23 answer and I have to tell you that last week another tree
24 limb fell onto our side of the property. I had to call the
25 Parks Department again to come and remove the limb.

1 We've dodged a number of bullets so far. I don't
2 know how much longer we can keep dodging bullets if boulders
3 are going to come loose and trees are going to fall and
4 limbs are going to fall. Something needs to be done with
5 that property.

6 I'm not an engineer. I don't have the answers. I
7 merely suggested that the engineer survey the property and
8 come up with ideas. Again, eight months after the fact, to
9 my knowledge, nothing has been done.

10 Can you tell me if anything has --

11 MAYOR SCARPELLI: Mr. DeFilippis, I know the
12 engineers have been out there and I will make sure when the
13 engineer is in, he calls you back the day he is here this
14 week. So, I'll make sure -- I -- I don't know what his
15 recommendation is but I know he's been out there to look at
16 it.

17 MR. DEFILIPPIS: Okay. Do you know if he's going
18 to do a report of any kind, Mayor Scarpelli?

19 MAYOR SCARPELLI: I don't know if he's going to do
20 a report. I do know that, you know, some of the trees that
21 are there, the root system is actually holding in that --
22 that bank and that to remove the trees, and -- or -- and the
23 root system would be a detriment and not an advantage. So,
24 that I do know.

25 MR. DEFILIPPIS: Okay.

1 MAYOR SCARPELLI: That's all I can say.

2 MR. DEFILIPPIS: All right. So, do I need to
3 leave my phone number with anyone?

4 MAYOR SCARPELLI: I'm sure if you talked to
5 Mr. Ferraro, he has your phone number. So --

6 MR. DEFILIPPIS: Okay.

7 MAYOR SCARPELLI: -- I'll make sure that the
8 engineer calls you back.

9 MR. DEFILIPPIS: Okay. I appreciate that. I'll
10 take your word for it.

11 And, just one other thing. As you know, that area
12 tends to become very littered with trash and I think it's
13 been about eight months since you guys cleaned it and I -- I
14 think it's about due if you look at it. It's really, really
15 unsightly.

16 MAYOR SCARPELLI: We'll take care of that also.

17 MR. DEFILIPPIS: Okay. Thank you very much.
18 Appreciate it.

19 MAYOR SCARPELLI: Anybody else wish to address the
20 Board of Commissioners this evening?

21 (Pause)

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

23 Mr. Scarpelli, tomorrow I'm going to call DCA
24 again. You have a clerk and you have an ordinance for a
25 deputy clerk and you haven't announced it.

1 I called DCA last time it -- there was a meeting.

2 UNIDENTIFIED SPEAKER: (Inaudible) --

3 MR. MOORE: I'm sorry. Can you hear me now?

4 MAYOR SCARPELLI: (Inaudible).

5 MR. MOORE: I'm going to call DCA tomorrow again
6 because we have a clerk and not a registered municipal clerk
7 and DCA said you weren't supposed to do that because we do
8 have a deputy clerk ordinance in our ordinances.

9 So, I will be calling about that tomorrow.

10 MAYOR GENITEMPO: Mr. Moore, why don't you call me
11 with the name of the person at DCA that you spoke to because
12 we researched it and we are clearly not in violation of the
13 law. So, if you want to give me the name of the person at
14 DCA that you spoke to --

15 MR. MOORE: Sure. I --

16 MR. GENITEMPO: -- I'd be more than happy to
17 confirm what you're telling us on the record --

18 MR. MOORE: Sure.

19 MR. GENITEMPO: -- that (indiscernible) --

20 MR. MOORE: I'll do that tomorrow.

21 MAYOR SCARPELLI: Yeah. Please do.

22 MR. MOORE: I got nothing else to do.

23 Mr. Evans, I believe you said, if I heard you
24 correctly, that there was 60 violations in total.

25 COMMISSIONER EVANS: For -- in the last year,

1 there was 60 -- over 60 violations that were issued by the
2 Code Enforcement Department for a range of things including
3 occupancy violations.

4 MR. MOORE: And the 13, was the 60 reduced to 13
5 somehow? I'm -- how did you get to --

6 COMMISSIONER EVANS: No. No it's --

7 MR. MOORE: -- thirteen?

8 COMMISSIONER EVANS: Just that in addition to this
9 one individual's property, this activity of identifying
10 violations goes on throughout the year in many forms. So,
11 it's not just the large apartments.

12 It's actually a two family house that's been
13 converted to a three family. It's a single family home that
14 has an illegal apartment in the basement. Those violations
15 exist.

16 MR. MOORE: So, the total was 60 and the -- the
17 developer had 13?

18 COMMISSIONER EVANS: Yeah. I didn't give an exact
19 number.

20 MR. MOORE: No, I remember you speaking about this
21 originally saying that there was absolutely no township
22 employee involved in this at all. Everybody was above board
23 and everything -- correctly. How could you have 60
24 violations and nobody did anything wrong?

25 COMMISSIONER EVANS: Mr. Moore, I'm going to say

1 this very clearly. A resident, a builder, a landlord has
2 the free will to modify their property as they so choose.
3 It may or may not be in compliance with our Code.

4 I do not have a fleet of inspectors that go around
5 and the several thousand multi-family dwellings that we have
6 in this town to do a regular check as to whether or not all
7 of those residents are in compliance.

8 We rely on what we hear about complaints. We rely
9 when we see inspections and do follow ups to identify these
10 complaints which is why I said tonight that we're adding an
11 app on the phone because it will help the Code Enforcement
12 Department to be aware of violations sooner if residents are
13 more willing, especially if they have the ability to do it
14 anonymously, to raise a violation.

15 But, to your point is, no one in my department is
16 looking at a violation and telling somebody, it's okay. You
17 can keep it. Once we identify it, violation notices are
18 issued and, in some cases, summons are issued and it goes to
19 the Municipal Court.

20 MR. MOORE: Because I put several OPRA and they
21 haven't been answered yet how many violations there were and
22 I didn't get any answers on that yet.

23 COMMISSIONER EVANS: I don't have an answer for
24 that, Mr. Moore. I will have to follow up.

25 MR. GENITEMPO: Mr. Moore, there was a -- you

1 did receive an OPRA request response with regard to the
2 violations that the Commissioner's speaking of. If your
3 request was not for a document, it is not an OPRA request.

4 So, you submit many, many requests that are not
5 for documents. They're for information and you know, from
6 your experience, that those are not appropriate requests.

7 And you did receive -- I believe you did receive
8 the list that the Commissioner's referring to of over 60
9 other violations. So, we did respond appropriately to your
10 OPRA request.

11 I do not -- I'm not aware of any outstanding OPRA
12 requests that you have that (indiscernible) --

13 MR. MOORE: Oh, there's -- there's a number of
14 them outstanding. Most of them are over eight weeks old.
15 But I'm not going to dispute the issue.

16 It's -- who was the investigator that conducted
17 the investigation?

18 COMMISSIONER EVANS: The individual that did the
19 inspections; is that what you --

20 MR. MOORE: Yes.

21 COMMISSIONER EVANS: -- are referring to? He is
22 -- his name is -- Luis Rodriguez from Montclair.

23 MR. MOORE: Did we pay him for that?

24 COMMISSIONER EVANS: No.

25 MR. MOORE: That was just a courtesy?

1 COMMISSIONER EVANS: It's -- it's common for
2 municipalities to help out other municipalities without
3 incurring the cost; yes.

4 MR. MOORE: And how many actual investigations did
5 he conduct?

6 COMMISSIONER EVANS: As I stated, the builder here
7 owns over 400 apartments. He inspected every one of them.

8 MR. MOORE: And we didn't pay him at all?

9 COMMISSIONER EVANS: That's correct.

10 MR. MOORE: Did he reduce that to a report?

11 COMMISSIONER EVANS: Yes.

12 MR. MOORE: I'd like to see that report. I'll
13 OPRA that tonight.

14 Thank you.

15 MAYOR SCARPELLI: Anybody else wish to address the
16 Board of Commissioners this evening?

17 (Pause)

18 MS. ROSSI: Tammy Rossi, 28 Colonial Terrace.

19 Just a few quick questions. Mr. Moore had just
20 inquired about the independent field inspector. What
21 screening process was used to insure there was no conflict
22 of interest?

23 COMMISSIONER EVANS: The individual was screened
24 to make sure that they were properly licensed. They had
25 significant experience and that they did not have any

1 involvement inspecting property in town before.

2 MS. ROSSI: Okay. Thank you.

3 And the other question I had was -- is are there
4 any occupancy limits set forth on one, two and three bedroom
5 apartments? Just from a safety perspective.

6 COMMISSIONER EVANS: There's nothing in the Code
7 that would say that in a given dwelling unit --

8 MS. ROSSI: Uh-huh.

9 COMMISSIONER EVANS: -- there's only so many
10 people that are allowed to occupy that dwelling unit.

11 MS. ROSSI: Is that something that might be
12 considered due to safety reasons, for fire code?

13 COMMISSIONER EVANS: It's something that -- that
14 we're looking at and we -- one of the provisions that's in
15 the ordinance that was introduced tonight that -- it
16 identifies that any particular space that's 69 square feet
17 or more --

18 MS. ROSSI: Uh-huh.

19 COMMISSIONER EVANS: -- is considered --
20 regardless of what it is, it's considered a bedroom unit.

21 MS. ROSSI: Okay. Thank you very much.

22 (Pause)

23 MS.CELENTO: Amy Celento (ph), 70 Newman Avenue.

24 So, Mayor Scarpelli and Commissioners, first of
25 all, I want to thank you for your service. I realize that

1 your job is principally a volunteer job. And I've heard
2 tonight and I've heard in a prior meeting where there seems
3 to be an assumption that we, as citizens, don't appreciate
4 the work you do and that's simply not true.

5 I come to these meetings, all these ordinances
6 have to be read. Obviously voted on. So, I do appreciate
7 that.

8 I think where sometimes there may be challenges
9 are that when, as citizens, I know that I feel I've been
10 cheated by a developer and -- cheated in terms of maybe
11 taxes not paid, developer fees maybe that weren't paid,
12 additional school children that are overcrowding the schools
13 potentially being the case from so many violations that, you
14 know, I might come across as combative. I'm really coming
15 across as frustrated.

16 And I do understand that many of you have shared
17 your frustration that something like this could occur. So,
18 I appreciate that. I think that many of us have a level of
19 frustration which does come through in what we have to say.

20 But, on that note, I do appreciate the information
21 that's provided.

22 I want to say that in June there was mention that
23 there would be litigation.

24 In July, there was mention that this was not a
25 litigation.

1 Tonight, there's mention that there's potential
2 litigation.

3 There's been a six month investigation and I
4 understand you had to hire an inspector, you had to contract
5 with someone with no fees involved. You just indicated,
6 Commissioner Evans, that the three screening levels were
7 that the person had to be licensed, had to be experienced
8 and had no other inspections in town before.

9 I would like to know how do you screen for
10 conflict of interest for that inspector or anybody else
11 involved with whether it's a developer or whether it's a
12 homeowner submitting a permit request? What is the conflict
13 of interest screening process to ensure that we don't end up
14 in this situation where a homeowner has to get up here and
15 say, what's the penalty then applied for someone making
16 rules, an employee potentially breaking rules, and then we
17 have to get to this point of being combative.

18 So, what is the conflict of interest screening and
19 maybe, Mr. Genitempo, this is something that you answer? I
20 don't know.

21 COMMISSIONER EVANS: On the first part of your --
22 your question and I mean, first, I want to thank you --

23 MS. CELENTO: Can you -- I can't hear you.

24 COMMISSIONER EVANS: Yes. I'm sorry.

25 MS. CELENTO: Thank you.

1 COMMISSIONER EVANS: Can you hear me?

2 MS. CELENTO: Yes.

3 COMMISSIONER EVANS: Okay. First, I want to thank
4 you for acknowledging the effort on the part of the Board of
5 Commissioners. I personally appreciate that very much.

6 It's not easy when you think about for -- I don't
7 think any of us here would say that we do this for the
8 monetary compensation of \$2,250 a year, right? This is a
9 passion --

10 MS. CELENTO: Uh-huh.

11 COMMISSIONER EVANS: -- for -- for me, personally,
12 for -- I was raised on the aspect of community service and
13 giving back. So, I appreciate the acknowledgment because
14 that's how we look at this. And, so, when we hear about a
15 violation, or we hear about something as you raised, we're
16 upset about it just as you are.

17 And, so, we will take those actions to investigate
18 and do the reviews that are necessary. And when we find
19 that something wasn't done well, first is we resolve what
20 the issue was and, then, we actually look at it to say, how
21 do we make sure we prevent this going forward because we can
22 recognize it as once but we don't like to hear it again.

23 And that's the -- the focus has been my -- my
24 focus as I have gone through this.

25 As your reference relates to potential litigation,

1 litigation, no litigation. In June, I used the reference of
2 potential litigation. Later, in July, you questioned
3 litigation. I was just trying to clarify there is subject
4 to potential litigation and that still is the case which is
5 why some of this I'm just not able to talk to tonight.

6 So, there's always been a concern as it
7 specifically relates to how -- how this can go down a path
8 where litigation would be involved which is why I -- legal
9 counsel is here to advise us.

10 All right. As far as conflict of interest, and,
11 you know, it's an interesting question because there -- one
12 thing that I'm guided by is that the individuals that --
13 that work in, for example, in our Code office, construction
14 officials, zoning official, all of the inspectors are
15 licensed and they are required to follow the rules regarding
16 the license and those inspections and they're not willing to
17 compromise those licenses because that's their livelihood.

18 So, it's one aspect that I have relied on.

19 As far as individual conflicts of interest, it's
20 an interesting question and I haven't focused on that fully
21 but I like it and I will follow up.

22 MS. CELENTO: Thank you. I appreciate your
23 response.

24 So, in relation to the situation and the
25 violations, I do hope that as part of the settlement,

1 developer fees, whether it's supposed to be money that
2 went into COAH fund, money that stays with the town,
3 not in a COAH fund, I mean, I really hope that that is all
4 being addressed in terms of just developer fees and --
5 collected or not collected.

6 MR. GENITEMPO: Tammy, there is --

7 MS. CILENTO: Yes.

8 MR. GENITEMPO: -- no issue about developer's fees
9 not being paid as far as I understand.

10 MS. CELENTO: Okay.

11 MR. GENITEMPO: I'm not -- I'm not -- whatever
12 you're saying, it will be checked but --

13 MS. CELENTO: I'm asking.

14 MR. GENITEMPO: -- as far as I'm -- I am
15 concerned, there is no issue related to that. All developer
16 fees have been paid and I think we've accounted for that,
17 the Commissioners have accounted for that in previous
18 meetings.

19 COMMISSIONER EVANS: Absolutely. Al, excuse me.

20 MR. GENITEMPO: Yeah.

21 COMMISSIONER EVANS: There had been some confusion
22 about development fees not being paid or collected after
23 2014 and I have already stated on the record that that was a
24 misconception because those fees have been collected on
25 every property.

1 I know there was a point raised that in two
2 instances on a individual house built that fees weren't
3 collected at the time the permit was issued. However, the
4 absolute guide as what fees are to be paid is actually
5 determined by the tax assessor to -- based upon the improved
6 assessed value of the property according to the law.

7 So, the absolute value of the development fees
8 that needed to be collected in those two instances, which
9 were somewhere in the combined about \$7,000, has been fully
10 -- was fully collected before the CO was issued.

11 So, we've collected all the fees and I'm confident
12 that we haven't missed any.

13 MS. CELENTO: And I appreciate that. So, in terms
14 of the fact that some of these apartments in violation,
15 whether it was a density limitation or another violation and
16 that they're going to be reversed, I hope that we are not
17 going to be petitioned to refund those developer fees.

18 COMMISSIONER EVANS: That's not on the table.

19 MS. CELENTO: Thank you. I appreciate that.

20 I really wish this had been an agenda item so the
21 three minutes and twenty-four seconds I spent asking
22 questions about this could have been part of that comment
23 section because a commissioner announcement about pending
24 litigation, of ongoing investigation, it really -- I would
25 have appreciated it being an agenda item. I'm just letting

1 you know.

2 I do want to ask of -- about a couple of things.
3 I think in terms of what Mr. DeFilippis said, I don't know
4 anything about this property. But we do have a town
5 arborist. So, hopefully, the arborist can also be looking
6 at those trees potentially deciding between the arborist and
7 the engineer what's necessary.

8 COMMISSIONER TUCCI: If I might, Mayor. I think
9 it's -- it's more of an engineering question than it is an
10 arborist question because that slope does, in fact,
11 experience some -- some erosion and it's something that
12 we've been battling for many years.

13 And with the transfer of not only the drop off
14 section out there, the recycling drop off section and that
15 slope, all right, being transferred to the DPW, we're now
16 working in conjunction with each other to see what we can do
17 to stabilize that slope and it's -- you know, depending on
18 the weather, it's -- it's an uphill battle, you know,
19 fighting -- the papers flying over the fence and going down
20 by -- by Sleepy Hollow.

21 MS. CELENTO: Sure. I understand. Again, not my
22 property but it sounds like potential liability. So, just
23 asking about that.

24 I also want to just ask about the State aid. I --
25 I honestly haven't fully been following it. But what --

1 what do we think is happening in terms of a time line to be
2 notified?

3 COMMISSIONER EVANS: Amy, I've been following that
4 every day. My understanding, based upon my conversations
5 today with the DCA and the Governor's Office, is that we
6 should be hearing, hopefully, by the end of the week.

7 They've been advised that we have a timing issue
8 because we need to certify a county tax rate in order to
9 issue final tax bills. We also have added assessed revenue
10 that we collect each year during -- during the assessed
11 period. And if we don't have a certified rate, we'll lose
12 that added assessed revenue. So, they have been advised
13 that, from our side, timing is becoming very important.

14 MS. CELENTO: And thank you. I appreciate that.

15 I do hope that as that comes in, just referencing
16 back to earlier in the year, at a budget workshop, there's
17 an indication that this year's budget will be done on a zero
18 based process justifying every expense. I know that there
19 were some cuts, staff cuts in Parks and Rec. I understand
20 that --

21 COMMISSIONER TUCCI: Yes.

22 MS. CELENTO: -- the Department of Public Works,
23 your budget was reduced between a hundred and two hundred
24 thousand dollars.

25 So, I really hope though that whatever comes in

1 for the State aid that there's a final scrub in terms of
2 really validating on a zero based budgeting what's
3 absolutely necessary.

4 So, just saying that as a citizen.

5 COMMISSIONER EVANS: We -- Amy, we continue to
6 look at that --

7 MS. CELENTO: Yes.

8 COMMISSIONER EVANS: -- it's an ongoing
9 conversation with the Commissioners.

10 My own budget was -- was reduced as well by more
11 than a hundred thousand dollars in that process as well as
12 the library board. The library saw a reduction as well.

13 So, we're looking at -- we were and once the aid
14 comes in and we know what that amount is, we'll be able to
15 zero in on that again.

16 MS. CELENTO: Great. And, so, my final question
17 is related to -- it's sort of related to that property
18 behind Sleepy Hollow. There are areas of sidewalk on
19 Franklin and Centre that are done with papers. I believe it
20 was done as some sort of main street USA upgrading of
21 storefronts. There are giant holes in some of those areas.

22 I believe maybe there were trees there or there
23 were planters there but those holes continue to be there.
24 Those areas have not been repaved. No pavers have been
25 added.

1 I think it's incredibly hazardous. I mean, kids
2 are walking home from school there. My office happens to be
3 near there. It doesn't affect me personally or
4 professionally because it's not right outside my office.

5 But I think it's a hazard and they've been like
6 that for at least two years that I'm aware of, since the
7 beginning of 2017, end of 2016. So, almost two years.

8 But I just think that in terms of preventing
9 future liability, accidents, injuries, it would really be
10 great if somehow those were shored up.

11 So, thank you.

12 MAYOR SCARPELLI: We'll take -- we'll take a look
13 at that, Amy.

14 MS. CELENTO: Thanks so much.

15 MAYOR SCARPELLI: Anybody --

16 COMMISSIONER TUCCI: Mayor. Mayor, if I might.

17 Amy, I'd just like to publicly thank you for
18 bringing to our attention, all right, the one bedroom
19 apartments that ultimately -- or two bedroom apartments and
20 bringing that violation to our attention because, you know,
21 as enlightened as we like to think that we are, we can't be
22 everywhere all the time and we are not always aware as to
23 what's going on.

24 And I think this -- this whole situation is -- is
25 appalling for me personally, all right? And we will get to

1 the bottom of this; all right?

2 A portion of it has already been addressed; all
3 right? And the second part, if you will, will, in fact, be
4 addressed.

5 But I just want to thank you for being part of our
6 eyes and ears because this is not something that we condone.

7 MS. RUBINO: Joan Rubino, 48 North Road.

8 First, I'd like to make a comment on what Amy said
9 that citizens are not here to be combative and if that's
10 your perception, I understand. But we also have a
11 perception that you are sometimes combative, starting with
12 the town attorney and commissioners.

13 It might not be obvious to you, but your demeanor
14 speaks volumes.

15 Also, I want to ask about the pension situation
16 for Mr. Evans. Are taxpayers responsible for the attorney
17 that is representing you or has represented you?

18 COMMISSIONER EVANS: Regarding this matter?

19 MS. RUBINO: Yeah. The pension --

20 COMMISSIONER EVANS: Yes.

21 MS. RUBINO: The pension matter.

22 COMMISSIONER EVANS: The pension, no.

23 MS. RUBINO: You -- you're responsible for that?

24 COMMISSIONER EVANS: I am responsible.

25 MS. RUBINO: How long after becoming commissioner

1 were you made aware of this alleged mistake?

2 COMMISSIONER EVANS: Long before I became a
3 commissioner in 2003.

4 MS. RUBINO: Three.

5 COMMISSIONER EVANS: Right. And it was after that
6 period of time, before 2007.

7 MS. RUBINO: I'm just curious because the CFO
8 never picked that up. You never picked it up. It took
9 quite a few --

10 COMMISSIONER EVANS: Ms. Rubino, I was surprised
11 about it. I've been chastised for it. I've been condemned
12 for it. I've been told to rot in hell.

13 MS. RUBINO: I wouldn't go that far.

14 COMMISSIONER EVANS: Well, that -- that's the
15 things that have been coming my way. There was simply a
16 mistake made.

17 I want to be very clear; all right? I have had
18 the highest respect for Marilyn Allen. Although I was
19 chastised for -- back -- in fact, insinuating that somehow
20 that in order to get this fixed, I was blaming someone for
21 that. Before Marilyn passed, she was very supportive in
22 helping me with it.

23 MS. RUBINO: Uh-huh.

24 COMMISSIONER EVANS: All right? However, we ran
25 into a challenge with the State Pension Board where they

1 felt that while the error was made and they acknowledged the
2 error -- that they felt it was made at a local level.

3 MS. RUBINO: All right. Well, my question then is
4 if it could happen to you --

5 COMMISSIONER EVANS: Yes.

6 MS. RUBINO: -- it could happen to an employee.
7 So, are there any checks and balances now since that did
8 happen to you?

9 COMMISSIONER EVANS: Yes.

10 MS. RUBINO: Okay.

11 COMMISSIONER EVANS: There is a full review.

12 MS. RUBINO: In other words, it cannot happen
13 again.

14 COMMISSIONER EVANS: It cannot happen again.

15 MS. RUBINO: Thank you.

16 COMMISSIONER EVANS: And, Ms. Rubino, I -- I am
17 sorry to anybody who feels that somehow I am trying to be
18 aggressive.

19 MS. RUBINO: I didn't single you out. I'm just
20 saying --

21 COMMISSIONER EVANS: I know -- I know but I'm just
22 trying to follow to get an error corrected. I -- and maybe
23 I'm a little bit on edge because sometimes after a long
24 series of time, you get tired of being called a crook by
25 people who don't know you.

1 MS. RUBINO: I -- I have no idea about what people
2 call you or anybody else and I really don't care but I feel
3 that, not just you people, but in previous years we have had
4 mayors who screamed at people. I mean, it is kind of
5 alarming to think that people you vote into office and when
6 you come to ask a question or make a complaint which is
7 perfectly logical and reasonable that you should be treated
8 in the fashion that you are treated at times.

9 That's it.

10 MAYOR SCARPELLI: Thank you, Ms. Rubino.

11 Anybody else wish to address the Board of
12 Commissioners this evening?

13 (Pause)

14 MR. ODRIA: Michael Odria , 134 High Street.

15 To Commissioner Rogers, you brought up a point
16 that base salaries were lowered. I want to know whether
17 there (indiscernible) from 2017 to 2018 (indiscernible)
18 lowered by \$5,000, 10,000. Do you (indiscernible)?

19 COMMISSIONER ROGERS: I can't hear you
20 I'm sorry.

21 I can't hear you. You're too close to the --

22 MR. ODRIA: My question is this. You said base
23 salaries were lowered.

24 COMMISSIONER ROGERS: Yeah. They're --

25 MR. ODRIA: Well, then, from 2017 to 2018, were

1 they lowered by --

2 COMMISSIONER ROGERS: By about ten -- I know one
3 of them was about ten, another was five. But here's what
4 I'll do. I will get the exact figures for you and I will
5 make sure you get them. But they were lowered
6 substantially.

7 MR. ODRIA: Okay. And I'd really like to say
8 this. I know you didn't socialize on a social media and I
9 would like to let you know, when it comes to that flag,
10 there's no reason for anyone to disagree or disrespect our
11 American flag period.

12 COMMISSIONER ROGERS: Okay. Thank you.

13 MR. ODRIA: And to Commissioner Evans, I
14 understand from tonight that an inspector was disciplined?
15 And I'm confused. Was he -- the reason why he wasn't
16 disciplined, was he disciplined for -- for taking money
17 under the table to look the other way on certain
18 developments?

19 Because I know it's really going on. Can you
20 answer that question?

21 COMMISSIONER EVANS: I won't. It's -- it's
22 ludicrous.

23 MR. ODRIA: But we're talking about one
24 individual; am I correct?

25 MR. GENITEMPO: The answer is no. There's nobody.

1 It is not part of the evaluation. It's not --

2 MR. ODRIA: But I'm sure there's (indiscernible)
3 inspector --

4 MR. GENITEMPO: That has not happened in --
5 discipline of an employees subject to civil service is not
6 subject to public discussion.

7 But I can unequivocally tell you that that is not
8 the case here.

9 MR. ODRIA: Okay. Because I -- I have my concern.
10 All right. That -- thank you very much.

11 MAYOR SCARPELLI: Anybody else wish to address the
12 Board of Commissioners this evening?

13 Seeing none, can I have a motion to go into the
14 executive session?

15 COMMISSIONER ROGERS: Mr. Mayor, before we do
16 that, a --

17 MAYOR SCARPELLI: Sure.

18 COMMISSIONER ROGERS: -- couple of statements I'd
19 like to make.

20 Mike brought up a point and the point was
21 regarding the American flag. I'm in a very, very difficult
22 situation in my life right now because of the national
23 platform I now have.

24 And, unfortunately, many of the issues I address,
25 some people in town will take that as if I'm focusing on the

1 town.

2 What Mike was talking about, and thank you, Mike,
3 was -- just to clear this up, there was a national football
4 league player, we know that, who, in my view, disgraced this
5 flag and disgraced this nation.

6 So, I was very vocal about that and didn't like
7 what happened. But there were people in town that were very
8 upset that I took that position. And you talk about hate
9 mail, Commissioner, you talk about the threats to your life,
10 where do we begin?

11 COMMISSIONER EVANS: Yeah.

12 COMMISSIONER ROGERS: But when I express my views
13 on these issues, it just doesn't have something to do with
14 Nutley. It has something to do with our entire country.
15 That's number one.

16 Number two, something that Commission Tucci talked
17 about and I'm glad you brought this up; every week that
18 we're here, it's the same five or six or seven of you here.
19 I wish this place was filled.

20 Participatory democracy, so important. And I know
21 you guys feel the same way. I know you do.

22 I long for the day that people do what you do.
23 Look. There's a lot of things you say that irritates me.
24 It irritates the living daylights out of me. But I'll tell
25 you what. You have the right to say it and I'll tell you

1 something -- what else you've done. You make a guy like me,
2 an elected official, maybe I'm a little bit more on my toes
3 now because when somebody's watching, when somebody's asking
4 questions, as an elected official, you know, we learn. And
5 I think it's a good thing.

6 Like I said, some of you just irritate me every
7 single week and I'm sure I irritate you. But, at the end of
8 the day, it strengthens our democracy. It strengthens our
9 township.

10 Amy, you've been pointed out as somebody who did
11 something that we have advocated regarding terrorism. You
12 see something, say something.

13 And, Commissioner Tucci, as you said, she saw
14 something and others see things, I think it's good you say
15 things because as Commissioner Evans said, we can't be
16 everywhere. Like your police officers can't be everywhere.

17 So, I think at the end of the day, if we could
18 come to this conclusion and just know this from me and these
19 gentlemen can speak for themselves, we live in this town.
20 We need to work together for the betterment of maybe the
21 next generation.

22 So, I just want you to know, at least from my
23 view, please feel welcome. Don't ever feel that you can't
24 get up there and challenge at least me. You may like the
25 answer. I may not like the question. But it's a good

1 thing. And Ms. Rubino, please remember that, okay?

2 Any time you come, you're welcome.

3 MS. RUBINO: (Inaudible).

4 COMMISSIONER ROGERS: Thank you.

5 MS. RUBINO: (Inaudible).

6 COMMISSIONER ROGERS: Uh-oh.

7 (Laughter)

8 COMMISSIONER ROGERS: Can we close the meeting?

9 MS. RUBINO: I just -- I have to say this. When
10 you talk about anonymous letters, I have never written an
11 anonymous letter. Anything worth saying, it -- you sign
12 your name to it and I feel that the people who come here and
13 speak out should be given credit because a lot of people
14 don't have the nerve to do it.

15 When I attended Board of Education meetings, they
16 used to say to me, well, why don't you ask? What -- because
17 they knew I would ask questions. And everybody should ask
18 them.

19 And it's not that we're picking on anybody. It's
20 just that we want answers. We pay a lot of money in taxes
21 in this town and I think we deserve to get the answers.

22 You might not like what we ask but you really have
23 to respect us for asking it.

24 COMMISSIONER ROGERS: That's all I had to say,
25 Mayor. Thank you.

1 MAYOR SCARPELLI: Can I have a motion to go into
2 executive session to discuss -- Mr. Genitempo.

3 MR. GENITEMPO: Potential litigation and
4 litigation.

5 COMMISSIONER TUCCI: So moved.

6 COMMISSIONER PETRACCO: Second.

7 MADAM CLERK: WHEREAS, Section 8 of the Open
8 Public Meeting Act, Chapter 231, Public Law 1975 permits the
9 exclusion of the public from meetings in certain
10 circumstances; and

11 WHEREAS, the public body is of the opinion that
12 such circumstances exist; and

13 WHEREAS, the Board of Commissioners of the
14 Township of Nutley, in the County of Essex and State of New
15 Jersey, desires to proceed to closed executive session.

16 AND NOW, THEREFORE, BE IT RESOLVED, by the Board
17 of Commissioners of the Township of Nutley to move into
18 closed executive session to discuss potential litigation and
19 litigation.

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

1 Commissioner Rogers?

2 COMMISSIONER ROGERS: Aye.

3 MADAM CLERK: Commissioner Tucci?

4 COMMISSIONER TUCCI: Aye.

5 MADAM CLERK: Commissioner Evans?

6 COMMISSIONER EVANS: Aye.

7 MADAM CLERK: Commissioner Petracco?

8 COMMISSIONER PETRACCO: Aye.

9 MADAM CLERK: Mayor Scarpelli?

10 MAYOR SCARPELLI: Aye. We will be coming back on
11 the record just to close the meeting. No further action
12 will be taken.

13 (Whereas, the board moved into executive session.)

14 (Background conversations.)

15 MAYOR SCARPELLI: Madam Clerk, are you ready?

16 MADAM CLERK: Yes, Mayor.

17 MAYOR SCARPELLI: I need a motion to adjourn.

18 COMMISSIONER EVANS: Move it.

19 COMMISSIONER TUCCI: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 MADAM CLERK: The time is 10:41.

6 (Whereas, the meeting was adjourned.

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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 September 4, 2018 proceedings.


Pamela A. Skaw

Date: September 21, 2018