TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF PROCEEDINGS:

July 17, 2018

BEFORE:

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

Job No. NJ2971102
MAYOR SCARPELLI: Madam Clerk.

MADAM CLERK: Ready, Mayor?

MAYOR SCARPELLI: We're ready.

MADAM CLERK: Ready?

Board of Commissioners public meeting, Tuesday, July 17th. The time is 7:05. Pursuant to the requirements of the Open Public Meeting Act (Chapter 231, Public Law 1975), notice of this meeting was published in the December 14th, 2017 issues of The Nutley Sun, the Herald News, and the Star Ledger. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk’s Office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor.

MAYOR SCARPELLI: Commissioner Petracco?
COMMISSIONER PETRACCO: I have a report from Public Safety tonight. I also have a handicap ordinance introduction. And I have a resolution for municipal alliance. That's all I have.

MAYOR SCARPELLI: Commissioner Evans?

COMMISSIONER EVANS: I have a report for the month and for the quarter for the Code Enforcement Department. And that's all I have.

MAYOR SCARPELLI: Commissioner Rogers?

COMMISSIONER ROGERS: I'm fine, Mayor, thank you. High blood pressure I have.

MAYOR SCARPELLI: Commissioner Tucci?

COMMISSIONER TUCCI: I have a Shade Tree report and I just need a brief closed.

MAYOR SCARPELLI: I don't think we formally need that closed, so --

COMMISSIONER TUCCI: Okay.

MAYOR SCARPELLI: I have a monthly progress report. I have an ordinance introduction for the redevelopment plan. And I have a public hearing on the paving of Harrison Street.

COMMISSIONER TUCCI: Have they moved that deck yet?

MAYOR SCARPELLI: So, Madam Clerk, what do you have?
MADAM CLERK: Mayor, we have minutes for approval for May 15th, 2018. And the Rotary has submitted an event application for their first car show on September 12th at -- between 3:30 and 8:00 p.m.

MAYOR SCARPELLI: I got a call on that from the Board of Ed. So we may want to include them in our event application notification. They said that they're closing down in front of the school before school is out.

MADAM CLERK: I -- okay, no problem. I did speak to the police department. So --

COMMISSIONER PETRACCO: What's the date of that?

MADAM CLERK: It's on a Wednesday at 3:30. September.

COMMISSIONER PETRACCO: Is it a Rotary Club?

MADAM CLERK: Uh-huh. Fred Scalera (ph) spoke with Captain Irwin. No problem.

MAYOR SCARPELLI: Just I think if we amend that, that may help.

MADAM CLERK: Sure.

COMMISSIONER TUCCI: Are they going to open the school, the bathrooms in the schools?

MAYOR SCARPELLI: Probably not.

Counselor?

MR. GENITEMPO: Mr. Mayor, I have a little something on a lighter note that I would like everybody to
get a copy of. It's an article from The Nutley Sun from 100 years ago. It has a lot of interesting information regarding the residents from the war and its history of Nutley. And just some other interesting things that --

MADAM CLERK: Thank you.

MR. GENITEMPO: -- I found it when I was cleaning out my garage and I thought you might find it -- and you don't have to read it tonight, obviously, but -- is it? I'll get you a new one. I thought it was an interesting document.

COMMISSIONER ROGERS: It will bring a lot of memories back for you, though.

MR. GENITEMPO: It's 100 years old today, so -- I mean, this year. So there's a whole section on the Revolutionary War, and its involvement in Nutley and it sounded very interesting.

MAYOR SCARPELLI: Very nice, counselor.

MR. GENITEMPO: Some of the old pictures of the old current buildings is pretty amazing.

COMMISSIONER TUCCI: Pretty neat.

MR. GENITEMPO: Yeah, it's probably in the library, I would assume -- I mean, the Nutley Museum, but it's 100 years old so.

I have a quick executive session, potential litigation.
MAYOR SCARPELLI: So we'll go into executive. If we don't get through everything, we're probably going to need an executive later on. And then we'll go from there.

MADAM CLERK: Commissioner Tucci, you're going in for?

COMMISSIONER TUCCI: It's a combination personnel and potential litigation.

MADAM CLERK: Okay.

MAYOR SCARPELLI: Madam Clerk? Could I have a motion to go into executive?

COMMISSIONER ROGERS: I'll make a motion.

COMMISSIONER PETRACCO: Second.

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

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

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

Now, therefore, be it resolved, by the Board of Commissioners of the Township of Nutley move into closed executive session to discuss contract negotiations, legal advice, potential litigation, and personnel.
Be it further resolved that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Township of Nutley pending and/or anticipated legal, personnel, contractual matters, and other matters within the exceptions provided for by statute.

Commissioner Rogers?

COMMISSIONER ROGERS: Here. Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

(End of audio)

MAYOR SCARPELLI: Everybody, please stand for the pledge salute.

(Pledge of allegiance)

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Yes, Mayor. Board of Commissioners public meeting, Tuesday, July 17th, 2018. The time is 7:43. Pursuant to the requirements of the Open Public Meeting Act (Chapter 231, Public Law 1975), notice of this
1 meeting was published in the December 14th, 2017 issues of
2 The Nutley Sun, the Herald News, and the Star Ledger. A copy
3 of this notice has been posted on the Nutley Town Hall
4 bulletin board and a copy is on file in the Municipal
5 Clerk’s Office.

   Commissioner Rogers?

COMMISSIONER ROGERS: Aye. Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor.

MAYOR SCARPELLI: Let's go to minutes, Madam

Clerk.

MADAM CLERK: Yes. We have Board of Commissioner

meeting minutes for May 15th, 2018. I need a motion.

COMMISSIONER EVANS: Move the minutes.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

MADAM CLERK: And that's it for minutes.

MAYOR SCARPELLI: Communications?

MADAM CLERK: Communications. The Rotary Club of Nutley has submitted an event application to hold their 1st Classic Car Show on Wednesday, September 12th, 2018 from 3:30 p.m. to 8:00 p.m. on Franklin Avenue between Chestnut Street and Centre Street.

I need a motion, please.

COMMISSIONER EVANS: Move it.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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

MAYOR SCARPELLI: Let's go to reports. I have a various monthly progress reports. Commissioner Evans?

COMMISSIONER EVANS: I have the Code Enforcement Department reports for the month of -- I think it's the month of July and the quarter of -- the second quarter.

MAYOR SCARPELLI: Commissioner Tucci?

COMMISSIONER TUCCI: Yes, I have a Shade Tree report for the month of June.

MAYOR SCARPELLI: Commissioner Petracco?

COMMISSIONER PETRACCO: I have a police, fire, Municipal court, and our ambulance squad report, our monthly report also.

COMMISSIONER EVANS: Mayor, correction. My report for the month of -- the monthly report is for June, not July.

MAYOR SCARPELLI: Thank you, Commissioner. Madam Clerk, bills?

MADAM CLERK: Yes, Mayor.

Bill list for July 17th, 2018 is as follows.

Public affairs, $109,202.51; Revenue & finance, $3,449,366.01; Public safety, $50,078.26; Public works,
$78,582.18; Parks and public property, $380,121.45. Water utility, $21,329.56. Total payroll $808,389.35. For a grand total of $4,897,069.32.

COMMISSIONER EVANS: Move the bills.
COMMISSIONER TUCCI: Second.
MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.
MADAM CLERK: And that's it for bills, Mayor.
MAYOR SCARPELLI: Public comment on agenda items only. Madam Clerk.
MADAM CLERK: Yes, Mayor.
All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the Board, each person shall limit their address to three minutes. All remarks to the Board and its individual members must be addressed to the
Mayor. The Mayor may defer citizens' comments to the
appropriate member of the Board. Dialogue between citizens
and others addressing the Board shall be allowed unless the
Mayor or presiding officer, or the majority of the
membership of the Board, shall determine that the interest
of decorum and/or the expeditious conduct of municipal
business are being adversely affected by such dialogue.

MS. SALENTO: Amy Salento, 70 Newman Avenue.

I have a question on the bill list, parks and
public property Beyer Fleet LLC, $30,570. Would that be a
purchase of a vehicle?

COMMISSIONER TUCCI: Yes, that was a truck.

MS. SALENTO: Okay, thank you. And then on the
reports, thank you, everyone, for your reports. The
Department of Public Works -- a few of the reports are
pretty detailed, but I noticed that for the road and
recycling division, the report says the same thing every
month for like the past nine months now, except for the
differences in the tonnage of recycling.

And you know, they indicate reflectors are placed
on all dead end barricades, dead end barricades were painted
throughout the Township. I don't even think we have that
many dead end streets, do we?

MAYOR SCARPELLI: We have enough of them, yes.

MS. SALENTO: So every month they have to paint
barricades and put reflectors on them?

    MAYOR SCARPELLI: I'm sure it's done consistently.

    MS. SALENTO: Okay. It's just surprising. I didn't think we had that many dead end streets. But in line with that, I think there was mention earlier this year of a purchase of, I guess, smart phone equipment or cellular equipment in order to allow for on-site, real time reporting. So is that implemented?

    MAYOR SCARPELLI: We're actually having training on that tomorrow.

    MS. SALENTO: Great. Thank you.

    MAYOR SCARPELLI: Would anybody else like to address the Board of Commissioners on agenda items only?

    Seeing none, can I have a motion to close the public comment?

    COMMISSIONER PETRACCO: Move it.

    COMMISSIONER TUCCI: Second.

    MADAM CLERK: Commissioner Rogers?

    COMMISSIONER ROGERS: Aye.

    MADAM CLERK: Commissioner Tucci?

    COMMISSIONER TUCCI: Aye.

    MADAM CLERK: Commissioner Evans?

    COMMISSIONER EVANS: Aye.

    MADAM CLERK: Commissioner Petracco?

    COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

Commissioner announcements. Commissioners?

COMMISSIONER PETRACCO: Mayor, I would just like to thank everybody on the Board for attending my brother-in-law's wake and funeral today. It was very nice of you to come. I appreciate it.

I also want to thank the Nutley Police Department. The escort they gave my brother-in-law who suffered from brain cancer and was bed ridden for two years and it puts things in perspective for all of us how bad our day really is. And the poor guy had a smile on his face every time I went to see him.

But the Nutley Police Department, along with Clifton, did an excellent job with the escort. And I appreciate our neighboring town's help and I appreciate all of the condolences from the residents, family, and all of my friends and our Board. Thank you.

MAYOR SCARPELLI: Our prayers and condolences go out to your family, Commissioner.

Mr. Diaz, are you ready?

MR. DIAZ: Good evening. I think we have some continuing things to show you as a carryover from two weeks ago. But during that time period, I just want to say -- express our thanks and gratitude to the counsel and their
professionals, who are -- an incredible amount of work that took place in those two weeks to address -- appropriately address in the redevelopment plan a lot of the concerns and the issues that you raised in our discussions and pointed out to us.

And I know that your staff worked tirelessly to try and get us to this point tonight, where hopefully you can take positive action, affirmative action, and move this redevelopment plan forward.

So I do want to thank you. Prism thanks you. I do want to say one thing on that is that I'm always cognizant sometimes of not wanting to become a victim of our own successes. And thus far over the last 24 months, we've accomplished an awful lot and we've created a tremendous amount of momentum behind this overall project. And I think that's great. We're all seeing some of those truths with some of these leases and things.

But I do want to stress to everybody overall at the end of the day, including the public and I know is always interested in what's happening here is that momentum is a very tricky thing. Right now it's on our side and it's going great. But no deal is a done deal really until that ink is dry and, you know, what I call butts are in the seats in their office buildings, right?

Even things that people think are faded in complete light
like the Quest transaction in Clifton, well, that's not a done deal yet. And that still is going to take and require on Clifton's side swift and decisive action yet by their counsel, much the same way as we're asking Nutley for swift and decisive action on this side so that we can surely lock in the Ralph Lauren transaction and complete the deal here to make room for also people at 200 Metro.

So I do appreciate all of the work and effort that has gone into this, but I do want everyone to keep apprised that there are still -- we're only partially the way there. Roche was a tenant there for 87 years. There's a lot more to happen on this campus. And we all have to continue to work together in a cooperative fashion, and I think we've exhibited it so far, to keep this moving forward.

So tonight I'd like to finish up with a presentation on changes that we anticipate making to the formerly known Building 102, which we now call 111 Ideation Way, which was the biochemical research building, sort of on the very easterly portion of the campus. That's the building that has been occupied in part by Modern Meadow and additional research functions from the Hackensack Meridian Health Organization, as part of their National Cancer Institute research function.

So we intend on presenting sort of two things today is a change to the site plan to accommodate additional
surface parking on the site. The building is approximately 155,000 foot building. Because it's biomedical research, it has a lower overall parking requirement than traditional office. We have, with a fully rented building between the Hackensack organization and the Modern Meadow organization and the space being leased by NJIT's innovation institute, we have a total demand of 495 parking spaces for that 155,000 foot building.

We can accommodate, and in tonight's presentation you'll see that current parking lot was inefficiently configured. We're really not expanding it particularly much at all. We're just straightening out the edges, making it more appropriate for sort of vehicular access and islands as opposed to how it was built out previously.

It houses today somewhere about 140 parking spaces on that lot and that's it. With some changes to that area by reconfiguring and realigning, we should be able to grow that parking to about 235 plus or minus parking spaces on surface. The balance of the parking for that building, as you know from our previous discussions and your approvals of the Med School application, we have the ability and the rights and are continuing with our transaction with Hackensack to add the additional spaces for this building in a parking structure to be constructed in Clifton for the med school and to satisfy the balance of the parking for the 111
Building.

So I just want to make it clear for you that all of the parking for this building will not be housed on its particular lot, about half will be. The other half will be in a garage that's going to be constructed in Clifton as part of the med school application, just so everyone is fully aware of that.

So at this point, I think we can bring up our civil engineers to present the parking layout, followed by our landscape designer to show you how that area is going to continue to be green and landscaped, and the buffers between the residential -- adjacent residential housing.

MR. POWERS: Good evening, Mr. Mayor, Board of Commissioners, my name is Steve Powers. 153 Cordaville Road, Southborough, Massachusetts. We are the civil engineer for the Prism project, the On 3 project. We were in front of you a couple weeks ago.

While my colleague is pulling up the Building 102 parking redevelopment that Mr. Diaz had brought up, I do want to bring up two changes we did make to the garage plan.

COMMISSIONER EVANS: Can you move the mic closer?

MR. POWERS: Closer? Okay. I always have a problem with this.

COMMISSIONER EVANS: If you want to take it out and hold it.
MR. POWERS: Maybe I will. So we did make two minor changes based on a comment by Commissioner Evans during our working session, as well as Mr. Abramson. We did -- along the garage, we did increase the pedestrian walkway, which is parallel to the railroad on the southwest corner of the garage between 8 and 10 feet in various spots where we could squeeze that in. We did cut back slightly on the landscaping, but we do accommodate a lot of landscaping as well. So that is one thing.

And Mr. Abramson brought up some comments regarding pedestrian crossing from the garage to the common area and there was a discussion about bringing in sort of a raised table to accommodate 100 to 150 feet across the road to get to the common area.

What we did was we ended up putting in a couple of raised crosswalks. And these raised crosswalks are per the New Jersey school system crosswalks. They would be designed accordingly. So I just wanted to bring up those two items. The main topic we're going to go through is -- this is the Building 102 parking lot expansion.

As you can see, the existing building looks like a -- sort of that triangle is off to the left. We've put in 220 -- or we're proposing 228 parking spaces. And like Mr. Diaz said, we're just kind of straightening out the lines and trying to park it more efficiently. Access to the
property will still be maintained along the access road to the north right there. We will have multiple entrances into the parking lot. The parking lot will then extend east/west as it's shown and then down on the eastern side of the property.

I do want to point out to the commissioners that in the bottom right-hand corner, the southeast corner, we are showing a landscape setback offset of 17.75 in that corner. And the main reason for that is as we get into that lower corner, we do want to maintain two-way traffic, along with emergency vehicle access. We do have a plan that's part of the full plan set that shows the vehicular movements of any emergency vehicles coming around the corner and really taking advantage of all of that 24 feet.

That is just a pinch point that's located on the lot. Otherwise, we are maintaining the 20 foot landscape buffer all up and down that eastern side separating the residence. As a matter of fact, it widens out as you can see as it gets further north along the property.

Pedestrian access is proposed along Ideation Way. There's a crosswalk and a sidewalk that will bring you into the property and along all edges of the building to all of the entrances. Handicapped parking is currently proposed to the east of the property right in those areas.

And finally, we do have -- we are increasing the
impervious. We're proposing to increase the impervious not only to accommodate the parking associated with Building 102, but the eventual and planned, hopefully, pilot plant that will eventually be proposed once it's fully developed that would go into the south of Building 102.

Because of the increase in impervious area and wanting to meet New Jersey DEP storm water requirements, we are proposing along the southern portion of the parking area underground detention which will lead into a water priority structure, both of which would meet impervious requirements for the increase on the property.

Unless there's specific questions to the site and vehicle access parking, anything like that, we can certainly bring up the landscaping so the Board can see that as well.

MAYOR SCARPELLI: Questions, Commissioners?

COMMISSIONER EVANS: Just on the east side, just to refresh my memory, the change in the parking does not increase or decrease the distance from the parking lot to the property border of the neighbors on, what's that, Montclair Avenue?

MR. POWERS: Yes, I believe so. We had -- yeah, that's correct. There was a roadway along that edge, so we straightened it up, correct.

COMMISSIONER EVANS: That I recall that there is a roadway there.
MR. POWERS: Correct.

COMMISSIONER EVANS: And so the distance from that roadway to the property border, where the residents are, that distance is the same?

MR. POWERS: Correct. Yes.

MAYOR SCARPELLI: Commissioners? Well, let's hear from the landscape architect, which I think we want to hear about the buffer along that area?

MR. POWERS: Understood. Thank you, Mr. Mayor.

MR. HOPPER: Good evening. My name is Len Hopper. I'm with Weintraub Diaz Landscape Architecture and we've developed a planting plan to compliment the parking lot improvement at the building.

I'm going to take you through general what our design intent was. So one of the factors involved with this parking lot design is that it backs up onto the residential properties immediately to the east.

So our design intent, right now, there's large existing pine trees that naturally have lost some of their lower branches. So four, or five, or six feet up is pretty open to the parking lot and the building. So our design intent was to come in immediately, plant a double road, double staggered road of evergreen material that will be planted at six to seven feet and will immediately block off that open portion below the existing pines which we've
worked around very sensitively to be able to keep those.

In front of that, it steps down to some medium height evergreen shrubs, (indiscernible), that will ultimately grow five or six feet, and in front of that, a series of deciduous shrubs and lower ground covers that will grow between 18 inches and 3 feet high.

So the design intent was to have the screening on the back of the chain link fence adjacent to the residential properties, step down so they provide some texture and some height differences, and then lower planting -- excuse me -- adjacent right to the parking lot.

The plants were chosen so that there's always an evergreen screen. There's always seasonal interest, so there's interest in not only the spring, which is very easy, and summer, but also fall and winter.

At some of the (indiscernible) that you can see, there's source is kind of dense, so eastern redbud, that's more of a flowering tree. And each of the islands within the parking lot are also landscaped with low ground covers and medium height grasses, two to three feet.

MAYOR SCARPELLI: The new plantings that closest to the residents, what's the maximum height they'll reach?

MR. HOPPER: In this particular case, they'll probably grow between 20 and 25 feet. You know, if they
were planted in a park setting, which would be more ideal, they would probably get maybe 40 or 50 feet. But our key there was to start it at the six or seven foot height so that there's an immediate screening and then pines above that sort of screen above that.

MAYOR SCARPELLI: Because that is very close to the people on Montclair Avenue, so that's important.

MR. HOPPER: We were trying to be very sensitive to sort of mitigating the view of the parking lot and the activity that would happen back there, particularly headlights. And the idea of the double staggered row is that once it grows in -- immediately, you'll have a screen. Once it grows in, you'll have a very dense screen.

MAYOR SCARPELLI: Commissioners?

COMMISSIONER EVANS: Just a quick question. And I have to go back to the area. The height of Building 111 in relation to now the trees and things that are going to be planted, will they grow as high as the building? Lower than the building? Or higher than the building?

MR. HOPPER: Well, the trees will grow about 30 feet. I'll defer to Gene, who's going to tell you the height of the building.

MR. DIAZ: 110 feet.

MR. HOPPER: Yeah, so they're not going to grow 110 feet.
COMMISSIONER EVANS: Yeah, I just -- thank you.

MR. HOPPER: But again, when you look at it from the perspective of the pedestrian and you're looking up at your line of sight, you know, where you're standing in your backyard, whether it would block or not block the view.

COMMISSIONER EVANS: Thank you.

COMMISSIONER TUCCI: Yeah. You said that they will eventually fill in to get a much denser screen. What's the timeframe that we're looking at?

MR. HOPPER: Well, you will have an immediate screen because of the double staggered look, and then probably you're talking -- I would say somewhere in the area of three to five years before the back row fills in and the front row fills into the back row.

COMMISSIONER TUCCI: Okay. Good. Thank you.

MR. HOPPER: Sure.

MAYOR SCARPELLI: Commissioners? Thank you.

MR. HOPPER: Okay, thank you.

MAYOR SCARPELLI: Anything else, Mr. Diaz?

MR. DIAZ: You know, we don't have anything more to present unless -- you know, I know Commissioner Petracco, it's nice to see you this time. Unless there were any questions from any of the presentation materials that we could continue to answer from two weeks ago, we'd be happy to do so, or answer any other questions you might have. But
that would conclude the rest of the presentation concerning
the improvements for the phase -- this phase of the
development plan for these properties.

MAYOR SCARPELLI: Commissioners, anything? Thank
you, Mr. Diaz. Just to let you know, we're going to finish
our meeting. We're going to go back into executive. And
then we'll come back and hopefully introduce the ordinance.

MR. DIAZ: Thanks again for your time. Thank you.

MAYOR SCARPELLI: Ordinance. Let's move to
ordinance introductions. Commissioner Petracco?

COMMISSIONER PETRACCO: Yes. I have an ordinance
introduction 3394, an ordinance to amend an ordinance
codified in the code of the Township of Nutley, Chapter 228,
entitled Vehicles and Traffic, particularly Article VII.

I move that this ordinance be passed to its second
reading and advertised in The Nutley Sun, together with
notice required by law and that the further consideration of
said ordinance for the final passage by the Board of
Commissioners be held at its second reading on --

MAYOR SCARPELLI: August 21st.

MADAM CLERK: August 21st.

COMMISSIONER PETRACCO: -- on August 21st.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?


Ordinance number 3391, ordinance providing for reconstruction of the roadway on Harrison Street (Section 4), in the Township of Nutley, in the County of Essex, New Jersey, appropriating $346,605. Therefore, from grant monies received from the New Jersey Department of Transportation for the cost thereof.

Would anybody like to be heard on ordinance number 3391? Seeing none, can I have a motion to close the public hearing?

COMMISSIONER TUCCI: So moved.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. I move the ordinance.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

Resolutions, Commissioner Petracco?

COMMISSIONER PETRACCO: Yes. This is a resolution, it's for our municipal alliance. I'll just read it by title to save some time.

It's ordinance 172-18. I move the resolution.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

Let's go to public comment. Madam Clerk?

MADAM CLERK: Yes, Mayor.

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

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

MS. TANGORA: Hello, Commissioners, Mayor. I'm Carol Tangora and I am a member of the Planning Board.
We're here this evening, frankly, to commend you for your long service to this Town. It's really very, very much appreciated. And we fully understand the added burden timewise that has been placed upon you with all of the considerations that you have had to deal with the On 3 project.

However, our -- the proposal that we sent to you several weeks ago was also important. And I was just -- I just wanted to respectfully request a time for when you think it might be put on the agenda.

MAYOR SCARPELLI: Ms. Tangora, I'm telling you that it's -- within the next two meetings it will be on our agenda. Okay?

MS. TANGORA: That sounds wonderful. Thank you very much.

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

MS. ROSSI: Tammy Rossi, 28 Colonial Terrace.

I just want to clarify Ms. Tangora's inquiry. Was it regarding the definition for mixed use and density?

MAYOR SCARPELLI: That is correct, Ms. Rossi.

MS. ROSSI: Thank -- and it will be on the agenda for the next -- one of the next --

MAYOR SCARPELLI: For the next two weeks, there will be something on the agenda, yes.
MS. ROSSI: Excellent. Thank you very much.

MS. SALENTO: Amy Salento, 70 Newman Avenue.

And I would like to inquire as to the status of the litigation with the developer. To this point, the developer hasn't been named in this meeting, but I'm curious is the developer North American Eagle Construction? So that's my first question.

MAYOR SCARPELLI: Ms. Salento, I have no idea what you're talking about. There's no --

MS. SALENTO: The litigation or the --

MR. GENITEMPO: There is no litigation pending with a developer and the Town.

MS. SALENTO: Okay. So two meetings ago, we spent 20 minutes, Commissioner Evans answered questions, as did you Mr. Genitempo. So if there's no litigation pending, what's happening with the investigation in terms of --

MR. GENITEMPO: That's the proper word. There is no pending --

MS. SALENTO: I'm sorry. I did not state litigation just out of the blue. That's what Commissioner Evans indicated.

MR. GENITEMPO: I never said --

MS. SALENTO: I understand you didn't.

Commissioner Evans did consistently.

MR. GENITEMPO: We're trying to avoid litigation.
We're still in discussions with the developer. We're still doing further investigation. We have not completed it yet. It's very involved and I'm sure that when we're ready to report, we will report -- the Commissioner will be able to report to the public what's happening. But right now we're still in discussions. There's no litigation pending.

MS. SALENTO: Okay. So I'm going to request that you go back and review the minutes from two meetings ago and that you specifically correct the record because there was definitely mention, consistently, of the word litigation.

COMMISSIONER EVANS: I just want to clarify.

MS. SALENTO: I'm sorry, I can't hear you.

COMMISSIONER EVANS: I want to clarify.

MS. SALENTO: Yes, please.

COMMISSIONER EVANS: The discussion -- basically said it's with legal counsel. It could lead to litigation. And based on what Mr. Genitempo is saying is it's in discussion. There's a review going on. Counsels are at it. But as far as filing a lawsuit or litigation pending, as a point of clarification, it has not progressed to that point at this point.

MS. SALENTO: Okay. Thank you for that. So if there have been violations of ordinances, I'm not sure how anybody gets to avoid that information actually being made public.
MR. GENITEMPO: I don't understand your question. What's your question?

MS. SALENTO: Well, you have indicated that there are ongoing discussions. So what would the discussions pertain to if someone has violated an ordinance? Why would there be discussions that are behind closed doors?

MR. GENITEMPO: Well, first of all, this is a legal matter that may end up in litigation. And as such, I'm not at liberty to discuss the details with you. You obviously know what's going on. You've brought it to the attention of the Board what you have found. We've further investigated that. And when there is time, when we're able to report it, we will. If it ends up in litigation, I don't want to reveal anything that might be prejudicial to the Township's position.

MS. SALENTO: Okay. Well, that I understand.

MR. GENITEMPO: Just because there are violations -- you're presuming that we're not acting on violations. We are acting on violations and we will act on the violations. And we just haven't completed our investigation.

MS. SALENTO: And I appreciate that, but please don't indicate that I'm making a presumption. I'm simply repeating what's been stated and noting that that information has not been made public. So I understand if you're trying to preserve the Town's position. So I
appreciate that.

MR. GENITEMPO: Thank you.

MS. SALENTO So I have a related question. There is construction that was initiated on the corner of Center Street and Bloomfield Avenue. Buildings were demolished. Now there's construction fencing with black plastic and there's -- nothing has happened in the past two weeks. So is that project on hold? If it's not on hold, what does the Town do in terms of ensuring that progress is made or are we all going to be made to look at what now is an eyesore?

COMMISSIONER EVANS: So the property on the corner of Bloomfield and Center is a construction site. There is a photo -- a picture up of what that will become.

MS. SALENTO: Yes.

COMMISSIONER EVANS: And it's in the stages of where they need to get foundation and footing approvals with the Code Enforcement Office. So as they go through that process, you'll see movement on that property. But there are actually phases that they have to go through. So I think you're just looking at the timeline on what it's taking to progress through that.

MS. SALENTO: Okay, great. Thank you.

COMMISSIONER TUCCI: Mayor, if I might? Ms. Salenta, I'd just like to clarify my position as far as the developer is concerned and the violations that not only you
brought forward but the ones that have been uncovered to
date. I also have serious concerns as to what occurred and,
more importantly, what did not occur. But once the
Commissioner is done with his investigation, all right, then
we all will weigh in as to what the proper remedy would be,
all right, and what actions to take to assure that something
like this never happens again.

So I mean, we have good quality people. How this
happened, I don't know if it was errors in judgment or what
have you, but whatever it was, once the investigation is
completed, there will be full transparency and everyone will
know everything that we know.

MS. SALENTO: Thank you. And I appreciate that, Commissioner Tucci, and your concern and the concern of your
fellow commissioners. Thank you.

MAYOR SCARPELLI: Would anybody else wish to
address the Board of Commissioners this evening?

MS. RAVINO: Joan Ravino, 48 North Road.

First of all, the acoustics, I don't know if
they're so bad in this room, but most of the time when you
people speak, it sounds as if you have marbles in your
mouths. Either you have to adjust those mics. It's very
difficult to understand what you're saying.

Also, I'd like to commend you for starting
basically on time. I called several towns: Bloomfield,
Belleville, Clifton, and Montclair, and they all start
promptly when they're supposed to start. So I had told you
I would get in touch with people about that.

I have a question about the situation with the
marijuana. I don't know if you have already proposed or if
you intend to propose some kind of an ordinance to prohibit
marijuana shops in the Town of Nutley.

Other communities, evidently, are doing that kind
of thing and I think it might be something to consider if
you haven't already done that.

MAYOR SCARPELLI: Mrs. Ravino, are you referencing
all marijuana, or recreational, or medical?

MS. RAVINO: All marijuana.

COMMISSIONER ROGERS: Mr. Mayor? Ms. Ravino, I'll
address that because I have been doing some thinking about
this and some research.

When it comes to medical marijuana, I do not know
how much leverage we have. But I believe that we're going
to have to make a decision with regard to the sale of
marijuana within a distance of a school. Frankly, I don't
like the idea of it being sold anywhere. My years in law
enforcement tells me that access to recreational marijuana
could cause a lot of problems. Young people will be able to
get this stuff.

So we have a responsibility, all right, to at
least have some control over it. But my concern right now is when we address this issue, we're going to have to look at where schools are and we're going to have to talk about how many feet are we going to allow -- will the distance be. I don't think constitutionally we can stop it. Counselor -- that's something that maybe you could weigh in on.

MR. GENITEMPO: Well, we haven't done any research on what's going to happen. But when the state passes a law, there will be direction for municipalities as to what they can rule on in their own jurisdictions. But right now, there are no rules, and they're not looking to pass it from what I'm hearing.

So until that happens, we won't know what the parameters are.

COMMISSIONER ROGERS: But at least you know we're thinking about it and we're -- it's something that we're concerned about also.

MS. RAVINO: Yes. The thing is, people will be able to go to surrounding communities and buy it. But my point is we should not be selling it in our community.

And as I said, I've been reading certain things, you know, in the newspaper. I don't know how true it is. But some communities have already established that they will not allow those shops in their towns.

COMMISSIONER ROGERS: Except you may find that
drug stores -- you see, as the counselor said, we don't --
they may be able to sell for medical -- (indiscernible). I
believe in marijuana use for medical purposes. No doubt
about it. My --

MS. RAVINO: Well, that's a whole different
ballgame with the drug stores selling it.

COMMISSIONER ROGERS: Well, my concern is, and I'm
sure it's your concern is, what will our leverage be to
prevent a marijuana store from opening up across the street
from a school, for example. I am very concerned about that.

MS. RAVINO: Well, you know, this business about
10 feet from here or that -- you know, no guns within this.
I don't think it makes very much of a difference. I mean,
you can put all of that down. I think that you have to
prohibit it completely. That's my opinion.

But as you said, it might be something that the
state will say you cannot do.

MAYOR SCARPELLI: Ms. Ravino, as they move forward
with the legislation, and it's not moving anywhere now,
there will be some more clarity on what they're actually
proposing. Right now, the Governor when he ran proposed it
and it hasn't gone anywhere since then.

MS. RAVINO: Yeah.

MAYOR SCARPELLI: So we're cognizant of it, but
it's hard to outlaw something that's not even available --
MS. RAVINO: Well, it's something to think about.

MAYOR SCARPELLI: Right, absolutely. And we are thinking.

MS. RAVINO: And there was a huge article in the Star Ledger several -- maybe a month ago about the whole situation. So it's definitely something to keep on the front burner and not the back.

MAYOR SCARPELLI: Thank you. Anybody else wish to address the Board of Commissioners this evening? Seeing none, can I have a motion to go into executive session to discuss --

COMMISSIONER ROGERS: I make that motion.

MAYOR SCARPELLI: Mr. Genitempo, pending litigation?

MR. GENITEMPO: Pending litigation and contract --

COMMISSIONER TUCCI: And personnel.

COMMISSIONER ROGERS: I made the motion.

COMMISSIONER PETRACCO: Second.

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

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

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

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

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

Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

MADAM CLERK: And the time is 8:24.

MAYOR SCARPELLI: We may -- we will be coming back and we may or may not be taking action. Thank you.
MAYOR SCARPELLI: Madam Clerk, do you want to just give us a time that we're back on the record?

MADAM CLERK: The time is now 9:42.

MAYOR SCARPELLI: We're going to go to ordinance introductions. Ordinance number 3392, an ordinance of the Board of Commissioners of the Township of Nutley, in the County of Essex, adopting the Nutley Phase IIA redevelopment plan.

I move that this ordinance be passed to a second reading and advertised in The Nutley Sun, together with the notice required by law, and that further consideration of said ordinance for a final passage by the Board of Commissioners be held as its second reading on August 7th, 2018. I move the ordinance.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?
MAYOR SCARPELLI:  Aye.

Motion to adjourn?

COMMISSIONER EVANS:  Motion to adjourn.

COMMISSIONER TUCCI:  Second.

MADAM CLERK:  Commissioner Rogers?

COMMISSIONER ROGERS:  Aye.

MADAM CLERK:  Commissioner Tucci?

COMMISSIONER TUCCI:  Aye.

MADAM CLERK:  Commissioner Evans?

COMMISSIONER EVANS:  Aye.

MADAM CLERK:  Commissioner Petracco?

COMMISSIONER PETRACCO:  Aye.

MADAM CLERK:  Mayor Scarpelli?

MAYOR SCARPELLI:  Aye.

MADAM CLERK:  And the time is 9:43.

MAYOR SCARPELLI:  Good night, everybody.

Congratulations.

(Meeting was adjourned)
CERTIFICATION

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

[Signature]