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

COMMISSIONER TUCCI: I'm ready.

MAYOR SCARPELLI: Madam Clerk.

MADAM CLERK: Thank you, Mayor.

The Board of Commissioners public meeting Tuesday, September 4th, 2018. 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 14, 2017 issues of The Nutley Sun and 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: Thank you, Madam Clerk.
Commissioner Petracco, what do you have on the agenda tonight?
COMMISSIONER PETRACCO: I just have one ordinance introduction for a handicapped spot, I believe.
MAYOR SCARPELLI: Commissioner Evans.
COMMISSIONER EVANS: I have several resolutions tonight regarding refunds of permit fees, tax charges. I have the corrective action plan related to the 2017 audit. We just have to introduce the resolution so that we can file the action -- the report with the Division of Local Governmental Services.
And I have a resolution regarding Hendricks Appraisal Company for $7500.
MAYOR SCARPELLI: Thank you, Commissioner.
Commissioner Rogers.
COMMISSIONER ROGERS: I have an ordinance. In fact, it's a two-part ordinance. Commissioner Tucci will explain his part in a minute.
It's an ordinance for second reading. What I did was lowered the base minimum salaries of certain individuals in my department and I think they were too high and I think
when people come into a job, the entry level should be a
little bit lower than what we had it. So, I'm going to
introduce that ordinance to change that.

Commissioner Tucci.

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

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

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

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

MAYOR SCARPELLI: Anything else you have,
Commissioner?

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

MAYOR SCARPELLI: Commissioner.

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

And that's all I have.

MAYOR SCARPELLI: Thank you, Commissioner.

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

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

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

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

COMMISSIONER PETRACCO: Then we could have him on at quarter after seven.
MAYOR SCARPELLI: Also, I have an introduction of our long awaited density ordinance. The ordinance -- I'm asking to introduce this tonight. I assume it -- it really just basically takes the Planning Board's recommendations and putting it in some sort of zoning coordinate capacity.

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

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

MAYOR SCARPELLI: Uh-huh.

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

MAYOR SCARPELLI: Going to introduce it tonight.

COMMISSIONER TUCCI: This is only an introduction.

COMMISSIONER PETRACCO: This is only an introduction?

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

MAYOR SCARPELLI: Right.
COMMISSIONER EVANS: -- it's Chapter 70 that's
(indiscernible).

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

COMMISSIONER EVANS: It's a couple pages.

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

MAYOR SCARPELLI: Twenty-eight units per acre.

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

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

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

MAYOR SCARPELLI: No.

COMMISSIONER EVANS: No.

MAYOR SCARPELLI: B-2 --

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

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

COMMISSIONER EVANS: Right. For mixed use.

That's what this is -- this is --

MAYOR SCARPELLI: That's the -- that's --
COMMISSIONER EVANS: -- this is correcting that.

MAYOR SCARPELLI: -- the issue at hand.

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

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

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

COMMISSIONER TUCCI: So.. what

COMMISSIONER PETRACCO: So, that's my question.

So, why are we --

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

MAYOR SCARPELLI: Parking.

COMMISSIONER EVANS: Yeah. So --

COMMISSIONER TUCCI: Okay.

COMMISSIONER EVANS: -- what --

MAYOR SCARPELLI: Mostly.

COMMISSIONER EVANS: Yeah. The --

MAYOR SCARPELLI: And there are other bulk requirements.

COMMISSIONER EVANS: Right. So --

COMMISSIONER TUCCI: Okay.

COMMISSIONER EVANS: -- by shaping the bulk requirements and meeting the parking requirements --
COMMISSIONER TUCCI: Uh-huh.

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

COMMISSIONER TUCCI: Right.

COMMISSIONER EVANS: So, this --

MAYOR SCARPELLI: So --

COMMISSIONER EVANS: -- puts it.

MAYOR SCARPELLI: So, basically, right --

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

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

COMMISSIONER PETRACCO: Change anything? No?

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

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

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

COMMISSIONER TUCCI: Yeah.

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

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

COMMISSIONER TUCCI: Uh-huh.

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

COMMISSIONER EVANS: Commercial.

MAYOR SCARPELLI: -- and common areas, right?

COMMISSIONER EVANS: And retail.

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

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

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

MAYOR SCARPELLI: Yeah.

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

COMMISSIONER EVANS: (Indiscernible) --

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

COMMISSIONER ROGERS: I got a question.
MAYOR SCARPELLI: I know the --

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

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

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

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

COMMISSIONER ROGERS: -- our schools --

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

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

COMMISSIONER EVANS: Yeah.

MAYOR SCARPELLI: Okay.

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

But my point is this is that -- and I don't know how we're going to do this because nothing's a guarantee.

But I think we really have to be prepared for an influx of kids if they're going to put two bedrooms in there.
I mean, I -- I really have a problem with that.

MAYOR SCARPELLI: Listen.

COMMISSIONER ROGERS: And I don't --

MAYOR SCARPELLI: Commissioner, I -- I --

COMMISSIONER TUCCI: I think we all do.

MAYOR SCARPELLI: Yeah. We all do.

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

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

COMMISSIONER TUCCI: Right.

COMMISSIONER EVANS: This is --

COMMISSIONER ROGERS: Okay.

COMMISSIONER EVANS: I think --

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

(Laughter)

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

COMMISSIONER PETRACCO: I think --

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

COMMISSIONER ROGERS: Okay. Okay.

COMMISSIONER TUCCI: -- long overdue and I think we need to flush out --
COMMISSIONER PETRACCO: Yeah.

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

COMMISSIONER ROGERS: Right.

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

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

MAYOR SCARPELLI: Uh-huh.

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

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

COMMISSIONER TUCCI: Could we dictate what --

COMMISSIONER ROGERS: what that means.

(Indiscernible conversation)

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

In other words, because with senior housing,
you're not going to have -- you're not going to have

children.

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

COMMISSIONER TUCCI: Can we do that?

COMMISSIONER EVANS: Yeah. I think we have a lot

of questions around that.

COMMISSIONER TUCCI: Okay.

COMMISSIONER EVANS: And I think we should be

hearing from Topology, our planner.

COMMISSIONER TUCCI: Okay.

COMMISSIONER EVANS: We should be getting somebody

who can articulate for us what the Rutgers study said and

what it says and what it really means.

COMMISSIONER TUCCI: Okay.

COMMISSIONER EVANS: And -- and I do -- do think

we probably need more information about what's our actual

experience based on the stuff that --

COMMISSIONER PETRACCO: I think that's the -- the

-- hit the nail right on the head.

COMMISSIONER EVANS: Okay. So --

COMMISSIONER PETRACCO: Is -- has anybody ever

gone back and did -- knocked on doors and see what is -- is

the Rutgers study accurate? Isn't it accurate? I mean, we

don't we have the ability to do that.

MAYOR SCARPELLI: Well, this is a brand
new study. So --

COMMISSIONER PETRACCO: Okay.

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

MAYOR SCARPELLI: Based on --

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

COMMISSIONER ROGERS: Yes.

MAYOR SCARPELLI: That's actually what happened.

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

MAYOR SCARPELLI: Wasn't working.

COMMISSIONER ROGERS: No.

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

COMMISSIONER EVANS: Right.

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

I -- I'd really like to -- you just said something interesting. Knocking on doors. I'd really like to see and find out what we experience with Cambridge Heights; what we experience with apartments here and there. And how many kids actually came in versus what the study said.
To your point, it will give us a good gut feeling.

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

MAYOR SCARPELLI: I think we could get that information.

COMMISSIONER EVANS: -- put that --

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

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

COMMISSIONER TUCCI: Right.

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

COMMISSIONER TUCCI: Okay.

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

MAYOR SCARPELLI: So --

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

MAYOR SCARPELLI: -- I think --

COMMISSIONER EVANS: Yeah.
MAYOR SCARPELLI: So, I know I got this to you on Friday.

COMMISSIONER TUCCI: Right.

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

COMMISSIONER TUCCI: Right.

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

COMMISSIONER TUCCI: Okay.

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

COMMISSIONER TUCCI: Uh-huh.

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

COMMISSIONER EVANS: Uh-huh.

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

COMMISSIONER EVANS: Yeah.

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

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

MR. GENITEMPO: It needs a couple more words
And --

MAYOR SCARPELLI: Yeah.

COMMISSIONER EVANS: Yeah.

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

COMMISSIONER EVANS: Yeah. It (indiscernible).

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

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

MAYOR SCARPELLI: So -- yeah. So --

COMMISSIONER TUCCI: Right.

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

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

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

COMMISSIONER EVANS: (Indiscernible) --

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

MAYOR SCARPELLI: Any -- any --

COMMISSIONER TUCCI: -- not designated --

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

COMMISSIONER TUCCI: Right. Not called what? A living room or a kitchen --
COMMISSIONER EVANS: Or a study or --

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

COMMISSIONER TUCCI: Something so --

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

COMMISSIONER TUCCI: Yeah. Yeah.

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

MAYOR SCARPELLI: Right.

COMMISSIONER EVANS: Yeah.

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

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

MAYOR SCARPELLI: Yeah. A den or --

COMMISSIONER TUCCI: Or -- or some other --

MAYOR SCARPELLI: -- a library.

COMMISSIONER TUCCI: -- or a library.

COMMISSIONER EVANS: Yeah.

COMMISSIONER TUCCI: Or a computer room.

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

COMMISSIONER TUCCI: With a -- with a castro convertible for those that still remember them. You guys are too young.
(Indiscernible conversations.)

COMMISSIONER TUCCI: You had one, Al.

(Laughter)

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

I've got some --

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

COMMISSIONER TUCCI: Uh-huh.

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

COMMISSIONER TUCCI: Right.

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

COMMISSIONER TUCCI: Uh-huh.

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

COMMISSIONER TUCCI: Right.

MR. GENITEMPO: -- and come up with some type of density --
COMMISSIONER TUCCI: And I -- I can only speak for myself.

MAYOR SCARPELLI: (Indiscernible) anything.

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

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

MR. GENITEMPO: Exactly.

COMMISSIONER TUCCI: Because they've --

MR. GENITEMPO: This is --

COMMISSIONER TUCCI: -- been working very hard --

COMMISSIONER EVANS: Yes.

COMMISSIONER TUCCI: -- for a very long time.

COMMISSIONER EVANS: Right.

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

MAYOR SCARPELLI: And I -- I think --

COMMISSIONER TUCCI: -- Right --

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

COMMISSIONER TUCCI: Right.

MR. GENITEMPO: -- it's gotten more specific in terms of height and income and things; not just one, two, three bedrooms.
COMMISSIONER TUCCI: But I think our -- our goal, counselor, and I'm sure you all will agree, and I'm sure the Planning Board would agree, is -- is to protect -- to protect, especially the schools from becoming overwhelmed because that could easily become a --

MR. GENITEMPO: I agreed one hundred percent --

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

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

COMMISSIONER TUCCI: (Indiscernible) --

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

MR. GENITEMPO: Right.

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

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

COMMISSIONER TUCCI: Right.
MAYOR SCARPELLI: So --

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

MAYOR SCARPELLI: That's a whole different --

COMMISSIONER ROGERS: Okay.

MAYOR SCARPELLI: -- different animal.

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

Madam Clerk, anything on the agenda?

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

And that's all I have.

MAYOR SCARPELLI: Mr. Genitempo.

MR. GENITEMPO: I'll have a need for executive.

We can do it after. I have Mr. Cifelli coming in.

(Indiscernible) --

COMMISSIONER TUCCI: I just have -- I just have
like a five minute one concerning personnel before we go out there.

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

COMMISSIONER TUCCI: I can do it absolutely in five.

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

COMMISSIONER TUCCI: So moved.

COMMISSIONER EVANS: Second.

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

WHEREAS, the public body is of the opinion that such circumstances exist; 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 to move into closed executive session to discuss personnel.

BE IT FURTHER RESOLVED that at the time when such discussion 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: Here.

MADAM CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: Aye.

(Whereupon, the meeting moved into executive)

(Background conversations).

(Whereupon, the board moved to public session)

PUBLIC SESSION

(Background conversations.)

MAYOR SCARPELLI: You guys ready?

(Pause)

MAYOR SCARPELLI: I apologize.

(Pause)

(Indiscernible background conversations)
MAYOR SCARPELLI: Madam Clerk, speak into the mic.
MADAM CLERK: I'm sorry. It's turning off. Okay.

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

A copy of this notice has been 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: Thank you. We're going to skip the -- go to presentations. Dave.

Dave's going to update us on some Wayfinding Concepts. The Chamber of Commerce put together meetings
with Hackensack Meridian School of Medicine and with
Eastwick College to collaborate on some wayfinding signage
throughout the township. It now comes down to the cost
factor and the cost factor will be what concept the
Commissioners choose. So, Mr. Lustberg is going to give us
a presentation on the wayfinding signs and, then, we'll have
time to digest that and see which direction we're going to
go.

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

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

COMMISSIONER TUCCI: speak into that
microphone --

(Pause)

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

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

So, I'm going to just walk through a quick
presentation. We've been working for just a few weeks to
pull together some concepts for the vehicle wayfinding
system in collaboration with the Mayor and a few key
stakeholders to help cars navigate from various destination
outside of the town to some of the -- to some of the areas
within the town particularly the On-Three redevelopment
area, Hackensack Meridian and a few other destinations.
And I think that the key thing that was important was getting people that are visiting the town to -- that are going -- potentially going to On-Three to also go from On-Three to the downtown to sort of take advantage of the additional vehicular traffic and -- and increase business potentially in the downtown. So, that was a key.

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

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

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

So, this is a shot of the vehicular wayfinding system that was built. You can see the walking times are on the sign. Maps are included in that system. And they're
sort of clustered together on -- on one post to minimize
what we call street clutter or the number of posts that are
on the street.

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

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

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

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

In Hanover, they preferred -- this is a sort of
off road system. So, it's a little bit more natural
looking. So, we used wood posts and you can see that it's a
little more appropriate for that environment. So, place
branding, you know, telling people where they are. These
are the posts being manufactured. You can see the nice
cedar posts. And here, they are going in. The map, the
branding, the pedestrian destinations and mile markers.

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

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

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

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

So, this is just a quick glance at some of the
other elements that are used throughout the town; whether
it's the website, or the football team, the gateways to the
town, et cetera. So, we look at the colors, the fonts and things like that to try to determine how to begin developing the sign system. And one of the important things that was pointed out to us was the importance of the town seal. And so you can see it's a very intricately designed seal and it has these three circles that sort of represent three important pieces, I believe, of the history of Nutley.

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

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

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

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

And you'll notice at the base of the signs, it's not that easy to make out in -- on this screen here, just with a projector but on the bottom of the sign is a
silhouette of the Municipal Building. So, it's a -- it is a
-- it's sort of a darkened silhouette at the base and, then,
in the lower left is a -- is the town seal.

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

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

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

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

So, you can see just sort of zoomed in the key
destinations and, you know, the use of that circle again.

You know, very colorful, very distinct.

Now, if you look at these two sign types, right,
the first one, you can see that that one, if you set that in
the town, would be -- you know, would sort of blend in, you
know, it would blend in with the character of the town.

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

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

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

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

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

So, this was a third option that we developed. So
downtown, we should a little store. On Three, we show the
offices and, then, the educational component, we show the
graduation cap and it's a nice way to kind of, I think, relate it back to the town logo and the three circles and also tie in the color a little bit. So, this was a third option.

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

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

MAYOR SCARPELLI: Okay.

MR. LUSTBERG: Did I cover that, Mayor.

MAYOR SCARPELLI: (Indiscernible) --

COMMISSIONER TUCCI: Mr. Mayor, I keep --

MAYOR SCARPELLI: Yeah.

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

MAYOR SCARPELLI: I -- I just wanted to make sure.

Dave, can you get us the -- either electronically to the clerk or to Al Genitempo so he can distribute what you --

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

MAYOR SCARPELLI: Thank you.

COMMISSIONER ROGERS: I have a question.

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

MR. LUSTBERG: Yes.

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

MR. LUSTBERG: Okay.

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

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

MR. LUSTBERG: Uh-huh.

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

MR. LUSTBERG: I do.

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

MR. LUSTBERG: Yeah.

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

And the other comment I'd make -- I wanted to share is that I think this is wonderful. It's long overdue.
The economic development advisory committee and the outside study that we had done, one of the more significant recommendations was to introduce wayfinding signs and -- for a lot of reasons.

MR. LUSTBERG: Uh-huh.

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

MR. LUSTBERG: Right.

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

MR. LUSTBERG: Uh-huh.

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

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

MAYOR SCARPELLI: Uh-huh.

COMMISSIONER TUCCI: Commissioner Petracco said, you know what, Commissioner? I think it's an acorn.
MAYOR SCARPELLI: It is an acorn.

COMMISSIONER TUCCI: Thank you.

COMMISSIONER EVANS: Okay.

MAYOR SCARPELLI: Any questions, Commissioners?

Okay. Dave, just going to stop you that way we can digest it and --

MR. LUSTBERG: I want an acorn.

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

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

MAYOR SCARPELLI: A good suggestion.

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

MAYOR SCARPELLI: Well --

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

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

But, certainly, if we have On3 and the school of medicine and Eastwick, hopefully picking up a large
portion of the tab, they're going to direct them to their sites but also to downtown.

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

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

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

So, it kind of, you know --

MR. LUSTBERG: Uh-huh.

MAYOR SCARPELLI: -- I don't want to speak for Dave but kind of --
MR. LUSTBERG: Yeah.

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

MR. LUSTBERG: Yes.

MAYOR SCARPELLI: So --

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

MR. LUSTBERG: Yes.

COMMISSIONER ROGERS: I really --

MR. LUSTBERG: Yes.

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

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

COMMISSIONER ROGERS: You're coming to Nutley --

MR. LUSTBERG: Yeah --

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

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

COMMISSIONER TUCCI: Yes.

MR. LUSTBERG: -- also that --

COMMISSIONER ROGERS: That's just something unique --

MR. LUSTBERG: Yeah.

COMMISSIONER PETRACCO: When can we -- when can we actually expect to see something in the ground like these signs? I mean, is this months away --
MAYOR SCARPELLI: This is just the first -- this is just the first step, Commissioner.

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

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

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

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

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

MAYOR SCARPELLI: Sure.

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

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

COMMISSIONER TUCCI: Okay. Just wanted to reaffirm that. Thank you, Mayor.
MAYOR SCARPELLI: That's our goal.

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

COMMISSIONER EVANS: Yeah. Just a real quick thing.

MAYOR SCARPELLI: Sure.

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

MAYOR SCARPELLI: Uh-huh.

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

MAYOR SCARPELLI: Yes.

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

MAYOR SCARPELLI: Uh-huh.

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

MAYOR SCARPELLI: Right.

COMMISSIONER EVANS: -- and of this town would be -- we would like -- I would personally like to see -- but I know all the Board -- all the Commissioners would like to
see more on that.

    MAYOR SCARPELLI: Yeah.

    COMMISSIONER EVANS: Okay?

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

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

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

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

    MR. LUSTBERG: No, please. It's my pleasure.

Okay. Thank you.

    (Chorus of thank you)

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

    MADAM CLERK: Thank you, Mayor.

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

    COMMISSIONER EVANS: Move it.

    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?

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

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?

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

MAYOR SCARPELLI: Commissioner Tucci.

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

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

MADAM CLERK: Yes, Mayor. We have --

MAYOR SCARPELLI: As well as --

MADAM CLERK: I'm sorry.

COMMISSIONER EVANS: As well as 18-1934.

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

Just read it as is, Madam Clerk.

MADAM CLERK: Okay.

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

COMMISSIONER EVANS: So move the corrected amount.

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

COMMISSIONER EVANS: Move the bills as adjusted.

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.
Public comment on agenda items only. Madam Clerk.

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

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 interests of decorum and/or the expeditious conduct of municipal business are being adversely affected by such dialogue.

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

(Indiscernible conversation.)

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

MR. MOORE: Thank you.

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

MAYOR SCARPELLI: I have no idea, Mr. Moore.
MR. MOORE: I'm curious because next (indiscernible) I'm just curious (indiscernible).

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

(Pause)

MR. MOORE: (Indiscernible).

MAYOR SCARPELLI: You --

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

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

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

MR. MOORE: I have four questions --

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

MAYOR SCARPELLI: Thank you.

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

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

COMMISSIONER EVANS: That was pulled tonight.

MR. MOORE: I can't hear you.

COMMISSIONER EVANS: The item was pulled tonight.

MR. MOORE: Oh, it was?
COMMISSIONER EVANS: Yes --

MR. MOORE: It's still here.

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

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

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

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

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

MR. MOORE: Oh, (Indiscernable).

COMMISSIONER EVANS: You can.

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

UNIDENTIFIED SPEAKER: (Indiscernible).

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

(Pause)

MAYOR SCARPELLI: (Indiscernible) --
UNIDENTIFIED SPEAKER: (Inaudible).

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

MR. MOORE: Okay. Thank you.

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

COMMISSIONER PETRACCO: I will.

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

MAYOR SCARPELLI: For what?

MR. MOORE: Media Center? In Media Center.

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

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

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

MR. MOORE: It's quite a few. There's more than ten.
COMMISSIONER PETRACCO: We use the doctors quite a bit. But I'll look into that, too and I'll get back to you with an accurate answer. I'll answer him tomorrow.

UNIDENTIFIED SPEAKER: (Inaudible).

MR. MOORE: Thank you.

COMMISSIONER PETRACCO: You're welcome.

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

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

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

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

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

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

MS. RUBINO: No.

MAYOR SCARPELLI: But --

MS. RUBINO: I didn't --

MAYOR SCARPELLI: -- he asked --

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

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

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

MS. RUBINO: Thank you.

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

Board of Commissioner announcements.

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

MAYOR SCARPELLI: Sure.

COMMISSIONER EVANS: Okay. So --

MS. RUBINO: Can you speak louder?

COMMISSIONER EVANS: I will, Ms. Rubino. I
absolutely will. Can you hear me?

MS. RUBINO: (Inaudible).

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

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

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

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

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

With regard to a recent question raised by a resident about extra bedrooms in an apartment building on Franklin Avenue, I want to report that after being made aware of a possible violation, I ordered a comprehensive
review of all the properties that are owned by this builder.

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

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

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

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

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

We also, upon are file review, identified a density limitation with -- as it relates to 18 other units.
After consultation with my Commissioners, right, we have demanded from the owner the following: (1) all of the violations must be eliminated by the owner. This process has begun. Already one of the apartment units that had an extra apartment has been modified and renovated to remove the extra bedroom.

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

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

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

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

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

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

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

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

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

And that's our hope. As with all things, we rely on our compliance procedures to prevent these things from happening. Upon review, gaps were noted in our historical inspection and file procedures. These gaps have been corrected and I'm confident that this will not happen again.
I'm also very pleased to share that Dave Berry has assumed the duties of construction official for the Code Enforcement Department as of June 1st.

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

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

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

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

Unfortunately, the changes that were made didn't comply with our Code. In these cases, in all of these cases, the demand from our Code Office has always been to
remove what's in violation. If people comply, we're very happy to support that. If a fine is necessary, we'll provide it.

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

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

So, thank you. Thank you, Mayor.

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

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

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

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

And on Friday, September 7th, we will be holding
out movie under the stars at seven p.m. in the Nutley Oval. Thank you.

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

COMMISSIONER TUCCI: The movie? Frank?

MR. DEMAIO: Excuse me?.

COMMISSIONER TUCCI: The movie?

MR. DEMAIO: Coco.


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

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

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


Turn this up.

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

As I explained inside, ladies and gentlemen, I actually lowered the base salary, the minimum base salary. I thought they were a little too high. When people get a job, they should come in thinking that they're
going to earn their pay and sometimes, you know, it's an 
incentive when you keep your salaries low when they're 
coming in, they got to gradually gain momentum to get 
increased pay.

So, 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 final passage by the 
Board of Commissioners be held at its second reading on 
October 2nd.

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

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

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

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

So, I thank you for that opportunity,
Commissioner, as well as all the other Commissioners and the Mayor.

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

COMMISSIONER TUCCI: Second.

COMMISSIONER PETRACCO: Second. Oh, excuse me.

MAYOR SCARPELLI: Certainly.

COMMISSIONER ROGERS: Thank you.

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

COMMISSIONER TUCCI: Oh, elder.

(Laughter)

COMMISSIONER PETRACCO: Respectful to my --

COMMISSIONER TUCCI: Digging yourself deeper.

MADAM CLERK: I'm sorry. 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 Petracco.
COMMISSIONER PETRACO: Yes.

MAYOR SCARPELLI: Commissioner Petracco.

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

This is an introduction. And 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 final passage by the Board of Commissioners to be held at its second reading on, I believe, October 2nd, 2018.

I move the ordinance.

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

COMMISSIONER PETRACCO: Thank you, Commissioner.

COMMISSIONER ROGERS: You're welcome.

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

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

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 final passage by the Board of Commissioners to be held at a second reading on October 2nd, 2018.

I will emphasize this is for introduction only; that the Commissioners have some minor concerns with this Ordinance that -- that need to be addressed. But we feel
it's important to get something out there and introduce it.

So, I move the Ordinance.

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

MADAM CLERK: Commissioner Rogers?

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

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

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

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

And, Mayor, I'm sure the public is also going to
have input on this also, correct?

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


    MADAM CLERK: Commissioner Tucci?

    COMMISSIONER TUCCI: Aye.

    MADAM CLERK: Commissioner Evans?

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

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

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

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

    COMMISSIONER TUCCI: Uh-huh.

    COMMISSIONER EVANS: -- address that, I'm fine
with introduction but before we go to adoption, I think we have more work to do. So, aye.

MADAM CLERK: Commissioner Petracco.

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

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

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

Thank you.

MADAM CLERK: Mayor Scarpelli?

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

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

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

So, I vote aye.


COMMISSIONER PETRACCO: I have a public hearing, Ordinance No. 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, Section 29A entitled "Handicapped Parking".

I move that we open the public portion of the
meeting.

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

    Seeing none.

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


    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 PETRACCO: I move the ordinance.

    COMMISSIONER TUCCI: Second.

    COMMISSIONER PETRACCO: Thank you.

    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 PETRACCO: Thank you.

MAYOR SCARPELLI: Let's move to resolutions.

Commissioner Tucci.

COMMISSIONER TUCCI: Yes.

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

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

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

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the Township Treasurer is authorized to refund the Tree Permit Fees collected as per the Shade Tree Preservation Ordinance for the properties stated below:
69 N. Spring Garden Avenue, 6 trees for a total of $300.00 and 69 Montclair Avenue, 1 tree in the amount of $50.00.

I move the Resolution.

COMMISSIONER EVANS: Move it.

COMMISSIONER TUCCI: I move it. You second it.

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

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

WHEREAS, effective December 31st, 2018, said membership will expire unless earlier renewed; and
WHEREAS, the governing body of the Township of Nutley has resolved to renew said membership.

NOW, THEREFORE, it is agreed as follows:

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

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

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

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

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

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

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

So move.

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

So move.

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

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

WHEREAS, funds are available in account C01904903.

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

So move.

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 EVANS: WHEREAS, the Code Enforcement
Department received a permit fee in the amount of $340 from Bergen Essex Contractors for 69 Alexander Avenue; it was determined that there was damage to the home due to the storm on May 15th, 2018; and, therefore, a permit fee has been waived.

WHEREAS, funds are available in account C01904903.

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

So move.

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 EVANS: BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex,
State of New Jersey that the Treasurer be and she is hereby authorized to refund overpayment of property changes in the amount of $6,003.77 for Block 6501, Lot 6.

So, move.

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

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

So move.

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 EVANS:  Thank you, Mayor.

MADAM CLERK:  Excuse me, Mayor.  I think Commissioner Evans has one more, number 188.

COMMISSIONER TUCCI:  Hendricks.

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

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

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

WHEREAS, Hendricks Appraisal Company, LLC, 7 Hutton Ave., West Orange, New Jersey, has submitted a fee schedule for providing such services, the total of which is
not to exceed $7500;

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

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

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

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

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

So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?
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 EVANS: Thank you, Mayor.
MAYOR SCARPELLI: WHEREAS, raffle applications have been received from the following organization: Nutley Elks Lodge, License No. 30-18, daily pull tab instant raffle, to be held Sunday, September 9th, 2018 through Friday, September 6th, 2019; the Nutley Junior Raider Booster Club, License No. 31-18, off premise 50-50 cash raffle to be held Saturday, December 1st, 2018.
WHEREAS, the applications have been reviewed and approved by the Municipal Clerk and the police department.
NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the aforementioned licenses are approved and the Municipal Clerk is authorized to issue the raffle licenses.
I move the resolution.
WHEREAS, the Township of Nutley has a continuing need to retain professional services of a licensed planner, Topology, LLC, to provide professional planning services primarily related to the ongoing redevelopment of the Hoffman LaRoche and the Ciccolini properties in the Township of Nutley.

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

I move the resolution.

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.

BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for the Nairn Place Roadway Improvement Project in the Township of Nutley to be received on behalf of the Board of Commissioners in the Commissioner chambers, Township Hall, One Kennedy Drive, Nutley, New Jersey on Wednesday, September 26th, 2018, at 3 p.m. prevailing time at which time they will be opened and read.

I move the resolution.

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.

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

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

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

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

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

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.

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

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

BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to submit an electronic grant application identified as MA2019, Township of Nutley Grant Avenue Road Project; 00084 to the New Jersey Department of Transportation on behalf of the Township.
BE IT FURTHER RESOLVED that the Mayor and Township Clerk are hereby authorized to sign the grant agreement on behalf of the Township of Nutley and their signatures constitute acceptable to the terms and conditions of the grant agreement and approves the execution of the grant.

I move the resolution.

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.

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

WHEREAS, this contract is awarded without competitive bid as professional services in accordance with
NJSA 1944A 20.4 or 20.5 of the Local Public Contracts Law because the -- the contract is for a service performed by a person authorized by law to practice a recognized profession that is regulated by law.

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

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

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

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

WHEREAS, the anticipated term of this contract is for 12 months from January 1st, 2018 through December 31st, 2018.
NOW, THEREFORE, BE IT RESOLVED, by the Board of
Commissioners of the Township of Nutley, County of Essex,
State of New Jersey, that the Mayor is hereby authorized to
enter into contract with Arterial as a professional service
in the amount not to exceed $50,000.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

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

MADAM CLERK: Commissioner Evans?

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

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

That concludes the business portion of our
meeting.

Anybody wish to address the Board of Commissioners
this evening?

(Pause)

MS. BOSICK: Maria Bozza, 209 Highfield
Lane, Nutley.
I'm -- this is, I guess, for Mr. Evans. I noticed you said that there were 13 -- 13 violations relative to --

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

MS. BOZZA: I'm sorry.

MAYOR SCARPELLI: -- the microphone.

COMMISSIONER EVANS: We're having trouble hearing you.

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

COMMISSIONER EVANS: Yes.

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

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

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

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

The procedural --

MS. BOZZA: Well, besides disciplinary action, shouldn't there be -- if he broke the law, shouldn't he have
to pay more than a, you know, a slap on the wrist or
whatever he gets?

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

MS. BOZZA: Say again.

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

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

COMMISSIONER EVANS: I appreciate your comment.

MS. BOZZA: Right.

COMMISSIONER EVANS: Action has been taken.

MS. BOZZA: And can we know the action?

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

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

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

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

COMMISSIONER EVANS: There's no secret.

MS. BOZZA: No mention -- no mention of names. I
mean, it seems like everything is real -- it's like a good
old boys club here, you know? Where everybody is -- you
know --

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

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

COMMISSIONER EVANS: Thank you. I appreciate your
comment.

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

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

MS. BOZZA: Right.

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

MS. BOZZA: I understand --

COMMISSIONER EVANS: -- all of the residents.

MS. BOZZA: I understand.

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

MS. BOZZA: I'm not --

COMMISSIONER EVANS: -- I resent.

MS. BOZZA: -- saying you're not doing it. I'm
just saying that he should -- we have a right to know what
his discipline is -- what the discipline is. I mean --

COMMISSIONER EVANS: Thank you for your comment.

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

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

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

(Pause)

MR. DEFilIPPIS: I'm going to have to raise the
mic a little bit.

Good evening. John DeFilippis,

D-E-F-I-L-I-P-P-I-S, 101 River Road.

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

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

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

You might remember a few years ago, a boulder
actually came loose, rolled down the hill. And I'm not
talking a small boulder; a huge boulder, went right through
the fence into a vehicle, literally could have and would
have killed somebody if someone was there at the time.

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

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

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

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

So, eight months later, I still don't have an
answer and I have to tell you that last week another tree
limb fell onto our side of the property. I had to call the
Parks Department again to come and remove the limb.
We've dodged a number of bullets so far. I don't know how much longer we can keep dodging bullets if boulders are going to come loose and trees are going to fall and limbs are going to fall. Something needs to be done with that property.

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

Can you tell me if anything has --

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

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

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

MR. DEFILIPPIS: Okay.
MAYOR SCARPELLI: That's all I can say.

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

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

MR. DEFILIPPIS: Okay.

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

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

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

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

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

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

(Pause)

MR. MOORE: Rory Moore, 462 Chestnut Street.

Mr. Scarpelli, tomorrow I'm going to call DCA again. You have a clerk and you have an ordinance for a deputy clerk and you haven't announced it.
I called DCA last time it -- there was a meeting.

UNIDENTIFIED SPEAKER: (Inaudible) --

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

MAYOR SCARPELLI: (Inaudible).

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

So, I will be calling about that tomorrow.

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

MR. MOORE: Sure. I --

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

MR. MOORE: Sure.

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

MR. MOORE: I'll do that tomorrow.

MAYOR SCARPELLI: Yeah. Please do.

MR. MOORE: I got nothing else to do.

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

COMMISSIONER EVANS: For -- in the last year,
there was 60 -- over 60 violations that were issued by the
Code Enforcement Department for a range of things including
occupancy violations.

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

COMMISSIONER EVANS: No. No it's --

MR. MOORE: -- thirteen?

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

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

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

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

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

COMMISSIONER EVANS: Mr. Moore, I'm going to say
this very clearly. A resident, a builder, a landlord has
the free will to modify their property as they so choose.
It may or may not be in compliance with our Code.

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

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

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

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

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

MR. GENITEMPO: Mr. Moore, there was a -- you
did receive an OPRA request response with regard to the violations that the Commissioner's speaking of. If your request was not for a document, it is not an OPRA request.

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

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

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

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

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

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

MR. MOORE: Yes.

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

MR. MOORE: Did we pay him for that?

COMMISSIONER EVANS: No.

MR. MOORE: That was just a courtesy?
COMMISSIONER EVANS: It's -- it's common for municipalities to help out other municipalities without incurring the cost; yes.

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

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

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

COMMISSIONER EVANS: That's correct.

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

COMMISSIONER EVANS: Yes.

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

Thank you.

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

(Pause)

MS. ROSSI: Tammy Rossi, 28 Colonial Terrace.

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

COMMISSIONER EVANS: The individual was screened to make sure that they were properly licensed. They had significant experience and that they did not have any
involvement inspecting property in town before.

MS. ROSSI: Okay. Thank you.

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

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

MS. ROSSI: Uh-huh.

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

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

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

MS. ROSSI: Uh-huh.

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

MS. ROSSI: Okay. Thank you very much.

(Pause)

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

So, Mayor Scarpelli and Commissioners, first of all, I want to thank you for your service. I realize that
your job is principally a volunteer job. And I've heard tonight and I've heard in a prior meeting where there seems to be an assumption that we, as citizens, don't appreciate the work you do and that's simply not true.

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

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

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

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

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

In July, there was mention that this was not a litigation.
Tonight, there's mention that there's potential litigation.

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

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

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

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

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

COMMISSIONER EVANS: Yes. I'm sorry.

MS. CELENTO: Thank you.
COMMISSIONER EVANS: Can you hear me?

MS. CELENTO: Yes.

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

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

MS. CELENTO: Uh-huh.

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

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

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

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

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

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

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

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

MS. Celeneto: Thank you. I appreciate your response.

So, in relation to the situation and the violations, I do hope that as part of the settlement,
developer fees, whether it's supposed to be money that
grew into COA fund, money that stays with the town,
not in a COA fund, I mean, I really hope that that is all
being addressed in terms of just developer fees and --
collected or not collected.

MR. GENITEMPO: Tammy, there is --

MS. CILENTO: Yes.

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

MS. CILENTO: Okay.

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

MS. CILENTO: I'm asking.

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

COMMISSIONER EVANS: Absolutely. Al, excuse me.

MR. GENITEMPO: Yeah.

COMMISSIONER EVANS: There had been some confusion
about development fees not being paid or collected after
2014 and I have already stated on the record that that was a
misconception because those fees have been collected on
every property.
I know there was a point raised that in two instances on a individual house built that fees weren't collected at the time the permit was issued. However, the absolute guide as what fees are to be paid is actually determined by the tax assessor to -- based upon the improved assessed value of the property according to the law.

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

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

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

COMMISSIONER EVANS: That's not on the table.

MS. CELENTO: Thank you. I appreciate that.

I really wish this had been an agenda item so the three minutes and twenty-four seconds I spent asking questions about this could have been part of that comment section because a commissioner announcement about pending litigation, of ongoing investigation, it really -- I would have appreciated it being an agenda item. I'm just letting
I do want to ask of -- about a couple of things. I think in terms of what Mr. DeFilippis said, I don't know anything about this property. But we do have a town arborist. So, hopefully, the arborist can also be looking at those trees potentially deciding between the arborist and the engineer what's necessary.

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

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

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

I also want to just ask about the State aid. I -- I honestly haven't fully been following it. But what --
what do we think is happening in terms of a time line to be notified?

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

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

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

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

COMMISSIONER TUCCI: Yes.

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

So, I really hope though that whatever comes in
for the State aid that there's a final scrub in terms of really validating on a zero based budgeting what's absolutely necessary.

So, just saying that as a citizen.

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

MS. CELENTO: Yes.

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

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

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

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

I believe maybe there were trees there or there were planters there but those holes continue to be there. Those areas have not been repaved. No pavers have been added.
I think it's incredibly hazardous. I mean, kids are walking home from school there. My office happens to be near there. It doesn't affect me personally or professionally because it's not right outside my office.

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

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

So, thank you.

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

MS. CELENTO: Thanks so much.

MAYOR SCARPELLI: Anybody --

COMMISSIONER TUCCI: Mayor. Mayor, if I might.

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

And I think this -- this whole situation is -- is appalling for me personally, all right? And we will get to
the bottom of this; all right?

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

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

MS. RUBINO: Joan Rubino, 48 North Road.

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

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

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

COMMISSIONER EVANS: Regarding this matter?

MS. RUBINO: Yeah. The pension --

COMMISSIONER EVANS: Yes.

MS. RUBINO: The pension matter.

COMMISSIONER EVANS: The pension, no.

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

COMMISSIONER EVANS: I am responsible.

MS. RUBINO: How long after becoming commissioner
were you made aware of this alleged mistake?

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

    MS. RUBINO: Three.

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

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

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

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

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

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

    MS. RUBINO: Uh-huh.

    COMMISSIONER EVANS: All right? However, we ran into a challenge with the State Pension Board where they
felt that while the error was made and they acknowledged the
error -- that they felt it was made at a local level.

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

COMMISSIONER EVANS: Yes.

MS. RUBINO: -- it could happen to an employee.

So, are there any checks and balances now since that did
happen to you?

COMMISSIONER EVANS: Yes.

MS. RUBINO: Okay.

COMMISSIONER EVANS: There is a full review.

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

COMMISSIONER EVANS: It cannot happen again.

MS. RUBINO: Thank you.

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

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

COMMISSIONER EVANS: I know -- I know but I'm just
trying to follow to get an error corrected. I -- and maybe
I'm a little bit on edge because sometimes after a long
series of time, you get tired of being called a crook by
people who don't know you.
MS. RUBINO: I -- I have no idea about what people call you or anybody else and I really don't care but I feel that, not just you people, but in previous years we have had mayors who screamed at people. I mean, it is kind of alarming to think that people you vote into office and when you come to ask a question or make a complaint which is perfectly logical and reasonable that you should be treated in the fashion that you are treated at times.

That's it.

MAYOR SCARPELLI: Thank you, Ms. Rubino.

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

(Pause)

MR. ODRIA: Michael Odria, 134 High Street.

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

COMMISSIONER ROGERS: I can't hear you

I'm sorry.

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

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

COMMISSIONER ROGERS: Yeah. They're --

MR. ODRIA: Well, then, from 2017 to 2018, were
they lowered by --

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

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

COMMISSIONER ROGERS: Okay. Thank you.

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

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

COMMISSIONER EVANS: I won't. It's -- it's ridiculous.

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

MR. GENITEMPO: The answer is no. There's nobody.
It is not part of the evaluation. It's not --

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

MR. GENITEMPO: That has not happened in --

discipline of an employees subject to civil service is not subject to public discussion.

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

MR. ODRIA: Okay. Because I -- I have my concern.

All right. That -- thank you very much.

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

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

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

MAYOR SCARPELLI: Sure.

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

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

And, unfortunately, many of the issues I address, some people in town will take that as if I'm focusing on the
What Mike was talking about, and thank you, Mike, was just to clear this up, there was a national football league player, we know that, who, in my view, disgraced this flag and disgraced this nation.

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

COMMISSIONER EVANS: Yeah.

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

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

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

I long for the day that people do what you do. Look. There's a lot of things you say that irritates me. It irritates the living daylights out of me. But I'll tell you what. You have the right to say it and I'll tell you
something -- what else you've done. You make a guy like me, an elected official, maybe I'm a little bit more on my toes now because when somebody's watching, when somebody's asking questions, as an elected official, you know, we learn. And I think it's a good thing.

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

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

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

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

So, I just want you to know, at least from my view, please feel welcome. Don't ever feel that you can't get up there and challenge at least me. You may like the answer. I may not like the question. But it's a good
thing. And Ms. Rubino, please remember that, okay?

Any time you come, you're welcome.

MS. RUBINO: (Inaudible).

COMMISSIONER ROGERS: Thank you.

MS. RUBINO: (Inaudible).

COMMISSIONER ROGERS: Uh-oh.

(Laughter)

COMMISSIONER ROGERS: Can we close the meeting?

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

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

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

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

COMMISSIONER ROGERS: That's all I had to say, Mayor. Thank you.
MAYOR SCARPELLI: Can I have a motion to go into
executive session to discuss -- Mr. Genitempo.

MR. GENITEMPO: Potential litigation and
litigation.

COMMISSIONER TUCCI: So moved.

COMMISSIONER PETRACCO: Second.

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

WHEREAS, the public body is of the opinion that
such circumstances exist; 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 to move into
closed executive session to discuss potential litigation and
litigation.

BE IT FURTHER RESOLVED that at the time when such
discussion 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.
Member 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. We will be coming back on
the record just to close the meeting. No further action
will be taken.

(Whereas, the board moved into executive session.)

(Background conversations.)

MAYOR SCARPELLI: Madam Clerk, are you ready?

MADAM CLERK: Yes, Mayor.

MAYOR SCARPELLI: I need a motion to adjourn.

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: The time is 10:41.

(Whereas, the meeting was adjourned.)
CERTIFICATION

I, Pamela A. Skaw, certify that the foregoing transcript is a true and accurate record of the September 4, 2018 proceedings.

Date: September 21, 2018