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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

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CONFERENCE SESSION ) TRANSCRIPT OF  
) PROCEEDINGS:  
)

September 18, 2018

7:04 p.m.

BEFORE:

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

ALSO APPEARING:

Alan Genitempo, Board Counsel

Job No. NJ3022374

Transcribed by: Nicole Yawn

P R O C E E D I N G S

1  
2 MADAM CLERK: Board of commissioners public  
3 meeting Tuesday, September 18, 2018. The time is 7:04.

4 Pursuant to the requirement of the Open Public  
5 Meeting Act, Chapter 231, Public Law 1975, notice of this  
6 meeting was published in the December 14th, 2017 issues of  
7 the Nutley Sun, the Herald News and the Star Ledger. A copy  
8 of this notice has been posted in the Nutley Town Hall  
9 bulletin board, and a copy is on file in the municipal  
10 clerk's office.

11 Commissioner Rogers?

12 COMMISSIONER ROGERS: Here.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Here.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Here.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Here.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Here.

21 MADAM CLERK: All present, Mayor.

22 MAYOR PETRACCO: Thank you, Madam Clerk.

23 Just as a point of welcome, we have three future  
24 doctors from the School of Medicine here tonight as part of  
25 their curriculum. They are getting involved in the

1 community, and part of that is to come to a couple of  
2 meetings. So welcome.

3 UNIDENTIFIED SPEAKER: Thanks for having us.

4 COMMISSIONER EVANS: Hi.

5 COMMISSIONER TUCCI: Now you're going to  
6 experience pain firsthand.

7 (Laughter)

8 COMMISSIONER EVANS: Are you guys staying for the  
9 whole thing?

10 COMMISSIONER ROGERS: If you would like to see the  
11 health department at one point, our director over there, you  
12 can meet our entire health staff.

13 UNIDENTIFIED SPEAKER: Yeah.

14 COMMISSIONER ROGERS: Veterans staff, what we're  
15 doing for veterans with PTSD and all that, you know.

16 UNIDENTIFIED SPEAKER: Yeah, that would be  
17 fascinating.

18 COMMISSIONER ROGERS: All right, before the end of  
19 the meeting.

20 MAYOR SCARPELLI: Commissioner Petracco?

21 COMMISSIONER PETRACCO: Okay.

22 COMMISSIONER TUCCI: And he also said he wants to  
23 play you one-on-one in basketball.

24 (Laughter)

25 (Cross-talk)

1 COMMISSIONER TUCCI: I'm sorry. Go ahead.

2 COMMISSIONER PETRACCO: On this ordinance, Alan, I  
3 don't know if Sam called you. Did she?

4 MR. GENITEMPO: Yeah, we spoke about it.

5 COMMISSIONER PETRACCO: Okay, so --

6 MR. GENITEMPO: About the changes, yeah.

7 COMMISSIONER PETRACCO: The only change was  
8 Saturdays to -- change to add Saturdays to the days there  
9 would be no parking enforcement. If the ordinance is in  
10 effect six months, it will be evaluated. And instead of  
11 placards, we decided to go with stickers.

12 Hi, Sandra.

13 SANDRA: Hello.

14 COMMISSIONER PETRACCO: You're early.

15 COMMISSIONER PETRACCO: Hello, Sandy. Happy  
16 Birthday.

17 SANDRA: Thank you.

18 COMMISSIONER PETRACCO: Of course, the chief felt,  
19 if we put anything on the back bumpers, snow or the window  
20 in the back, he thinks that, on the side of the driver's  
21 side would be the best application for that. So I have  
22 that.

23 I have my report. And what else did I have? I  
24 have the LOSAP. Yep, I'm going to introduce that LOSAP  
25 tonight, and that's an introduction.

1           And then, I have designate September 21st of each  
2 year as the Township of Nutley the day of peace. Way back  
3 when, we did that with the sand art. People came from  
4 Honduras, which was an unbelievable thing. We'd like to --  
5 right now, we're just doing the day. I'm hoping to do  
6 something then with that day, because it was really a great  
7 day. I mean, the art that was in the street on Franklin  
8 Ave. I have to give Sandra kudos for putting that together.

9           And then, I have this grant of medical leave for  
10 Lori Castro, crossing guard. That's all I have.

11           MAYOR SCARPELLI: Commissioner Evans?

12           COMMISSIONER EVANS: I just have a report for the  
13 Code Enforcement Department for August. Then I have one  
14 resolution relating to Mark Hendricks for his services  
15 related to some pending litigation that's involving the town  
16 with Sutton v. Roche. That includes the township.

17           Also, Alan, just so I'm clear, when you said not  
18 enforced, so parking enforcement would be sort of like I  
19 guess Monday through Friday, so not Saturday, Sundays, or  
20 the holiday?

21           MR. GENITEMPO: Exactly.

22           COMMISSIONER EVANS: (Indiscernible).

23           MR. GENITEMPO: We missed that the first time.

24           COMMISSIONER EVANS: Okay, just wanted to be  
25 clear.

1 MR. GENITEMPO: Yeah.

2 COMMISSIONER EVANS: Okay, that's all.

3 And I may need a quick executive regarding  
4 contract negotiations.

5 MAYOR SCARPELLI: Commissioner Rogers?

6 COMMISSIONER ROGERS: Hello, Mayor.

7 MAYOR SCARPELLI: How are you?

8 COMMISSIONER ROGERS: I had a little high blood  
9 pressure, but, hey.

10 MAYOR SCARPELLI: We have the right people in the  
11 audience tonight. The health department?

12 COMMISSIONER ROGERS: I have nothing, Mayor.

13 MAYOR SCARPELLI: Okay.

14 Commissioner Tucci?

15 COMMISSIONER TUCCI: I have two resolutions, one  
16 authorizing an advertisement for an RFQ for a New Jersey  
17 licensed certified tree expert.

18 And the second is to salute and congratulate the  
19 36th Annual Columbus Day Parade dignitaries. And that's all  
20 I have.

21 MAYOR SCARPELLI: Thank you.

22 Commissioner?

23 I have four resolutions. One is to authorize and  
24 approve raffle applications.

25 The second is for approval of a treatment works

1 permit for Question Diagnostics, which, although in the --  
2 on the Clifton side of the line, used to put their sewage  
3 into our sewage system.

4 And a change order -- two change orders, two  
5 resolutions, two different change orders. One is an  
6 increase for D&L for Franklin Avenue -- for Harrison Street.  
7 And the other is a decrease of \$2,000 for Safe Routes to  
8 School, and that's all I have.

9 Madam Clerk?

10 MADAM CLERK: Yes, Mayor, we just have minutes for  
11 July 17, 2018 for approval.

12 MAYOR SCARPELLI: Counselor?

13 MR. GENITEMPO: Nothing, Mayor, just that John is  
14 here.

15 MAYOR SCARPELLI: Mr. Inglesino?

16 MR. INGLESINO: You know me, man. I only  
17 speak in closed session.

18 MAYOR SCARPELLI: All right. So can I have a  
19 motion to go into executive?

20 COMMISSIONER PETRACCO: Move it.

21 COMMISSIONER TUCCI: Second.

22 MAYOR SCARPELLI: For contracts and --

23 MR. GENITEMPO: Contracts.

24 MAYOR SCARPELLI: Just for contracts.

25 MADAM CLERK: WHEREAS, Section VII of the Open

1 Public Meeting Act, Chapter 231 of Public Law 1975 permits  
2 the exclusion of the public for meeting in certain  
3 circumstances; and

4 WHEREAS, the public body is of the opinion that  
5 such circumstances exist; and

6 WHEREAS, the Board of Commissioners of the  
7 Township of Nutley in the county of Essex, state of New  
8 Jersey decided to proceed to closed executive session;

9 NOW, THEREFORE, BE IT RESOLVED by the Board of  
10 Commissioners of the Township of Nutley move into closed  
11 executive session to discuss contract negotiations;

12 BE IT FURTHER RESOLVED that the time when such  
13 discussion may be disclosed to the public shall be when such  
14 disclosure made without adversely affecting the Township of  
15 Nutley pending and/or anticipated legal, personnel,  
16 contractual matters, and other matters within the exceptions  
17 provided for by statute.

18 Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 MADAM CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 MADAM CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

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MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

MADAM CLERK: The time is 7:10.

(Recessed to Executive Session)

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

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) PUBLIC MEETING ) TRANSCRIPT OF  
) ) PROCEEDINGS :  
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September 18, 2018

7:31 p.m.

BEFORE :

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

ALSO APPEARING :

- Alan Genitempo, Board Counsel

Transcribed by: Nicole Yawn

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P R O C E E D I N G S

MAYOR SCARPELLI: Would everybody please stand for the flag salute?

(Pledge of Allegiance)

(Pause)

MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Thank you, Mayor.

Board of Commissioners public meeting Tuesday, September 18th, 2018. The time is 7:31.

Pursuant to the requirements of the Open Public Meeting Act, Chapter 231, Public Law 1975, notice of this meeting was published in the December 14th, 2017 issues of the Nutley Sun, the Herald News and the Star Ledger. A copy of this notice has been posted in 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: Aye.

MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Here.

2 MADAM CLERK: All present, Mayor.

3 MAYOR SCARPELLI: Minutes, Madam Clerk.

4 MADAM CLERK: Yes, we have Board of Commissioner  
5 meeting minutes for July 17, 2018. I need a motion, please.

6 COMMISSIONER PETRACCO: Move it.

7 MADAM CLERK: I need a second.

8 COMMISSIONER ROGERS: Aye.

9 COMMISSIONER EVANS: Second.

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 MADAM CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

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

21 MAYOR SCARPELLI: Reports?

22 Commissioner Evans?

23 COMMISSIONER EVANS: Yes, I have a code  
24 enforcement report for the month of August.

25 MAYOR SCARPELLI: Okay.

1 Commissioner Petracco?

2 COMMISSIONER PETRACCO: Yep, I have my public  
3 safety report as well for police, fire, and our ambulance  
4 squad and municipal court.

5 MAYOR SCARPELLI: Bills?

6 MADAM CLERK: Yes, Mayor.

7 Bill list for September 18, 2018, Public Affairs,  
8 \$105,281.98; Revenue and Finance, \$2,613,590.60; Public  
9 Safety, \$30,416.56; Public Works, \$252,531.10; Parks and  
10 Public Property, \$35,655.16; Water Utility, \$316,107.19.  
11 Overtime payroll total for September 7, 2018 is \$32,070.73.  
12 Total payroll, \$832,857.00, for a grand total of  
13 \$4,186,439.59.

14 COMMISSIONER EVANS: Move the bills.

15 MADAM CLERK: I need a second.

16 COMMISSIONER TUCCI: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: I'm voting aye, with the  
19 exception of 18-01934. I vote no at this time.

20 MADAM CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: I vote yes, with the  
22 exception of Item 18-01934, which I'm voting no on, because  
23 I do not believe it's a proper expenditure of taxpayer money  
24 and it's outside the scope of the individual who would be  
25 attending this course.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: I vote yes on the entire  
3 bill, and I would disagree.

4 MADAM CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: I vote no -- I vote aye,  
6 except for 18-01934.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 Public comment on agenda items only?

10 Madam Clerk?

11 MADAM CLERK: Yes, Mayor.

12 All persons addressing the Board of Commissioners  
13 regarding community concerns should approach the microphone  
14 and provide their name and address for the record. Unless  
15 further time is granted by the board, each person shall  
16 limit their address to three minutes. All remarks to the  
17 board and its individual members must be addressed to the  
18 mayor. The mayor may defer citizen comments to the  
19 appropriate member of the board.

20 Dialogue between citizens and others addressing  
21 the board shall be allowed, unless the mayor or presiding  
22 officer or the majority of the membership of the board shall  
23 determine that the interests of decorum and/or the  
24 expeditious conduct of municipal business are being  
25 adversely affected by such dialogue.

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

2 Mr. Evans, when you have that bill for \$2,500 to  
3 Rutgers (ph). What's that for?

4 COMMISSIONER EVANS: It's not for anything. It  
5 was voted down by the board.

6 MR. MOORE: I'm sorry?

7 COMMISSIONER EVANS: It's not for anything. It  
8 was voted down by the board.

9 MR. MOORE: Wasn't it on last month?

10 COMMISSIONER EVANS: Yes, it was.

11 MR. MOORE: And what was that for?

12 COMMISSIONER EVANS: it was pulled off of that  
13 agenda as well and not voted on.

14 MR. MOORE: Do you have it -- do you have anything  
15 to say, other than it was voted down? Because it appears  
16 that it was paid.

17 COMMISSIONER EVANS: It has not been paid.

18 MR. MOORE: (Indiscernible).

19 COMMISSIONER EVANS: It has not been paid.

20 MR. MOORE: Is there going to be an official  
21 statement, other than me asking you this question, that this  
22 was not paid for? What was the class for anyway?

23 COMMISSIONER EVANS: It was for training for one  
24 of our employees in my department.

25 MR. MOORE: What was the training for?

1                   COMMISSIONER EVANS: The training was for  
2 management development courses, all right, for a person to  
3 attend those courses, which was consistent with their job  
4 responsibilities and their duties, as determined by me that  
5 were valid and necessary for them to do. Under the Walsh  
6 act, that is my authority.

7                   MR. MOORE: I looked that up the under day under  
8 management, and they didn't see -- I didn't see anything  
9 that was related to the Walsh act. It was (indiscernible) in  
10 there, but not Walsh. I had just gotten news (ph)  
11 what the class was for.

12                   COMMISSIONER EVANS: The classes are for is an  
13 employee to attend management development classes that are  
14 very relevant to their job responsibility, which I fully  
15 investigated and reviewed before I made a determination to  
16 authorize it.

17                   MR. MOORE: You can go to school at night for  
18 that, too. not to Rutgers.

19                   COMMISSIONER EVANS: And the courses are being  
20 taught at Rutgers. And it's in a consolidated program. And  
21 if the courses were taken individually, it would be  
22 significantly more than the cost of this program.

23                   COMMISSIONER TUCCI: Mayor, might I address that?  
24 Because I was one of the no votes on that, and I'd like to  
25 clarify it. All right?

1           While the course is a worthwhile course, I do not  
2 believe it is within the scope of the employee that was  
3 being considered to be sent to that. All right? It's more  
4 or less a preparation for someone to become a township  
5 manager or a township administrator. All right? It is  
6 outside the scope of the Clerk's responsibilities. While  
7 there would always be benefit, cross-over benefit, from some  
8 of the ethics classes and some of the other management  
9 classes, it's a -- it's a worthwhile class, but I do not  
10 believe it should be done on township time and paid for with  
11 township money, and I say that respectfully.

12           MR. MOORE: But I did look that up.

13           COMMISSIONER EVANS: And I absolutely understand  
14 the commissioner's point of view and perspective. I fully  
15 reviewed the program. And when it comes to issue resolution  
16 and negotiation skills, communication, which is fully  
17 related to the individual's position, I don't understand  
18 what that would be outside the scope.

19           I happen to be the former chief learning officer  
20 for PriceWaterhouseCoopers. I was a president of a 50,000  
21 student university. I understand curriculum course design  
22 thoroughly with over 20 years worth of experience. This  
23 course was very relevant.

24           MR. MOORE: There are the alternatives so the  
25 individual can take the classes.

1 COMMISSIONER EVANS: There are alternatives.

2 MR. MOORE: Not at the taxpayers' expense.

3 COMMISSIONER EVANS: I have people in my  
4 department who attend training, as relevant to their jobs,  
5 and I have paid for that training as a commissioner, because  
6 it's relevant to their job, as all commissioners have done.  
7 I have made the determination to do this in a very thorough  
8 and comprehensive way. I do not understand why it was voted  
9 down, but I appreciate the perspective, and, most  
10 respectfully, I disagree, but that's for another day.

11 MR. MOORE: Thank you.

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

14 MS. RABINO: Just a continuation on that \$2,500.  
15 What exactly did that entail, as far as the person  
16 benefiting, outside of the town, from the course? Does that  
17 mean that the course is taken evenings, during the day, how  
18 long? Is it a one-week course? A two-day? I mean, what  
19 does this entail?

20 COMMISSIONER EVANS: Mrs. Rabino, it's a multi-day  
21 course. It's taken -- I believe it's taken during the day,  
22 as many of the training classes are for most of the  
23 employees of the township when they attend training.

24 MS. RABINO: But it's an all-day situation

25 COMMISSIONER EVANS: Yeah -- I don't have it in

1 front of me, the full timing, but it could be part -- some  
2 of it could be part of the day. Some of it could be a full  
3 day. But, yes, it's in a curricula structure. The title of  
4 the course I disagree with, because it's open. It's also  
5 been a course that's been recommended by the New Jersey  
6 Municipal Clerks' Association. Many clerks have attended  
7 this program.

8 MS. RABINO: Thank you.

9 MAYOR SCARPELLI: Anybody else wish to address the  
10 board on agenda items only?

11 COMMISSIONER TUCCI: Just one -- just one further  
12 comment, Mayor, and I know I don't want to beat this horse  
13 to death, because I think the course can be valuable. I  
14 just don't think that we should do it on our time or pay for  
15 it. The individual that is being spoken of does not  
16 negotiate. All right?

17 Management skills are applicable to any of our  
18 employees. All right? And it is so important, all right,  
19 and so imperative then, the individual should actually  
20 pursue that with their own time and their own money. That's  
21 all I have to say.

22 MAYOR SCARPELLI: Let's go to commissioner  
23 announcements.

24 Commissioners, do you have any announcements?

25 I have one, Kathy Rempusheski , our CDBG

1 coordinator, has asked me to announce that there is funding  
2 for homeowners to repair their homes through the county and  
3 through HUD. That's a pass-through to the county from HUD  
4 for home repairs. There's some income requirements, but  
5 it's on our web site, and you can -- if you have any  
6 questions, you can give Kathy Rempusheski a call at town  
7 hall.

8 That's all the announcements.

9 Let's move to ordinance introductions.

10 Commissioner Petracco?

11 COMMISSIONER PETRACCO: Yes, I have  
12 (indiscernible) taxes (indiscernible) for introduction.  
13 (Indiscernible).

14 MADAM CLERK: Can't hear. Can't hear.

15 COMMISSIONER PETRACCO: I don't have a mic. on?

16 And that's why.

17 How about now? Better? Thank you.

18 This is a LOSAP Ordinance. It's Ordinance No.  
19 3398. This is for the volunteer men and ambulance squad as  
20 well, everyone who volunteers. It's an ordinance to amend  
21 an ordinance codified in the Code of the Township of Nutley,  
22 Chapter 96, entitled Length of Service Award Program.

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

1 said ordinance for final passage by the Board of  
2 Commissioners be held at its second reading, on October  
3 25th.

4 I move the ordinance.

5 COMMISSIONER ROGERS: Second.

6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: No.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 Let's go to public hearings.

17 Commissioner Petracco?

18 COMMISSIONER PETRACCO: I have a public hearing on  
19 the parking placards, which we decided to go to stickers.  
20 It's Ordinance No. 3395, an ordinance to amend the ordinance  
21 codified in the Code of the Township of Nutley, Chapter 228,  
22 entitled Vehicles and Traffic, particularly Article 6, Angle  
23 and Permit Parking, Section 32, entitled Permit Parking. We  
24 did make one change that I'd just like to mention for the  
25 record, if I could? Let's see.

1           The only change -- Alan, did we put this in the  
2 ordinance or do I need to read that into the record?

3           MR. GENITEMPO: You should just announce what the  
4 change is there.

5           COMMISSIONER PETRACCO: Okay, so the only change  
6 is that -- the ordinance was changed to add Saturdays to  
7 days that there would be no parking enforcement, as well as  
8 with Sundays and holidays. This is going to be a six-month  
9 pilot program to see how this works out. Hopefully -- I  
10 know it's been a long time coming. I see some of the  
11 residents here.

12           After six months, we are going to reevaluate the  
13 situation to the police department, and hopefully, this  
14 gives, you know, everybody that's having problems on that  
15 street some -- or these three streets, you know, some  
16 relief. So we're hoping that it works, but it is a pilot  
17 program for the next six months. I would appreciate if  
18 people come to the meeting and tell us how it's working or  
19 call me, you know, if there's pros and cons to it or, you  
20 know, what have you.

21           You know, this was a big step for us to take. We  
22 never had, you know, permit parking such as this in effect.  
23 By no means is this going to open up our overnight parking.  
24 I'm not onboard with changing that at all, and I don't  
25 believe any of the commissions are.

1 At this time, I'd like to open the public hearing.

2 MAYOR SCARPELLI: Anybody want to be heard on  
3 Ordinance No. 3395?

4 MR.GENCARELLI:Yeah, my name is Angelo Gencarelli. I  
5 live on 32 Highfield lane, and the reason why I'm here is  
6 because our street is in from of the apartments, to find a parking  
7 space in front of my house I have to get up by 6 o'clock in the  
8 morning to put my car (indiscernible) 8 o'clock  
9 (indiscernible). And it's not there for all of us  
10 (indiscernible).

11 I took pictures (indiscernible) parking  
12 (indiscernible) parking space by the Park Avenue  
13 is half full and three-quarters full, sometimes less.  
14 I took pictures same thing by the apartment complex.  
15 (Indiscernible). It's not that we don't want them there.  
16 We have (indiscernible).

17 COMMISSIONER PETRACCO: Well, that's why we're --  
18 that's why we're introducing this ordinance tonight, and  
19 we're trying -- and Highfield (ph) Lane is one of the  
20 streets, so we're hoping that this gives you guys some  
21 relief over there.

22 MR.GENCARELLI:and not only that people come  
23 from all over.

24 There are people coming from all over. It's not  
25 only Nutley people, Nutley residents. There are people

1 coming from all over.

2 COMMISSIONER PETRACCO: We know.

3 MR.GENCARELLI: Okay.

4 COMMISSIONER PETRACCO: Okay.

5 MR.GENCARELLI: Thank you then.

6 COMMISSIONER PETRACCO: Thank you.

7 MR. MOORE: Is this on LOSAP?

8 MR. KLECAK: Good evening, Commissioner. I've  
9 been here before to talk about this. My name is Bill Klecak.  
10 I live on 33 Highfield Lane. Quite frankly, the  
11 situation sucks. It's getting worse.

12 I'm retired now, so I see a lot of what goes on in  
13 the neighborhood, and every day, there's at least 15 cars on  
14 Conduit and another 15 or so from my house down to  
15 River Street. My confusion is -- what was it? A little  
16 over a year ago? And the weather warning was cast, and  
17 signs were put up on Conduit and Highfield. Unfortunately,  
18 the signs were miswritten.

19 They said something about parking. You can park  
20 from 6:00 to 10:00 a.m., which made no sense. The signs  
21 were taken down a week later. What happened with that  
22 ordinance? How come that's not still in effect?

23 Because the ordinance was passed that there was no  
24 parking. Poles were put up. I noticed two of my neighbors  
25 have taken the poles out of the ground. They're not there

1 any more. I don't know what they did with them, but they're  
2 not there. Why was that ordinance -- I don't know it works.  
3 Was it just thrown out? Was it superseded by something  
4 else?

5 COMMISSIONER PETRACCO: I would have to look into  
6 that, but I think that, you know, all the research we do --  
7 and I know you and I worked a lot on this together, and I  
8 visited you at your house and all that. You know, I really  
9 think that this is the best way to go. You know, it is a  
10 pilot program for six months, and I'm hoping that this  
11 really solves the issue down there. But we tried, you know,  
12 time parking in some situation, you know, and, you know,  
13 again, you know, people had problems with that, because they  
14 felt that they were paying taxes for their house and they  
15 should be able to park in front of their house or if  
16 somebody came to visit, all that stuff.

17 So I mean, you know, we drafted this up a million  
18 times. You know, we're putting from 8:00 a.m. to 10:00 a.m.  
19 This way, it defers the commuter parking. You know?  
20 Because if you travel on to the city, you know, most people  
21 leave early, and I really think this is -- I believe it's  
22 going to work. I mean, I really do.

23 MR. KLECAK: So do I have to pay for a decal then,  
24 if I want to park from 8:00 to 10 o'clock?

25 COMMISSIONER PETRACCO: No.

1 MR. KLECAK: Like how does that work? Like how --

2 COMMISSIONER PETRACCO: Is it five bucks? Same  
3 thing?

4 MR. KLECAK: Five bucks.

5 COMMISSIONER PETRACCO: For the decal? Five  
6 bucks?

7 MR. KLECAK: All right. So then, if you don't buy  
8 one, then you just don't park from 8:00 to 10 o'clock in the  
9 morning? That's how that works?

10 UNIDENTIFIED SPEAKER: (Indiscernible).

11 MR. KLECAK: Right, and that costs \$5. And where  
12 do you get that from?

13 COMMISSIONER PETRACCO: We're going to announce it  
14 through the police department.

15 MR. KLECAK: All right. So in other words, that  
16 other ordinance, that was just -- that's gone?

17 COMMISSIONER PETRACCO: I know. I'm not sure if  
18 that was on your street. I don't recall it.

19 MR. KLECAK: Yes, it was.

20 COMMISSIONER PETRACCO: No, I'm saying that I  
21 would have to -- before I would comment on it, I've got to  
22 go look at it and see what was done with it. I don't want  
23 to just talk off, you know, my cuff, so to speak, without  
24 having information in front of me.

25 MR. KLECAK: All right.

1                   COMMISSIONER PETRACCO: Why? Do you think that  
2 would -- are you here to tell me you think that would be  
3 better?

4                   MR. KLECAK: Well, again, because of what was  
5 passed once before -- and I know a couple of people up the  
6 top of my block who aren't affected by the parking,  
7 complaining that signs were put up on their -- in front of  
8 their houses. Now, I'm not mentioning names. I know who  
9 they are, but they complained, because they're not affected  
10 by the parking in front of my house. And my neighbors are  
11 here.

12                   All right? So they complained, because well,  
13 somebody can't park in front of their house for an hour or  
14 so. Quite frankly, I wasn't -- that wasn't my problem, but  
15 that was their problem. You know, somebody in the lower  
16 part of my block actually went around and had a petition  
17 signed, all right. People here that signed the petition.  
18 No, that's just -- like you said, you're going to have to  
19 look into it, but I don't understand what happened.

20                   COMMISSIONER PETRACCO: Well, let me say -- let me  
21 say this, too. You know, we're trying to move this forward,  
22 and when I was going through this, there was people on your  
23 block that were against the permit parking or putting up  
24 signs, and like I said, their kids couldn't park there. You  
25 know, so I mean, that's why I decided to do it for six

1 months, because we do need to go get some feedback and see  
2 what the people want, because like I told you, we're an  
3 extension of the people. You know, obviously, I don't live  
4 on your block. You know?

5 In front of my house, I can park. You know? But  
6 I don't think it's fair to you guys to have to put up with  
7 that. You know, there's not a parking spot to be found,  
8 because of this commuter parking. And like you said, it's a  
9 lot of people that don't live in town that are parking there  
10 also.

11 So you know, we've went to other towns. You know,  
12 our chief is an FBI Academy graduate. You know, he's on  
13 board with this. He thinks that it's a good idea, and, you  
14 know, I can't tell you the tremendous amount of work that we  
15 put into this.

16 MR. KLECAK: I have no problem with this.

17 COMMISSIONER PETRACCO: Yeah. So I'm saying that,  
18 you know, let's try this for six months, and, you know, you  
19 have my number. You absolutely know where to find me. And  
20 keep me informed, because we want the feedback to see, you  
21 know, in six months if we're going to make this permanent or  
22 not.

23 MR. KLECAK: I just want to find a way to stop  
24 commuters from parking on (indiscernible).

25 COMMISSIONER PETRACCO: Well, if that doesn't -- I

1 have to tell you. I mean, if that doesn't solve the  
2 problem, you know, I would almost be at a loss for words of  
3 how you're going to ever stop that. I mean, if people are  
4 willing to park there and get a ticket every day, you know,  
5 maybe it's cheaper than parking in the city. I don't know,  
6 but --

7 MR. KLESAK: I don't know.

8 COMMISSIONER PETRACCO: You know, hopefully, that  
9 they, you know, follow the rules. Okay?

10 MR. KLECAK: Okay, good enough. Thank you.

11 COMMISSIONER PETRACCO: Thank you.

12 COMMISSIONER TUCCI: Can I ask what might be a  
13 silly question? Why were the signs from the old ordinance  
14 taken down, and who took them down?

15 MR. KLECAK: They didn't -- they read parking from  
16 6:00 a.m. to 10:00 a.m. It was simply a misprint of some --  
17 it should have said no parking.

18 COMMISSIONER PETRACCO: I think they were  
19 misprinted.

20 MR. KLECAK: And it said parking. So what the  
21 heck was the good of putting it up? I didn't even catch it  
22 at first.

23 COMMISSIONER TUCCI: So there was a -- I just want  
24 to ask. There was an error on the sign? The sign got taken  
25 down.

1 MR. KLECAK: There was an error on the sign.

2 COMMISSIONER TUCCI: And nothing else was posted

3 --

4 MR. KLECAK: Exactly.

5 COMMISSIONER TUCCI: -- to correspond to the  
6 ordinance that was passed?

7 MR. KLECAK: Right.

8 MAYOR SCARPELLI: I think the signs corresponded  
9 to the ordinance. The ordinance was --

10 COMMISSIONER TUCCI: Oh, so the ordinance was  
11 flawed? Oh, that's a reasonable answer. Okay. At least we  
12 have an answer. Good.

13 MR. KLECAK: All right, thanks.

14 COMMISSIONER TUCCI: Thank you.

15 MAYOR SCARPELLI: Anybody else wanted to be heard  
16 on Ordinance No. 3395?

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

19 COMMISSIONER ROGERS: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 COMMISSIONER PETRACCO: I move the ordinance.

6 COMMISSIONER ROGERS: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye, on the basis that it  
13 will be thoroughly reviewed in the next six months and the  
14 determination will be made of its value.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 Let's move on to resolutions.

20 Commissioner Tucci?

21 COMMISSIONER TUCCI: Yes, thank you, Mayor.

22 My first resolution this evening reads as follows.

23 WHEREAS, the Township of Nutley has a need to  
24 acquire specialized professional services as a fair and open  
25 contract pursuant to the provision of N.J.S.A. 19:44 A-20.5;

1 and

2 WHEREAS, the Department of Parks and Public  
3 Property has a need to acquire specialized professional  
4 services for a New Jersey Licensed Certified Tree Expert for  
5 forestry services throughout the Township of Nutley; and

6 WHEREAS, the Municipal Clerk is hereby authorized  
7 and directed to advertise for a Request for Qualifications  
8 for Township Forester;

9 NOW, THEREFORE, BE IT RESOLVED, that the Requests  
10 for Qualifications shall be due on Wednesday, October 10,  
11 2018 at 3:00 P.M. addressed to Municipal Clerk, Nutley  
12 Township Hall, One Kennedy Drive, Nutley, New Jersey, 07110.

13 I move the resolution.

14 COMMISSIONER EVANS: Second.

15 MADAM CLERK: Commissioner Rogers?

16 COMMISSIONER ROGERS: Aye.

17 MADAM CLERK: Commissioner Tucci?

18 COMMISSIONER TUCCI: Aye.

19 MADAM CLERK: Commissioner Evans?

20 COMMISSIONER EVANS: Aye.

21 MADAM CLERK: Commissioner Petracco?

22 COMMISSIONER PETRACCO: Aye.

23 MADAM CLERK: Mayor Scarpelli?

24 MAYOR SCARPELLI: Aye.

25 COMMISSIONER TUCCI: WHEREAS, on Sunday, October

1 7, 2018, the Nutley-Belleville Columbus Day & Italian  
2 Heritage Month Parade Committee will celebrate its 36th  
3 Annual Columbus Day Parade festivities commemorating  
4 Columbus' historic voyage to the New World; and

5 WHEREAS, the Parade Committee has a long history  
6 of commemorating Columbus Day each year in the Township of  
7 Nutley, which is looked forward to and enjoyed by both  
8 spectators and participants alike; and

9 WHEREAS, the Nutley-Belleville Columbus Day &  
10 Italian Heritage Month Parade Committee will celebrate its  
11 Annual Honoree Dinner on Thursday, September 27, 2018 at  
12 Nanina's in the Park, Belleville, N.J.; and

13 WHEREAS, this year's Grand Marshal is Andre'  
14 DiMino; and

15 WHEREAS, Andre' DiMino is joined by the Lifetime  
16 Achievement Award recipient, Vito Scarpelli, the Italian  
17 Heritage Award recipient, Joseph Palombini, Belleville Woman  
18 of the Year, Jeanne Lombardi, Belleville Man of the Year,  
19 Anthony Sessa, Nutley Woman of the Year, our own Sam  
20 Carella, Nutley Man of the Year, Thomas Sposato, 2018  
21 Renaissance Man, Anthony Dalbo, 2018 Italian Business  
22 Leader, Michael Maffucci, along with Community Excellence  
23 Award recipient Barbara Hirsch; and

24 NOW THEREFORE, BE IT RESOLVED that the Board of  
25 Commissioners of the Township of Nutley, County of Essex,

1 join with the citizens of Nutley to salute and congratulate  
2 Grand Marshal, Andre' DiMino, Lifetime Achievement Award  
3 recipient, Vito Scarpelli, Italian Heritage Award recipient,  
4 Joseph Palombini, Belleville Woman of the Year, Jeanne  
5 Lombardi, Belleville Man of the Year, Anthony Sessa, Nutley  
6 Woman of the Year, Sandra Carella, Nutley Man of the Year,  
7 Thomas Sposato, 2018 Renaissance Man, Anthony  
8 Dalbo, 2018 Italian Business Leader, Michael Maffucci and  
9 Community Excellence Award recipient Barbara Hirsch as they  
10 will be honored at this dinner.

11 I move the resolution.

12 COMMISSIONER EVANS: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: I vote aye, and I'd just  
21 like to congratulate our own Sam Carella, that does so much  
22 for all of us and has never said no to anyone for anything.  
23 So I'd like to congratulate you, San, and we'll be there to  
24 support you. So I very proudly say yes.

25 (Applause)

1           COMMISSIONER PETRACCO: Why don't you give a wave,  
2 Sam, so everybody knows who you are?

3           COMMISSIONER TUCCI: And Happy Birthday.

4           COMMISSIONER PETRACCO: That's right.

5           MAYOR SCARPELLI: Commissioner Evans?

6           COMMISSIONER EVANS: Thank you, Mayor.

7           WHEREAS, the Township of Nutley has a need to  
8 acquire the services of a professional Real Estate Appraiser  
9 to assist with litigation support in the matter of Sutton  
10 vs. Roche and the Township of Nutley as a non-fair and open  
11 contract pursuant to the provisions of N.J.S.A. 19:44 A-20.4  
12 or 20.5, as appropriate; and

13           WHEREAS, Hendricks Appraisal Company, 7 Hutton  
14 Avenue, West Orange, New Jersey, has submitted a fee  
15 schedule for providing such services, the total of which is  
16 not to exceed \$5,000; and

17           WHEREAS, the anticipated term of this contract is  
18 12 months, from September 19th through September 19th --  
19 excuse me, September 19th, 2018 through September 19th,  
20 2019.

21           WHEREAS, funds will be available from Account No.  
22 8-01-204-205, and have been certified by the Chief Financial  
23 Officer, said certification being attached to this  
24 resolution; and

25           WHEREAS, Hendricks Appraisal Company, LLC has

1 completed and submitted a Business Entity Disclosure  
2 Certification which certifies that they have not made any  
3 reportable disqualifying contributions to a political or  
4 candidate committee in the Township of Nutley in the  
5 previous one year, and that the contract will prohibit them  
6 from making any reportable contributions through the term of  
7 the contract; and

8 WHEREAS, the Business Disclosure Entity  
9 Certification and the Determination of Value be placed on  
10 file with this resolution;

11 NOW, THEREFORE, BE IT RESOLVED that the Board of  
12 Commissioners of the Township of Nutley authorize the Mayor  
13 and Municipal Clerk to enter into a contract with Hendricks  
14 Appraisal for the above services not to exceed \$5,000.00.

15 So moved.

16 COMMISSIONER TUCCI: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1                   MAYOR SCARPELLI: Aye.

2                   Commissioner Petracco?

3                   COMMISSIONER PETRACCO: Yes.

4                   WHEREAS, peace is not merely the absence of war  
5 and violence, but a condition where society has achieved a  
6 balance of prosperity, security, justice and hope; and

7                   WHEREAS, peace is necessary for everyone to  
8 achieve health as defined by the World Health Organization;  
9 and

10                  WHEREAS, in an effort to promote peace and work  
11 collaboratively with other cities and Nations, Nutley held  
12 the Pathways to Peace event in 2015 by creating a Street  
13 Tapestry depicting solidarity and unity; and

14                  WHEREAS, the community leaders of Nutley are  
15 committed to establishing peace in our town to promote  
16 economic opportunity and improve the quality of life of the  
17 people of our town; and

18                  WHEREAS, the United Nations has designated the  
19 21st of September of each year to be the International Day  
20 of Peace, devoted to commemorating and strengthening the  
21 ideals of peace both within and among all nations and  
22 peoples;

23                  NOW, THEREFORE, BE IT RESOLVED by the Board of  
24 Commissioners of the Township of Nutley that Nutley be  
25 proclaimed to be a City of Peace;

1 BE IT FURTHER RESOLVED that September 21st of each  
2 year to be the Township of Nutley Day of Peace.

3 I move the resolution, but before I do, back in  
4 2015, we had people from Honduras come in, and they did all  
5 that sand art on Franklin Avenue. It was really something  
6 to come out and see. It was beautifully done. It was nice  
7 to have people from another country come here and do it.

8 Sam, I don't remember the woman's name that we  
9 worked with on that.

10 MS. CARELLA: (Indiscernible).

11 COMMISSIONER PETRACCO: Yes, yeah.

12 But at any rate, there was a lot of people  
13 involved, and if we could do something down Franklin Avenue,  
14 I think it would be another breathtaking day and a step in  
15 the right direction.

16 I move the resolution.

17 MADAM CLERK: We need a second.

18 COMMISSIONER TUCCI: Second.

19 MADAM CLERK: Commissioner Rogers?

20 COMMISSIONER ROGERS: Aye.

21 MADAM CLERK: Commissioner Tucci?

22 COMMISSIONER TUCCI: Aye.

23 MADAM CLERK: Commissioner Evans?

24 COMMISSIONER EVANS: Aye.

25 MADAM CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 MADAM CLERK: Mayor Scarpelli?

3 MAYOR SCARPELLI: Aye.

4 COMMISSIONER PETRACCO: BE IT RESOLVED by the  
5 Board of Commissioners of the Township of Nutley, County  
6 of Essex, State of New Jersey that Lori Castro, an employee  
7 in the Department of Public Safety, be granted a medical  
8 leave of absence without pay effective September 5, 2018  
9 through October 5, 2018.

10 I move the resolution.

11 COMMISSIONER ROGERS: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 WHEREAS, raffle applications have been received  
23 from the following organizations; Rotary Club of Nutley  
24 License No. 32-18, Off-Premise 50/50 Cash Raffle to be held  
25 Thursday, November 15, 2018; Friends of the Phoenix Center

1 License No. 33-18 Off-Premise 50/50 Cash Raffle to be held  
2 Tuesday, November 13, 2018.

3 WHEREAS, the applications have been reviewed and  
4 approved by the Municipal Clerk and the Police Department;

5 NOW, THEREFORE BE IT RESOLVED by the Board of  
6 Commissioners of the Township of Nutley, County of Essex,  
7 State of New Jersey that the aforementioned licenses are  
8 approved and the Municipal Clerk is authorized to issue the  
9 raffle licenses.

10 I move the resolution.

11 COMMISSIONER TUCCI: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 This is Resolution No. 207-18, a RESOLUTION  
23 AUTHORIZING THE TOWNSHIP OF NUTLEY TO SIGN A NJDEP  
24 TREATMENT WORKS APPROVAL PERMIT APPLICATION ON BEHALF OF  
25 QUESTION DIAGNOSTICS INCORPORATED FOR CONSTRUCTION OF A

1 DIAGNOSTICS' EAST REGION TESTING FACILITY, 1153 BLOOMFIELD  
2 AVENUE, CLIFTON, NEW JERSEY

3 I move the resolution.

4 COMMISSIONER TUCCI: Second.

5  
6 MADAM CLERK: Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 MADAM CLERK: Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 MADAM CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 MADAM CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 WHEREAS, bids for the Harrison Street Improvements  
17 project (Section 3 - Franklin Avenue to Bloomfield Avenue)  
18 were received and opened on Wednesday, July 12, 2017; and

19 WHEREAS, D&L Paving Contractors, 675 Franklin Ave,  
20 Nutley, New Jersey, 07110 was the low bidder; and

21 WHEREAS, the bid for the Harrison Street  
22 Improvement Project (Section 3 Franklin A venue to  
23 Bloomfield Avenue) was in the amount of \$273,173.99; and

24 WHEREAS, the Township of Nutley entered into a  
25 contract with D&L Paving Contractors, Inc. for the amount of

1       \$273,173.99; and

2               WHEREAS, Change Order No. 1 to the contract has  
3       been authorized for an increase in the amount of \$13,989.63;  
4       and

5               WHEREAS, funds are available from Ordinance No.  
6       3345A, Account No. G-04-104-401 in the amount of \$13,989.63  
7       and have been certified by the Chief Financial Officer, said  
8       certification being attached to this resolution;

9               WHEREAS, the original contract is being increased  
10       in the amount of \$13,989.63 for a total adjusted contract  
11       amount of \$287,163.62;

12              NOW, THEREFORE, BE IT RESOLVED by the Board of  
13       Commissioners in the Township of Nutley, County of Essex,  
14       State of New Jersey, that Change Order No. 1 as attached, is  
15       a change from the contract previously made by the Township  
16       of Nutley with -- as the Project known as Harrison Street  
17       Improvements project Section 3 is hereby authorized and  
18       approved.

19              I move the resolution.

20              COMMISSIONER TUCCI:    Second.

21              MADAM CLERK:    Commissioner Rogers?

22              COMMISSIONER ROGERS:    Aye.

23              MADAM CLERK:    Commissioner Tucci?

24              COMMISSIONER TUCCI:    Aye.

25              MADAM CLERK:    Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 MADAM CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye.

6 WHEREAS, bids for the New Jersey Department of  
7 Transportation's "Safe Routes to School Programs for the  
8 Township of Nutley" were received and opened on Wednesday,  
9 March 2, 2016; and

10 WHEREAS, AJM Contractors, Inc., 300 Kuller Road,  
11 Clifton, New Jersey, was the low bidder; and

12 WHEREAS, the bid for the New Jersey Department of  
13 Transportation's "Safe Routes to School Programs for the  
14 Township of Nutley" was in the amount of \$319,634.00; and

15 WHEREAS, the Township of Nutley entered into a  
16 contract with AJM Contractors, Inc. for the amount of  
17 \$319,634.00; and

18 WHEREAS, Change Order No. 1 to the contract has  
19 been authorized for a decrease in the amount of (\$2,027.36);  
20 and

21 WHEREAS, the original contract amount is being  
22 decreased in the amount of (\$2,027.36) to be credited to  
23 Ordinance No. 3295A/G-04-113-401 and to reflect an adjusted  
24 contract price of \$317,606.64;

25 NOW THEREFORE, BE IT RESOLVED by the Board of

1 Commissioners in the Township of Nutley, County of Essex,  
2 State of New Jersey, that Change Order No. 1 as attached, is  
3 a change from the contract previously made by the Township  
4 of Nutley with AJM Contractors, Inc. for the Project known  
5 as "Safe Routes to School Programs for the Township of  
6 Nutley" is hereby authorized and approved.

7 I move the resolution.

8 COMMISSIONER TUCCI: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 That concludes the business portion of our  
20 meeting.

21 Madam Clerk?

22 MADAM CLERK: Yes, Mayor.

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

1 further time is granted by the board, each person shall  
2 limit their address to five minutes. All remarks to the  
3 board and its individual members must be addressed to the  
4 mayor. The mayor may defer citizen comments to the  
5 appropriate member of the board.

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

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

14 (Pause)

15 MS. BOZZA: Maria BOZZA, 209 Highfield Lane.  
16 It's really not a question, more of a statement, that I  
17 would like to ask at last meeting.

18 MAYOR SCARPELLI: Can you speak into the  
19 microphone? It's hard to hear.

20 MS. BOZZA: Can you hear me?

21 MAYOR SCARPELLI: Yes, thank you.

22 MS. BOZZA: At our last meeting, Mr. Evans said to  
23 me that he was -- he took umbrage to the fact that I made a  
24 statement relative to the information going on about the  
25 building inspector.

1 Well, I take umbrage to the fact that you  
2 vehemently -- or I guess I can't speak directly to you, but  
3 you vehemently stated that you were taught to give back.  
4 You informed us that your salary is only \$2,500. But in  
5 doing a little investigating, I found that you get more than  
6 -- not just you -- all of you get more than \$2,500.

7 You get health benefits, which the town pays for,  
8 which are tax-free. You're able to, you know, give jobs to  
9 friends and family, and that's at taxpayers' expense. So  
10 don't make it sound as though what we ask you we're  
11 infringing on your rights, because I don't think that that's  
12 -- that's appropriate.

13 And last time, you said you took umbrage to what I  
14 said, and I'm sorry for --

15 COMMISSIONER EVANS: Ms. BOZZA, I apologize to you  
16 for any misinterpretation.

17 MS. BOZZA: Please, speak louder.

18 COMMISSIONER EVANS: I apologize to you for any  
19 misinterpretation of what I said. What I took umbrage to  
20 was a suggestion that this was a good old boys' group.

21 MS. BOZZA: Yes, that's what I said.

22 COMMISSIONER EVANS: And I did not -- and I did  
23 not care for that statement. As far as your inquiry  
24 regarding the discipline of an individual, I have no ability  
25 to share that with you, because it's not allowed. Right?

1 MS. BOZZA: Yeah, but I --

2 COMMISSIONER EVANS: So I can't do that.

3 MS. BOZZA: But from what I also found out is that  
4 the -- it's not the individual who's being sued or whatever  
5 you want to -- for lack of a better word. He's not a public  
6 employee, so why can't we know that? And so, it's not  
7 covered under Civil Service.

8 COMMISSIONER EVANS: The individual that -- the  
9 individual that is being -- that has been disciplined is a  
10 public employee, and that's as far as I can go.

11 MS. BOZZA: But also, isn't there -- isn't there  
12 another individual, who's not a public employee, that's  
13 involved in this?

14 COMMISSIONER EVANS: Another -- who's not --

15 MS. BOZZA: The builder, right? The builder who  
16 was --

17 COMMISSIONER EVANS: And that's the -- that's  
18 being reviewed with counsel, which I shared very specific  
19 facts on, as much as I can share at this point in time. But  
20 so there is significant --

21 MS. BOZZA: But when will we know?

22 COMMISSIONER EVANS: As soon as it's resolved. I  
23 hope to have that done by the October 2nd meeting. That's  
24 my desire.

25 MS. BOZZA: October 2nd? Is that what you said?

1                   COMMISSIONER EVANS: It's the first meeting in  
2                   October. That's my hope, but as far as what is being  
3                   discussed with that individual, I have been advised by  
4                   counsel that, as much as I would like to share it, I'm not  
5                   allowed to share it, because it's unresolved at this time.

6                   MS. BOZZA: Okay, thank you.

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

9                   MS. RABINO: Joan Rabino, 48 North Road. We keep  
10                  talking about this individual. I have never heard the name  
11                  mentioned. Is that for some particular reason? Why isn't  
12                  his name on the record?

13                 MR. GENITEMPO: Ms. Rabino, the discipline of  
14                 employees is a confidential matter.

15                 MS. RABINO: It's --

16                 MR. GENITEMPO: It's not for public consumption.

17                 MS. RABINO: Sir, he is not an employee. The  
18                 builder is not an employee.

19                 MR. GENITEMPO: Ma'am, I'm not talking --

20                 MS. RABINO: He --

21                 MR. GENITEMPO: -- about the builder.

22                 MS. RABINO: Well, I am.

23                 MR. GENITEMPO: We're talking -- you asked about  
24                 the employee, and I'm telling you.

25                 MS. RABINO: No, I -- I did not. I said the

1 builder -- his name is not in the record, at least I have  
2 never heard it mentioned. As many times as I've been to  
3 these meetings, his name has not been exposed, if you want  
4 to call it that. What is his name?

5 MR. GENITEMPO: Ma'am, the name of the developer,  
6 if we get a resolution, will be made plain to you in a  
7 written document by the commission. It has not been  
8 resolved yet, and that's the answer that I'm going to give  
9 you. Until it's resolved, it's a potential litigation  
10 matter, and I'm not at liberty to discuss it in detail.  
11 Commissioners have committed to producing the copy of the  
12 document for the public, and I'm sure that is still the  
13 case.

14 MS. RABINO: So it's against the law for you to  
15 give the public his name?

16 MR. GENITEMPO: No, ma'am, I didn't say it was  
17 against the law. When you're dealing with litigation,  
18 potential litigation matters, you need to keep them  
19 confidential, and I'm not at liberty to discuss anything,  
20 including any of the identities of the individuals involved,  
21 the corporate structure. There's corporations involved and  
22 LLCs. So until it's public, I cannot reveal it.

23 MS. RABINO: Thank you.

24 MR. GENITEMPO: I'm sorry. Thank you.

25 MAYOR SCARPELLI: Would anybody else wish to

1 address the Board of Commissioners this evening?

2 (Pause)

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

4 Mr. Evans, I don't mean to beat a dead horse, but  
5 I'm looking at Rutgers right now. What was the name of the  
6 class that was being considered? I'm curious, because I  
7 looked at the site last week, when you had the other numbers  
8 in there, and this week. And for some reason, I just don't  
9 get this warm, fuzzy feeling that this is the end of the  
10 process to try to get this through, and I'd like to know  
11 what is the name of the class, because they have several  
12 programs.

13 COMMISSIONER EVANS: Mr. Moore, I have already  
14 commented on as far as I'm going to comment. As far as the  
15 action of the board, it's not a matter before the board or  
16 the public, because it was voted down. So therefore, I have  
17 no comment -- any further comment on it.

18 MR. MOORE: But to end it, to basically end it, I  
19 wouldn't see this on the bill list again in the future?

20 COMMISSIONER EVANS: As far as --

21 MR. MOORE: Trying to get a --

22 COMMISSIONER EVANS: -- a third --

23 MR. MOORE: Trying to get it through?

24 COMMISSIONER EVANS: As far as I'm concerned, it  
25 should have been voted this evening, but as far as -- but as

1 far as it is right now, I don't know what the future holds,  
2 and I won't speculate.

3 MR. MOORE: So if you make your second attempt --  
4 or a third attempt, I guess, will you at least publish the  
5 name of the class, because there's several programs here?

6 COMMISSIONER EVANS: At that time.

7 MR. MOORE: At that time? So you're going to try  
8 it again?

9 COMMISSIONER EVANS: I have -- I have no position  
10 on it right now.

11 MR. MOORE: Okay. Okay, because you were saying  
12 management skills or management, and on the web site, it's  
13 like there isn't any.

14 COMMISSIONER EVANS: I didn't say it was on the  
15 web site. I didn't say management skills. I said  
16 management development programs, and it's a very relevant  
17 course to what, not only the individual does in this  
18 position, but it's actually very relevant to many of the  
19 senior positions that we hold in town. So I have my own  
20 view on that. The board has taken another view on that. I  
21 don't want to comment on it any further, because it's not a  
22 matter pending right now.

23 MR. MOORE: If it comes up again, I would  
24 appreciate it if you would at least put down the class.

25 COMMISSIONER EVANS: Thank you for your advice.

1 COMMISSIONER TUCCI: Mayor, can I respond, please?

2 MAYOR SCARPELLI: Sure.

3 COMMISSIONER TUCCI: Can I respond?

4 I don't know what all the secrecy is about here.

5 MR. MOORE: I don't know, either.

6 COMMISSIONER TUCCI: The name of the course is  
7 Master of Public Administration 100 percent online. We have  
8 a difference of opinion. I respect the commissioner for his  
9 abilities. All right? This is just one issue that we do  
10 not agree on. All right? But it's no secret. There's no  
11 cloak and dagger, you know, item going on here.

12 MR. MOORE: There just appears to be cloak and  
13 dagger.

14 COMMISSIONER TUCCI: I understand that, and that's  
15 why I'm telling you what the name of the program is.

16 COMMISSIONER EVANS: So we're going to do this. I  
17 have never voted no on a bill list item for any of you. I  
18 trust my commissioners fully, under the Walsh act, to make a  
19 determination of what you need to do and why it is  
20 necessary. I trust all of you to do that.

21 COMMISSIONER TUCCI: This is not a trust issue.

22 COMMISSIONER EVANS: This is -- it absolutely is.

23 COMMISSIONER TUCCI: This is not a trust issue.

24 This is a difference --

25 COMMISSIONER EVANS: It absolutely is.

1           COMMISSIONER TUCCI: This is a difference of  
2 opinion, and you feel strongly one way, and I feel strongly  
3 another way, and I think all the people --

4           COMMISSIONER EVANS: And I don't --

5           COMMISSIONER TUCCI: -- here -- let me finish.  
6 Let me finish.

7           COMMISSIONER EVANS: And in the -- in the --

8           COMMISSIONER TUCCI: I'll give you your time.  
9 Everyone else that's listening --

10          COMMISSIONER EVANS: And in the past -- and in the  
11 past, it has not (indiscernible) --

12          COMMISSIONER TUCCI: -- all right, is entitled to  
13 know.

14          COMMISSIONER EVANS: And in the past, it has not  
15 been (indiscernible) -- everybody --

16          COMMISSIONER TUCCI: There is no secrecy here.  
17 This is not the old USSR.

18          COMMISSIONER EVANS: No, there's no --

19          COMMISSIONER TUCCI: This is the Township of  
20 Nutley.

21          COMMISSIONER EVANS: There's no secrecy here. My  
22 position is is there's not a matter before the board. As  
23 far as what the public disclosure on it, full disclosure on  
24 it. If you want to go through the curriculum of the course,  
25 I'd be happy to go through that. I don't actually --

1                   COMMISSIONER TUCCI: I know what it is. He's  
2 asking you.

3                   COMMISSIONER EVANS: -- (indiscernible).

4                   COMMISSIONER TUCCI: I don't know what the big  
5 deal is. Just tell him. Just tell him, and it's over.  
6 Thank you.

7                   COMMISSIONER EVANS: I -- it simply is a matter of  
8 my preference. You decided you wanted to go further. I was  
9 trying not to go further, right? But very clearly, this  
10 program is not only relevant to the individual I was  
11 sending, it's relevant to many of the few -- the employees  
12 of this town who are in positions of management  
13 responsibility. All of them. I think they all should take  
14 this course, and that's my opinion. All right? But --

15                   COMMISSIONER TUCCI: And you're entitled to it.

16                   COMMISSIONER EVANS: -- and that's my view.

17                   COMMISSIONER TUCCI: You are absolutely entitled.

18                   COMMISSIONER EVANS: And I made that -- and I Made  
19 that determination in my department under the Wals act with  
20 very valid reasons.

21                   COMMISSIONER TUCCI: Right.

22                   COMMISSIONER EVANS: And I would have expected --  
23 and I also would have expected that, if I was going to get  
24 an objection from it, I would have heard it before I heard a  
25 vote tonight.

1                   COMMISSIONER TUCCI: Well, if you check your  
2 email, you got it.

3                   COMMISSIONER EVANS: I exclude you from that,  
4 Mauro. You did do that. I did not hear from anybody else.  
5 I do not value the fact that the courtesy that I think this  
6 board owes one another was actually sidestepped on this  
7 issue. I don't understand why, but it does not belong here,  
8 and I don't like the direction of where it's going.

9                   COMMISSIONER ROGERS: Commissioner, I --

10                  COMMISSIONER EVANS: Well, excuse me.

11                  COMMISSIONER ROGERS: Go ahead. Go ahead.

12                  MAYOR SCARPELLI: Just ask.

13                  COMMISSIONER ROGERS: First of all, I was one of  
14 the ones who did not get in touch with you, because,  
15 frankly, this is my fault I didn't have time to  
16 read it. But I've got to tell you I object to your  
17 tone. Your implying --

18                  COMMISSIONER EVANS: My tone?

19                  COMMISSIONER ROGERS: Yeah, your tone, when you  
20 say you have never voted against any of the commissioners.  
21 You know, maybe business as usual has to come to and end  
22 here.

23                  MR. MOORE: Yes, yes. And business as usual.  
24 Thank you.

25                  (Applause)

1 COMMISSIONER EVANS: This isn't business as usual.  
2 I'm sorry.

3 MR. MOORE: Thank you.

4 COMMISSIONER EVANS: This is (indiscernible) --  
5 (Cross-talk)

6 MAYOR SCARPELLI: Gentlemen, gentlemen, please.

7 COMMISSIONER ROGERS: I was going to ask  
8 (indiscernible).

9 COMMISSIONER EVANS: When you start to say to me  
10 business as usual has to end and the work that we have done  
11 and what I've led in this department to lower the cost of  
12 operations dealing with the matters that are before us, I'm  
13 sensitive to the phraseology that you just used, because not  
14 only you, but Commissioner Petracco and Mayor Scarpelli,  
15 Commissioner Tucci, and myself have worked tirelessly to  
16 reduce the cost of operations for the benefit of the  
17 taxpayers, and we do that every single year, and we start  
18 months in advance, and I have it. So I disagree  
19 (indiscernible) --

20 COMMISSIONER ROGERS: And I haven't? And I  
21 haven't?

22 COMMISSIONER EVANS: You have.

23 COMMISSIONER ROGERS: Okay.

24 COMMISSIONER EVANS: We all have.

25 COMMISSIONER ROGERS: Thank you. Thank you for

1 clarifying.

2 COMMISSIONER EVANS: And now, yes, I said all of  
3 us, all of us. And the inference that we haven't been doing  
4 that, I believe, does more damage than good.

5 COMMISSIONER ROGERS: What inference -- let me ask  
6 you a question. How do you get the inference that I said  
7 something like that?

8 COMMISSIONER EVANS: Business as usual.

9 COMMISSIONER ROGERS: And you know what the  
10 problem is with this world today? Everybody has something  
11 to say about the person who said what they said. I clearly  
12 did not say that. I clearly did not make an inference that  
13 people weren't --

14 COMMISSIONER EVANS: Business as usual?

15 COMMISSIONER ROGERS: Business as usual, to me, is  
16 when you get a bill list, okay, and a person like me --  
17 maybe I didn't go through the whole thing, as I said. I  
18 didn't understand it. Okay? Business as usual. Rogers  
19 rubber stamped it, because, you know, this is the way  
20 business has been, and I don't think that we should be doing  
21 that. I'm not saying you're doing it. I'm not saying that  
22 any particular person's doing it, but I just don't think  
23 that's fair and that's right.

24 COMMISSIONER EVANS: Yes, I agree with that, and  
25 the other --

1 COMMISSIONER ROGERS: So --

2 COMMISSIONER EVANS: I don't disagree with you.  
3 I'm objecting to the suggestion or the inference that we are  
4 behaving business as usual. I don't think we have been  
5 doing that. We've been working very hard together to change  
6 that mindset (ph).

7 COMMISSIONER ROGERS: Well, I have to respectfully  
8 disagree with you, that I have no idea how you come to the  
9 conclusion that I made an inference that you guys, okay,  
10 were conducting business as let's just do it and get it over  
11 with. That's the interpretation I get from you, but my  
12 point is this. The tenor and tone -- that's what I was  
13 speaking about, with regard to what you were saying.

14 In my view, since you expressed your view, was  
15 accusatory -- was accusatory, as if we did something  
16 terribly wrong. We shouldn't be taking these things  
17 personal. Look, I will say, you included -- we're all  
18 looking out for the best interests of the taxpayers. In  
19 this particular case, I had some questions, questions in my  
20 mind.

21 I didn't have time to see you and talk to you  
22 about it. So I wrote a note. Will you bring it up again?  
23 Maybe you will. Maybe at that time, with an explanation  
24 that at least it is to my satisfaction, I'll go for it, but  
25 I don't understand what the rush is.

1 I don't understand why everything has to be done  
2 one, two, three, bing, bang, boom, as we're sitting here.  
3 That's all I'm saying. So that's my point of view. I  
4 respect yours. I wish you would respect mine.

5 And I've got to tell you, you know, it's something  
6 that we should not allow with regard to protecting the  
7 integrity of this institution. We should never take these  
8 things personal, never. It's business. It's business, on  
9 behalf of the public. That's all I'm saying.

10 COMMISSIONER EVANS: Commissioner, I respect your  
11 opinion. I recognize that it's business. I object to the  
12 business element. I know it's not personal.

13 COMMISSIONER ROGERS: Okay.

14 COMMISSIONER EVANS: I object to the business  
15 element of it, and you and I can take that further offline.  
16 I'll speak to you, each of you, offline about why I feel the  
17 way I do and why I am feeling the anger that I have right  
18 now and the frustration that I feel right now.

19 MR. MOORE: I'd rather you do it right here so we  
20 could hear it, too. If this is going to be a class and  
21 going to vote on it, you shouldn't --

22 COMMISSIONER EVANS: (Indiscernible) agenda  
23 (indiscernible).

24 MR. MOORE: -- speak to each individually. You  
25 should at least speak to the public so we all hear it.

1           COMMISSION EVANS: (Indiscernible). The simple  
2 fact, as I've shared, is that I have evaluated this program.  
3 The course title that it refers to I don't agree with,  
4 because it's not just for public administrators. It's for  
5 others. I spoke to Rutgers. I know the program.

6           I went through it. I've looked at the design of  
7 the program and the elements that are in it, and I did that,  
8 because I believe it's very valuable training for our  
9 employees to take, and training is necessary for everyone.  
10 It's not something that anybody who is in an executive  
11 position ignores the development of their people. I believe  
12 that very strongly, and I would take that position, only  
13 because I've spent my career, at a very senior level,  
14 driving. I'm the former chief learning officer of  
15 PriceWaterhouseCoopers. I did that role. I was nationally  
16 recognized for it, and I understand curriculum design,  
17 course design, and programming thoroughly. I would not ever  
18 make a decision that I believe is wasteful of the taxpayers'  
19 money, ever.

20           I make my decisions based upon the fact that I  
21 believe it's highly relevant and valuable for our people so  
22 that they can serve the public better.

23           MR. MOORE: And there are other ways of paying and  
24 taking this class, other than the taxpayers paying for it.  
25 There are other alternatives.

1                   COMMISSIONER EVANS: And I appreciate your opinion  
2 that you're suggesting that any employee in the Township of  
3 Nutley who needs to develop themselves and do training  
4 should do it at their own expense. I don't agree with you.

5                   MR. MOORE: I'm not disagreeing with -- but there  
6 are other methods. The taxpayers just don't have to pay for  
7 everybody to take a \$2,500 class. There are other ways.  
8 There are. There's night school. This is not offered  
9 solely at one time of the day. That's it. There's other  
10 times.

11                   COMMISSIONER EVANS: There are --

12                   MR. MOORE: They're looking at the schedule.

13                   COMMISSIONER EVANS: Thank you, Mr. Moore, for  
14 your point of view. Yes, people can go at night. They can  
15 go on weekends. They can go at other points in time.

16                   MR. MOORE: Yes.

17                   COMMISSIONER EVANS: This particular course --

18                   MR. MOORE: There's other alternatives.

19                   COMMISSIONER EVANS: And if there are programs  
20 that are at this value level and this design level that  
21 provide this value at this cost -- because these programs,  
22 at this design level, if they were taught individually at  
23 night or on the weekend, would cost significantly more by  
24 several thousand dollars. I would -- I would -- I would  
25 appreciate -- I would agree with you and I would go look for

1 that, but the fact is it's a very efficient design. It's a  
2 very reasonable price for the content of this course.

3 MR. MOORE: And it's very expensive for us.

4 COMMISSIONER EVANS: So I -- and when you -- and  
5 in my budget, training is a valuable thing for the taxpayer,  
6 and the fact that if training helps employees, not just one,  
7 but all of them do their job better, more efficiently, and  
8 that we can work with fewer employees, because they're  
9 trained better and they can do their job better, I don't see  
10 how that's more expensive to the taxpayers.

11 MR. MOORE: Thank you.

12 COMMISSIONER PETRACCO: Mayor, I'd just like to  
13 add my comments, if I can.

14 First of all, I apologize for not calling you  
15 today, Tom, but today was the first time since I've been  
16 sitting on this board that I got a bill list that only had  
17 public safety on it. That's the first thing.

18 The second thing is all these emails that have  
19 been going back and forth -- I'm still working. I've got to  
20 tell you it's been overwhelming. So that's my first part of  
21 the statement.

22 My second part of the statement is everybody has  
23 voted no, I think, except for you, Joe, for stuff that I've  
24 brought to the table.

25 You, Commissioner Tucci.

1 I don't know if you've ever voted no.

2 But I think that's healthy, Tom. I do. I think  
3 that it's healthy to disagree at times, and I think it's  
4 healthy that we have these talks and sometimes air it out.  
5 I don't -- I don't have an issue with anybody. I just  
6 happen not to have all the facts tonight, and I didn't feel  
7 comfortable voting yes on something that I'm not well-  
8 schooled in, and I know this was the second time around,  
9 that we pulled it the last time, and again, I apologize, but  
10 to -- you know, to go down that path of, you know, I never  
11 voted no, that's just not true.

12 I mean, you know maybe not on a bill item, but we  
13 have, and listen, I've gotten my back hairs up, like you  
14 have, and I get it. It's emotional, and because you're  
15 passionate for what you're doing. But, you know, it's  
16 unfortunate that, you know -- I don't think we should ever  
17 be, you know, yelling up here at one another, and I get it's  
18 an emotional thing, and everybody's passionate, but I just  
19 wanted you to hear on the record my reason for voting no  
20 tonight.

21 COMMISSIONER EVANS: Commissioner, I appreciate  
22 your view. My point -- and I want to be very clear about  
23 this -- has nothing associated with how I personally feel  
24 for any of my commissioners. I have nothing but the deepest  
25 respect for all of you. We work together. We work together

1 for the betterment of the town always.

2 I agree that we do, from time to time, have a need  
3 to disagree on a point. Okay. In my particular case, I  
4 have always gone out of my way to be clear about what my  
5 position is, and I don't let that slide. So to the extent  
6 that I'm feeling emotion about this, yes, I have a  
7 frustration about this, because I feel very strongly that I  
8 thoroughly researched something and I did the extra work,  
9 right, to make sure that I was doing something that I  
10 thought was on target. I agree that we can philosophically  
11 disagree about something, but, in my particular case, I felt  
12 that there was a thoroughness to this. So I appreciate all  
13 of your views, and that's why I said I'll talk to you  
14 personally about that.

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

17 MS. ROSSI: Yes, good evening. Tamy Rossi, 29  
18 Colonial Terrace. I have a few questions this evening.  
19 First question is has the state provided the amount Nutley  
20 will be receiving this year.

21 COMMISSIONER EVANS: Ms. Rossi, I wish they had.  
22 We have been on conversations with them every day, and  
23 multiple times today I was on the phone with them trying to  
24 get an answer to that. They have not made that  
25 determination. I need to put forth a final budget adoption,

1 which we haven't done yet. Right? We've only had the  
2 public hearing. We haven't been able to adopt, because I  
3 need that number.

4 I will be in Trenton tomorrow trying to resolve  
5 whatever is holding it up, but I'm sorry. I wish I could  
6 give you a better answer. The state has not responded yet.

7 MS. ROSSI: Okay, thank you for that.

8 My next question is three years ago, Commissioner  
9 Evans, you said you would schedule an open forum meeting to  
10 allow public feedback on the budget. Do you still intend to  
11 have that, or --

12 COMMISSIONER EVANS: Yeah, I've been -- I've been  
13 thinking about that, because I think it's important that --  
14 what I've been thinking about is OPRA requests are about  
15 documents. They're not about explanation or things like  
16 that. And unfortunately, the law doesn't allow for that.  
17 So I've been giving it a lot of thought that, yeah, there  
18 are -- there is an opportunity. And so, I'm leaning more  
19 towards having an open discussion in some fashion. I  
20 haven't figured out yet what it would be, but I've been  
21 thinking about that a lot.

22 MS. ROSSI: Okay. My next question is there was  
23 an OPRA request inquiring about a fire department policy and  
24 procedure manual, and the response by the Nutley Township  
25 Municipal Clerk on June 22nd, 2018 read as follows.

1 "Pursuant to request 382A-18, no document. So is there, in  
2 fact, no policy and procedure manual for the fire  
3 department?

4 COMMISSIONER PETRACCO: I think that's a question  
5 for our attorney.

6 MR. GENITEMPO: When we get an OPRA request like  
7 that, we forward it to the appropriate department and ask  
8 them if a document that has been identified by the requester  
9 exists. We do not vary from it. We just look for that  
10 particular document. If it's not called that or we don't  
11 have anything like that, then we respond in the manner that  
12 we did. That was the response we got from the fire  
13 department.

14 MS. ROSSI: Are there any actions being taken to  
15 ensure there is a manual in place for that, or shouldn't the  
16 fire department have that?

17 MR. GENITEMPO: The fire department has always had  
18 rules and regulations, and they are documented. So I mean,  
19 I know, I kind of, you know, --

20 MR. GENITEMPO: There may not be a manual,  
21 Commissioner. It may be just separate policies, but this  
22 was a request for a manual. You know, I kind of remember  
23 it. I don't remember it exactly, but --

24 COMMISSIONER PETRACCO: Tammy, you requested that?

25 MS. ROSSI: I did not.

1 MR. MOORE: I did.

2 COMMISSIONER PETRACCO: You did?

3 MR. MOORE: (Indiscernible).

4 COMMISSIONER PETRACCO: Okay.

5 MR. MOORE: (Indiscernible)

6 MR. GENITEMPO: Then I don't think -- I recall  
7 that. There's no document specific to that.

8 MR. MOORE: (Indiscernible).

9 COMMISSIONER PETRACCO: Yeah.

10 MS. ROSSI: Okay, and then, my next question is,  
11 Mr. Genitempo, what is the current status of --

12 COMMISSIONER PETRACCO: Excuse me one second.

13 Just, you know, I know that we don't want to get  
14 off-base here, Mayor, and I know we don't want people asking  
15 questions from the crowd. But just to answer Mr. Moore, as  
16 this information comes back to me, the reason why we don't  
17 have that document is because every building is different,  
18 and even this one, in case of an emergency. So when you ask  
19 how would you exit a handicapped person, god forbid if a  
20 fire or something traumatic. Is that what your question  
21 was?

22 MR. MOORE: It's called smoke route. It's  
23 supposed to be up there. It's (indiscernible) less than one  
24 hour, because the first thing that happens, the elevator  
25 shuts down. How do you get a handicapped person that

1 entered this building --

2 COMMISSIONER PETRACCO: Well, I asked the chief  
3 that question, okay, because I know it's coming back to me.  
4 I asked him that, and he stated to me that they don't have a  
5 plan in effect, because if a fire started in the front of  
6 the building, it would change the plan. If it started in  
7 the back, if the fire was here, if there was -- you know,  
8 the ceiling caved in. So as the emergency comes in, from  
9 what the professionals are telling me, Mr. Moore, that's how  
10 they handle it. It's kind of when they get to a scene,  
11 that's when the training and all that stuff kicks in.

12 MR. MOORE: It's called smoke route.

13 COMMISSIONER PETRACCO: I'll look into that.  
14 Write that down, please.

15 MR. MOORE: I'll send you this one.

16 COMMISSIONER PETRACCO: Thank you.

17 MS. ROSSI: Okay, thank you.

18 So, Mr. Genitempo, just curious, because I know  
19 it's been brought up in the past. What is the current  
20 status of the Nutley Township Employee Handbook?

21 MR. GENITEMPO: Sitting on my desk.

22 laughter--

23 MS. ROSSI: Oh, so it's already -- it's done, but  
24 it just needs to be proofread?

25 MR. GENITEMPO: It's in the advanced form of

1       trying to finalize it.

2               MS. ROSSI: Okay. What process is being used to  
3 complete this? Does each commissioner have their own  
4 employee handbook or --

5               MR. GENITEMPO: No, it's a town-wide one.  
6 Ultimately, when I finish the draft, I'll send them each a  
7 copy for their review, but it's really just a modification  
8 of our existing one, one that was created by the MEL ,  
9 which is really, basically, a format that we use. We just  
10 have to input all o four own individual, separate policies.  
11 So that's where the hard part comes, because we're trying to  
12 make sure that we have what we need in the -- in the manual.

13              So we have -- the basics of our existing manual  
14 are sufficient, but we want to -- we want to upgrade it.  
15 That's all.

16              MS. ROSSI: Okay, great. I have one last  
17 question.

18              COMMISSIONER TUCCI: Mayor, can I add something to  
19 that, because I am, in fact, the secretary to the MEL.

20              MS. ROSSI: Okay.

21              COMMISSIONER TUCCI: And I had this conversation  
22 with Mr. Genitempo not so long ago. We have until the end  
23 of the year to update that manual. But part of that update  
24 includes things like cyber security. It includes things  
25 like policies for our Zoning Board and our Planning Board,

1 relative to land use and exposure of the members that  
2 volunteer on those committees.

3 And the latest one -- we had a JIF meeting today,  
4 of which I'm the chairman of, all right, was we were talking  
5 about policies relative to public officials and FaceBook,  
6 because I can speak for myself. For some of us who are a  
7 bit older and not that high-tech., all right, we need  
8 guidance. I mean, my FaceBook interaction most of the time  
9 is, "Happy Birthday, Happy Anniversary," and liking  
10 something. But there are those that communicate extensively  
11 on FaceBook, and there are guidelines that need to be  
12 prepared that the MEL attorney is, in fact, preparing. And  
13 I know he's in conversation continuously, not only with our  
14 JIF attorney, but also with Mr. Genitempo and all the other  
15 attorneys for our members.

16 MS. ROSSI: Do you intend to have any policy  
17 regarding personal use of town vehicles?

18 COMMISSIONER TUCCI: I believe we already have  
19 that policy in place.

20 MS. ROSSI: Do you have that in place?

21 COMMISSIONER TUCCI: Yes, we do.

22 MS. ROSSI: There is a policy for that?

23 COMMISSIONER TUCCI: Uh-huh.

24 MS. ROSSI: Okay.

25 And then, my one last question -- as you may or

1 may not know, there is a petition for term limits on quasi-  
2 judicial boards in town, and that includes the Planning  
3 Board, the Zoning Board, the Rent Leveling Board, and the  
4 Library Board. Can each commissioner comment on whether or  
5 not you support term limits for these quasi-judicial boards?

6 MAYOR SCARPELLI: Ms. Rossi, as you know -- I  
7 already spoke with you -- I think these are volunteer  
8 boards. We have a difficult time enough getting volunteers  
9 to fill these boards to we're going to dedicate the amount  
10 of time. And I am not in favor of term limits for volunteer  
11 boards.

12 MS. ROSSI: I --

13 MAYOR SCARPELLI: I think we will be in a  
14 situation where we'll be unable to get people to serve.

15 MS. ROSSI: And I --

16 MAYOR SCARPELLI: And that's my opinion.

17 MS. ROSSI: Okay, because I get a different story  
18 from people who have asked to be on the board and been told  
19 they will never have an opportunity to serve. So I'm jus  
20 tasking.

21 Okay, Mr. Rogers, please.

22 COMMISSIONER ROGERS: Yeah, I always have  
23 supported term limits. So, yes, I'm in favor of term  
24 limits.

25 MS. ROSSI: Thank you.

1 Commissioner Petracco?

2 COMMISSIONER PETRACCO: I have heard a lot of  
3 scuttlebutt about this you know, on web sites and around  
4 town. I would have to tell you I would like to look into it  
5 a little bit more before I give my opinion. I think what  
6 the mayor said -- when I was sitting in his chair a few  
7 years ago, which is a tough chair to sit in, I would say  
8 that it is difficult at times, you know.

9 When I was mayor and looking for people, it was  
10 difficult, you know, -- everybody wants to do it until it's  
11 time to do it. But saying that, I think that there are  
12 things that need to change on those boards, a few different  
13 things, and I would -- I would raise that at another time.

14 MS. ROSSI: Commissioner Tucci?

15 COMMISSIONER TUCCI: Sure. I think there is a  
16 danger in term limits. All right? Because when you have  
17 folks who are intelligent and qualified to serve, you don't  
18 want to just turn them out because their time is up. All  
19 right? But I will admit, for some folks, maybe their time  
20 should be up.

21 So like Commissioner Petracco, I need to  
22 investigate this a little more, because I'm kind of torn. I  
23 would love to retain the folks who have been contributing  
24 and the making the hard calls and doing the investigations  
25 and putting the time in. All right? But on the other hand,

1 I mean, there are some folks who have been there in the past  
2 for years and years, and they're kind of institutionalized,  
3 and I'm not necessarily in favor of that, but I'm going to  
4 -- I'm going to look into it a bit more, and I'll have a  
5 more definitive answer for you probably the next time you  
6 ask.

7 MS. ROSSI: Thank you.

8 And, Commissioner Evans?

9 COMMISSIONER EVANS: Yeah, Ms. Rossi, I'm similar  
10 to Commissioner Tucci. You know, the --

11 UNIDENTIFIED SPEAKER: (Indiscernible) closer to  
12 the mic.

13 COMMISSIONER EVANS: Okay. Is that better?

14 UNIDENTIFIED SPEAKER: Yes.

15 COMMISSIONER EVANS: So similar to Commissioner  
16 Tucci, it's a question that really needs a lot of thought,  
17 because like my other commissioners, if you have somebody  
18 who has invested the time to go to class, to learn and  
19 actually garner a lot of experience and, in fact,  
20 intellectual capital associated with that experience, it's  
21 very hard to replace that. Where I'm -- what I'm wrestling  
22 with is when is it obvious that someone has reached the  
23 point where they no longer have the passion to do the  
24 investigative work that's necessary to sit in our quasi-  
25 judicial board. And that's the -- like Commissioner Tucci,

1 that's the question that I'm wrestling with.

2 I agree with the mayor that volunteers are hard to  
3 come by. People who are willing to commit the time to go  
4 through each application that comes before the board, to  
5 listen to the testimony, to preserve their objectivity, but  
6 do the investigative work is -- there is -- there is a point  
7 in time when that passion wanes, and there's an opportunity  
8 to replace. I don't know if that comes with an automatic  
9 term that says it expires automatically or some type of sort  
10 of review and assessment of what somebody is doing to see  
11 whether or not they still have the capacity to serve in a  
12 very effective way.

13 So I have to think about that more, but that's --  
14 I wanted to share where my head's at.

15 MS. ROSSI: Okay.

16 MAYOR SCARPELLI: But I just want to make a  
17 distinction. There is a distinction between reappointing  
18 somebody who, as Commissioner Tucci said, maybe their time  
19 is come and just automatically reappointing. So I don't  
20 think term limits really resolves that issue. I think that  
21 whoever's making the appointment -- that resolves that  
22 issue. So --

23 MAYOR SCARPELLI: Everybody has a term,  
24 right? So when the term is up, sometimes it's time to go.

25 MS. ROSSI: Right. But if you look at the number

1 of years that quite a few members of the Planning Board have  
2 served, it's greater than 15 years. That's a mighty long  
3 time, and I'm sure you're aware of the great changes Nutley  
4 is going through. It's no longer a -- I think it was called  
5 a sleepy community. It's far from a sleepy community.

6 With a density of over 9,000 per square mile,  
7 we're now becoming an urban community. With all of the  
8 developing of apartments and anticipated apartments from On3.

9 Gene Diaz (ph) came clean, and he said the traffic  
10 behind Roche is going to be an atrocity during rush hour  
11 every evening.

12 MAYOR SCARPELLI: I don't think Mr. Diaz said  
13 that.

14 MS. ROSSI: He said there was going to be heavy  
15 traffic in the mornings. I was here. I heard him say it.

16 MAYOR SCARPELLI: He didn't say it was going to be  
17 an atrocity.

18 MS. ROSSI: It's --

19 MAYOR SCARPELLI: So if you're going to quote him,  
20 quote him correctly.

21 MS. ROSSI: Okay. But still, heavy traffic to me  
22 is an atrocity, because that intersection is not equipped to  
23 deal with heavy, heavy traffic. So that's -- it's just a  
24 part, because now, you're not only affecting Bloomfield and  
25 Kingsland, people who live in my neighborhood have to look

1 for other ways to get into New York. So then, that  
2 congests the rest of the town.

3 MAYOR SCARPELLI: I can assure you, Ms. --

4 MS. ROSSI: So --

5 MAYOR SCARPELLI: I can assure you, Ms. Rossi,  
6 that we are going to look at the traffic that's generated as  
7 On3 -- we get the full picture of what On3 is going to look  
8 like.

9 MS. ROSSI: But with regard to planning boards,  
10 you know, the developing that's going on in town, the  
11 infrastructure in this town isn't even set up to handle the  
12 growing population. Our schools are already at maximum  
13 capacity. You admitted that we were at the maximum capacity  
14 for water usage. And how much more can this town handle  
15 before you start compromising the quality of life? So it's  
16 just something I ask for you to consider. Thank you.

17 MAYOR SCARPELLI: Thank you.

18 COMMISSIONER PETRACCO: If I can make a comment,  
19 Mayor.

20 I have to tell you, Ms. Rossi, I am very  
21 concerned, and I am not -- and about the residential that  
22 might go on the Roche property. I'm a firm believer in that  
23 that was commercial property. I think there's a big influx  
24 of commercial that's coming in there, like Modern Meadow  
25 , Ralph Lauren, all that, and I have to be sold on the

1 residential, which I'm not right now.

2 And I Hear what you're saying. However, you know,  
3 the way that I feel about -- you know, at one time, Roche  
4 had 10,000 people working there in their five (ph). You  
5 know, there's a lot of businesses in that area, Franklin  
6 Avenue, including mine, on Bloomfield Avenue. You have Meal,  
7 You have the Pub there.

8 I could tell you when that -- when Roche closed,  
9 it hurt all those local businesses. Any businessman that  
10 I've talked to it's been really struck, you know. And I  
11 have to tell you. You know, I drove by Roche today, and I  
12 saw all those cars back in the parking lot. They have over  
13 1,000 students in the Seaton Hall Medical School -- Seaton  
14 Hall/Hackensack Medical School, I should say.

15 I have people in there -- in my store from Seaton  
16 Hall. I mean, it is lovely to see that, but I hear you  
17 about the traffic and that stuff, too. So I think what we  
18 have always tried to do is strike a balance here, you know,  
19 of, you know, how do we collect tax rateables, how do we  
20 keep the taxes somewhat level where they're not rising worse  
21 than you know, they could be in.

22 And, you know, it was no secret when Roche left,  
23 and Commissioner Evans could tell you, you know, recite his  
24 story again that, you know, we lost a lot of rateables  
25 there. You know? So like I have always said, you can't

1 have it both ways. You can't say we don't want any  
2 development and we want our taxes to just stay the same,  
3 because the costs go up, and that's not happening.

4 But I have to tell you. I think that from, again,  
5 when I was the mayor here and we were working on Roche and  
6 Commissioner Tucci and all the commissioners. It was doom  
7 and gloom over -- it was doom and gloom over there.

8 They were saying that we were 20 years out,  
9 Commissioner Tucci?

10 Right, Mayor?

11 COMMISSIONER TUCCI: Twenty years.

12 COMMISSIONER PETRACCO: Twenty years out from  
13 fixing that problem, and I have to tell you. To see those  
14 cars in those lots and have companies like Ralph Lauren come  
15 in and other interested parties, it is refreshing, but  
16 again, the residential piece I am very up in the air about  
17 that on that site at this point.

18 MS. ROSSI: Now that you brought up taxes, you  
19 know, I think people in town have become very sensitive to  
20 the increase in taxes. And knowing --

21 MAYOR SCARPELLI: Ms. Rossi, just please try to  
22 finish up, because your five minutes has been about ten  
23 minutes.

24 MS. ROSSI: Okay, okay. Knowing that the loss in  
25 revenue we have from Roche -- is it really prudent to give

1 the increases in salaries to -- and some of these salaries,  
2 I'm sorry, for town employees, are exorbitant, and I'm not  
3 going to quote which specific positions, but there are some  
4 that are just inexcusably high.

5 And, you know, at a time like this, when we're  
6 already stretched, to give those types of raises -- people  
7 are looking at that, and they're questioning, you know,  
8 whose side are all of you on. Because we're struggling, and  
9 when you -- when you work in your own silos and then, you  
10 don't really talk to the Board of Ed. on a regular basis to  
11 discuss what's landing on each taxpayer's plate, that also  
12 drives the community to lose confident in the leadership.  
13 So I just want to leave you with that note.

14 COMMISSIONER PETRACCO: Well, I'll comment on  
15 public safety as far as that. And I don't know if you're  
16 aware of this, but I'll just comment on my own department at  
17 this time. But you know, in public safety -- and I agree  
18 with you. I think some of the salaries are extremely high.

19 However, this all started happening in 1970,  
20 Tammy. This didn't just happen with this board and all that  
21 stuff. When arbitration, which I think you're aware of --  
22 you know, what happens with police and fire. And back in  
23 the '70s, I believe they were giving 6 and 7 percent  
24 increases. Okay?

25 But how do we be competitive? You know, how do

1 you attract, you know, the talent, so to speak? You know,  
2 we have cops leaving Nutley every -- well, I can't say every  
3 day -- every year. And you know where they're going, and  
4 you know why they're leaving? Because they can make more  
5 money somewhere else.

6 MS. ROSSI: Well, sure.

7 COMMISSIONER PETRACCO: And they're going to  
8 Bergen County and --

9 MS. ROSSI: Right.

10 COMMISSIONER PETRACCO: So I don't think it's -- I  
11 don't think that the salaries -- it's fair to say that we  
12 are very generous. I mean, you know, people pretty much are  
13 getting 2 percent increases at this point. Let me just  
14 finish. Okay?

15 Which is below the state average. You know, for  
16 police and fire, there's towns that hold back the health  
17 contribution. Do you know the benefit that Nutley receives  
18 that all these cops -- all the town people are paying in for  
19 their benefits?

20 MS. ROSSI: Uh-huh.

21 COMMISSIONER PETRACCO: You know -- you know, that  
22 act, that law sunsetted last year with Chris Christy. So  
23 that became another negotiable item, you know, that they're  
24 allowed to do. You know, if -- you know, I went through an  
25 arbitration process. You know? And it is very difficult to

1 spend all that money on arbitration for attorneys and  
2 professionals to come and argue your case. By the time you  
3 get done with that, you were better off giving your guys  
4 these raises.

5 So I agree with you. I think that some of the  
6 salaries are quite high, but I have to say it's a state  
7 issue. I believe that, you know, Chris Christy was putting  
8 out a tool kit for all this arbitration stuff. You know, he  
9 started it. It never got finished, and it really ties your  
10 hands in negotiating with these people when you have that.

11 So it's not like you could just -- in the private  
12 sector, you could say, listen, you know what? This is what  
13 we're willing to pay. This is -- when you're dealing with  
14 these unions, it becomes a very entrenched proposition.

15 MS. ROSSI: I understand that. I realize I'm out  
16 of time. I would loved to have heard from some of the other  
17 commissioners to explain some of their employees' salaries  
18 in their departments and not me have to wait 'til the next  
19 meeting. Thank you.

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

22 (Pause)

23 MS.RABINO: I would really like to  
24 speak in defense of the workers. As a taxpayer, yeah, I'm  
25 concerned about how much money is spent, but if you look at

1 the salaries of, say, clerks or whoever, some of these  
2 people have been working in the town for 20 years. So their  
3 salaries have gone up incrementally, and they are at a  
4 higher level.

5 So I don't think it's fair to -- yes, some  
6 salaries, I think, are a little out of control. I will  
7 admit to that, but I don't think you're being fair, as a  
8 taxpayer, if you say these people are making too much money,  
9 if you think of the years invested in working in the town.

10 MAYOR SCARPELLI: Good point.

11 MS.RABINO: That's all.

12 COMMISSIONER TUCCI: Very good point.

13 MAYOR SCARPELLI: Thank you.

14 Would anybody else wish to address the Board of  
15 Commissioners this evening?

16 Seeing none, can we have a motion to continue the  
17 meeting 'til Thursday, at 9 o'clock?

18 COMMISSIONER TUCCI: Do we need a motion to  
19 continue, or we're just going to continue?

20 MR. GENITEMPO: You need a motion.

21 COMMISSIONER TUCCI: Need a motion?

22 So moved.

23 COMMISSIONER PETRACCO: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Petracco?

6 COMMISSIONER PETRACCO: Aye.

7 MADAM CLERK: Mayor Scarpelli?

8 MAYOR SCARPELLI: Aye.

9 MADAM CLERK: The time is 8:48.

10 (Whereupon, these proceedings were concluded at 8:48

11 PM)

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

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



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Nicole Yawn

Date: October 3, 2018