TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

CONFERENCE SESSION

TRANSCRIPT OF

PROCEEDINGS:

October 16, 2018

7:08 p.m.

BEFORE:

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

ALSO APPEARING:

Municipal Clerk

Job No. NJ3070341

Transcribed by: Nicole Yawn
MAYOR PETRACCO: Madam Clerk?

MADAM CLERK: Board of commissioners public meeting Tuesday, October 16, 2018. The time is 7:08.

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

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor.

MAYOR SCARPELLI: Thank you, Madam Clerk.

Commissioner Petracco, what do you have on the agenda tonight?
COMMISSIONER PETRACCO: I have an introduction of Ordinance No. 3400. This is the parking permit or decals. This is the second time we're going to try to introduce it. We went back and cleaned it up, and again, I have come off my platform a little bit to try to make this work out, and it's definitely going to be a pilot program, for sure, and the only thing that we changed was the -- I know the biggest thing was time enforcement from 6:00 a.m., Sam, it is?

MS. CARELLA: 8:00 a.m.

COMMISSIONER PETRACCO: 8:00 a.m. to 6:00 p.m.?

MS. SAM: Uh-huh.

COMMISSIONER PETRACCO: And that's what I was a little -- I'm a little like halvesies about, you know, because I've had some residents comes up to me about, you know, they thought it was (indiscernible). So they could park there for two hours at a time, but it's very difficult to make everybody happy. So to keep it uniform -- and I Have the chief here, which he'll talk on it, you know, out front, but --

COMMISSIONER ROGERS: It happens in my house, and we're down to two people.

COMMISSIONER PETRACCO: Yeah, exactly, exactly. So if you talk to one person, they have a different opinion than others. So --

COMMISSIONER ROGERS: And you don't repeat that,
Tammy (ph).

COMMISSIONER PETRACCO: No.

Get that?

UNIDENTIFIED SPEAKER: Uh-huh.

COMMISSIONER PETRACCO: So that's that and tonight's for introduction. Then I have a public hearing on the LOSAP. That's 3398, and then, I have a couple resolutions, insertion of -- into the 2018 budget for 5,200, and then, the medical leave of absence. That's all I have.

MAYOR SCARPELLI: Commissioner Evans?

COMMISSIONER EVANS: I just have reports for the Code Enforcement Department for December, as well as the third quarter of 2018, and I have 2 resolutions for permit fee refunds and water charge refunds.

MAYOR SCARPELLI: Commissioner Rogers?

COMMISSIONER ROGERS: I have a resolution recognizing World Polio Day, and this is of interest, especially at this day and age, because the world is on the threshold of eradicating this disease, and it's going to take a little bit more research and time, but to see that in our lifetime could really be a feat. So -- and that's all I have, Mr. Mayor.

MAYOR SCARPELLI: So you're not going to give us the little sugar cubes any more in the Dixie cups?

COMMISSIONER ROGERS: Oh, yeah, I haven't --
MAYOR SCARPELLI: I know you remember that.

COMMISSIONER ROGERS: Yeah, I do. Boy,

(indiscernible).

MAYOR SCARPELLI: Commissioner Tucci?

COMMISSIONER TUCCI: You guys remember, too. Just
make him believe.

All right, I just have an award of like
professional services --

You remember, Evans. You were there.

COMMISSIONER EVANS: Yeah, right.

COMMISSIONER TUCCI: -- for our township forester.

That's it.

MAYOR SCARPELLI: I have a couple of resolutions.

One's a contract award to AJM for Nairn Place, and the other
is to approve and authorize various raffle licenses, and the
other is to authorize the COAH settlement agreement, which
we'll hear from Mr. Inglesino, an executive, and in public.

So in addition, we have the public hearing on the density
ordinance, which I know there's still a lot of questions
that you have. So I'm going to ask that all questions and
comments be filtered through Mr. Genitempo.

Is that okay?

MR. GENITEMPO: Yes, sir, Mr. Mayor.

MAYOR SCARPELLI: And I talked to Phil Abramson
(ph) tonight, who reviewed it. He would like to address us
and give us his comments.

    Commissioner Evans posed it might be a good idea
to also have Paul Ricci here, so we have two views on
the ordinance. So the next meeting, we'll invite them, and
so, all your comments about the ordinance can filter
through, and any questions, so we can clean it up as best as
possible, because there are some inconsistencies still in
the ordinance, and we can get out input from our planners,
and we can move forward on this long-awaited density
ordinance.

    UNIDENTIFIED SPEAKER: Uh-huh, good.

    MAYOR SCARPELLI: Madam Clerk?

    MADAM CLERK: Yes, Mayor, I just have one raffle
for approval for Good Shepherd Academy for November 18th.

    MAYOR SCARPELLI: I was remiss. We also have Mr.
Kozyra here tonight. We gave him a proclamation. He was
named Essex County Lawyer of the Year. He's been our long-
time Planning Board attorney and thought it was important to
recognize him.

    MR. ROGERS: Good idea.

    MAYOR SCARPELLI: So, Mr. Genitempo?

    MR. GENITEMPO: I just have two litigation
matters, small.

    MAYOR SCARPELLI: Mr. Inglesino, just the COAH?

    MR. INGLESINO: Just the COAH.
MADAM CLERK: So contract negotiations?

MR. GENITEMPO: Yeah, for closed session, it would be litigation. I guess also contract negotiations.

UNIDENTIFIED SPEAKER: Yeah, (indiscernible), yeah, and contract.

MAYOR SCARPELLI: All right, could I have a motion to go into executive?

COMMISSIONER TUCCI: So moved.

COMMISSIONER ROGERS: Second.

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

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

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

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

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

Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

MADAM CLERK: The time is 7:15.

(Recessed to Executive Session)
TOWNSHIP OF NUTLEY, NEW JERSEY
BOARD OF COMMISSIONERS

PUBLIC MEETING

TRANSCRIPT OF

PROCEEDINGS:

October 16, 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
Municipal Clerk

Transcribed by: Nicole Yawn
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, October 16th, 2018. The time is now 7:49.

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

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor.

MAYOR SCARPELLI: Communications?

MADAM CLERK: Good Shepherd Academy has submitted a letter requesting permission to hold an on-premise merchandise raffle Sunday, November 18, 2018, at 2:00 p.m., at their address on 24 Brookline Avenue in Nutley.

I need a motion.

COMMISSIONER TUCCI: Move it.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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

MAYOR SCARPELLI: It's my distinct pleasure, on behalf of the Board of Commissioners, to congratulate Mr. Barry Kozyra, who's in our audience tonight, on becoming
the 2018 Essex County Lawyer of the Year, and we're going to
read a proclamation on his behalf, and we'll take some
comments from the commissioners, and then, we'll take
picture.

WHEREAS, Barry A. Kozyra, Esquire, was born on
April 18, 1953 and is a long-time resident of the Township
of Nutley; and

WHEREAS, Barry A. Kozyra, Esq., is a graduate of
South River High School in South River, New Jersey, the
University of Chicago (B.A. with Honors in The College and
in American History 1975) and Rutgers Law School, Newark
(J.D. 1978); and

WHEREAS, Mr. Kozyra is married to Cheryl Peduto
Kozyra and together have raised two successful daughters
Jillian and Alexandra; and

WHEREAS, Barry A. Kozyra Esq. is a founding member
in the law firm Kozyra & Hartz and is admitted to the bars
in New Jersey, New York, Eastern District of New York,
Southern District of New York, the Second, Third and Ninth
Circuit Courts of Appeal and the United States Supreme
Court; and

WHEREAS, Mr. Kozyra is a member of the Bar
Association, the New Jersey State Bar Association and the
Essex County Bar Association (Chairman of the Criminal Law
Section (1988-1989); and
WHEREAS, Barry A. Kozyra previously served as a member of the Township of Nutley Planning Board and currently serves as the attorney for the Township of Nutley Planning Board, is a mediator for the New Jersey State Chancery and Law Divisions of the Superior Court, Discovery Master, Statutory Receiver and Special Fiscal Agent for the New Jersey State Superior Court Chancery Division, Federal Arbitrator, United States District Court of New Jersey, Federal Mediator, United States District Court of New Jersey, Panelists in the Essex County Family and Chancery Early Settlement Programs, Essex County Contract Arbitrator and an Essex County Condemnation Commissioner; and

WHEREAS, Mr. Kozyra also serves as a Trustee on the Board of Trustees of the Legal Services Corporation of New Jersey, former Chairman of the St. Clare Church Finance Committee, President and Founder of the Filomena Coppola Memorial Scholarship Fund and former Chancellor of the Nutley Historical Society; and

WHEREAS, Barry A. Kozyra was named as a 2005 and 2006 “Super Lawyer” in the Super Lawyer Magazine and a 2012 New Jersey Top Rated Lawyers for Administrative Law, Civil, Trusts and Estates; and

WHEREAS, Mr. Kozyra is the recipient of the New Jersey State Bar Association’s Service to the Bar Award, the Essex County Bar Association’s General Practice Achievement
Award, the 2018 Elks Citizen of the Year Award and the 2018 Essex County Bar Association Professional Lawyer of the Year Award for his exemplary conduct, competence, diligence, demeanor and for setting a positive example for others; and

WHEREAS, it is with great pleasure that the Township of Nutley pay tribute to the overwhelming accomplishments of Mr. Barry A. Kozyra and for his steadfast resolve to succeed in life.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the Township commend Barry A. Kozyra for his distinguished contributions and accomplishments; and

BE IT FURTHER RESOLVED, that the Township of Nutley extend its sincerest congratulations to Barry A. Kozyra for being selected to receive the 2018 Elks Citizen of the Year Award and 2018 Professional Lawyer of the Year Award.

Mr. Kozyra, Congratulations.

(Applause)

MAYOR SCARPELLI: As our long-time Planning Board attorney, we appreciate the hard work you put in on behalf of the township of Nutley. It's a lot of work and effort, and we don't always get compensated the way we should for all that hard work and effort, but I'm sure it's a labor of
COMMISSIONER EVANS: Barry, you know, I thought about this once I heard about it, and my first reaction was a very heartfelt, hearty congratulations. I can't think of many people that you never hear about getting any recognition but who deserve to get much more than they actually get. Your thoughtfulness, your caring to the town, your devotion, as well as the legal prowess that you bring to the table, is very much appreciated, I know, by me, and I'm sure the Board has always been well-recognized. Thank you.

MAYOR SCARPELLI: Commissioner Tucci?

COMMISSIONER TUCCI: Yes.

Barry, this is a tremendous honor, and it's very well-deserved, not only for what you do for us here in Nutley, but what you do throughout the county, throughout the state, and everything else that you get involved in. I'm really at a loss for words to tell you how honored I am to be part of this, all right, in giving you this proclamation, because it's not often that we hear very nice things about attorneys.

(Laughter)

COMMISSIONER TUCCI: So having you recognized like
this and having you as one of our own is something that I personally will never forget. Congratulations.

MAYOR SCARPELLI: Commissioner Petracco?

COMMISSIONER PETRACCO: Thank you.

You know, Barry, the one thing I always admired about yourself and anybody, when you start from humble beginnings and to wind up in the seat that you're in and the award that you're receiving is -- you know, to me, means everything. You know, when you're born on third base when you get there, so to speak, not the same as when, you know, you're swinging from home plate. Just to mirror Mauro's words a little bit, you know, my respect for attorneys have definitely grown the last couple of years, now that my son is in law school.

So all I can say is I sure hope that you paid your parents back for all your student loans, and I hope to have received some of my money back from my son. We'll see how that goes. But all kidding around, Barry, you know, as the mayor, I worked with you on the Planning Board. A true professional all the time, and, you know, our relationship -- you know, I really thank you for fully supporting me as well. So congratulations again.

MAYOR SCARPELLI: Commissioner Rogers?

COMMISSIONER ROGERS: Barry, well-deserved, and I congratulate you and your lovely wife, who's sitting there,
who's been on this journey with you. I know full well that it is a very difficult task that you have accomplished, and you couldn't do it without your wife, and in addition to that, just reiterating what my colleagues said, I know you work hard. I know you work long hours. Have gotten some of your emails on Saturday, Sundays, night, and day. You're a truly dedicated servant, and I thank you so much, and I wish you God's blessings.

MAYOR SCARPELLI: Mr. Kozyra, will you take a picture with us?

MR. KOZYRA: Sure.

(Pause)

(Applause)

MR. KOZYRA: They never want to give me the mic., that's for sure. Anyway, I want to thank the commissioners for their great honor to me. I have notes. I wouldn't be here without family support, that's for sure.

I was talking to my brother-in-law yesterday, who heard about this award, and he said, "It's funny you get awarded for being professional of the year. Isn't that what you're supposed to do?" A good lawyer. That's what you're supposed to be.

And he said, "It's kind of sad that you're getting an award for being what you're supposed to be," and he said something about the other folks out there, but, you know,
those of you who know me know I work hard. My word is my
bond. If I tell you I'm going to do something, I try to do
it. If I'm not going to be able to do it, I call you up. I
send you one of those emails, 24/7, saying I'm not going to
be able to do it.

I do fight (ph) hard. I'm opinionated, as we all
know, but I have to say Nutley is my adopted community.
(Indiscernible) from here (indiscernible). My wife and kids
have been supportive of me all along. So I do thank you for
this award.

And for those of you who need more of me, I'll be
here tomorrow night for the Planning Board meeting and
Thursday night for another Planning Board meeting. So
you're welcome to come see me in action on behalf of the
town, but thank you very much. This is a great honor for
me.

MAYOR SCARPELLI: Congratulations, Mr. Kozyra.

(Applause)

MAYOR SCARPELLI: Let's go to reports.

Commissioner Petracco?

COMMISSIONER PETRACCO: Yes, we have our
Department of Public Safety report this month.

MAYOR SCARPELLI: Commissioner Evans?

COMMISSIONER EVANS: Yes, Code Enforcement reports
for the month of September and for the third quarter 2018.
MAYOR SCARPELLI: At this point, I'm going to bring up Mr. Inglesino to give us an update on COAH and the redevelopment at the former Roche site.

(Pause)

MR. INGLESINO: Thank you, Mr. Mayor, members of the Board of Commissioners, and the public as well. I apologize for my back. The progress on the former Roche, now Prism Redevelopment, site and Nutley's affordable housing settlement are (indiscernible). The mayor first asked me to provide an update on the progress of the redevelopment of the Roche site and then to discuss the affordable housing settlement.

Roche announced it was going to close down back in, I think, 2013 at some time. We were hired shortly thereafter to serve as redevelopment counsel, and the commissioners, at that point, were presented with an enormous challenge, and the challenge was, you know, how to reconstitute this site so that it could make Nutley a better town. The underlying zoning on that site was industrial, so you could have had a large industrial site on that project.

A large affordable housing obligation for Nutley was looming in the distance, so you could have had an enormous multi-family housing project on the site, and God knows what else, but the commissioners decided that Nutley's future, in large part, was inextricably linked to the future
of this site, and so, they decided to take matters into
their own hands, and working together with their
professionals in the community, set this site on a course
that would help shape Nutley's future.

And so, in March of 2014, the commissioners
authorized a blight study for most of the Roche site on a
condemnation basis, and this was important, because by
retaining power of eminent domain, we retain the ability to
control the destiny and future of this site. Knowing that
that may have sparked, as it did, some adversarialness with
Roche at the time, the commissioners felt very strongly that
the future of this property should be and remain in control
of Nutley.

On March 3rd of 2015, the commissioners declared
the site as a condemnation area in need of redevelopment,
and, in April of 2015, Roche filed a lawsuit challenging
Nutley's blight declaration, but I will say that, although
they filed the lawsuit, as you all know, the lawsuit was
never really litigated. It was held in abeyance, pending
the outcome of the sale to Prism, whereupon, it was -- it
was dismissed.

In 2016, the summer of 2016, the commissioners
adopted a redevelopment plan for the medical school site on
approximately 10.9 acres of the site, and the site, of
course, is a little over 100 acres in total, between Nutley
and Clifton, with about 52 or acres in Nutley and about the same in Clifton. So about almost 11 acres of the site was for the medical school, and this was important, because, you know, Roche came to the table and, you know, expressed a willingness to work with the Board of Commissioners, participated in the visioning process, which you may recall we wrote the first and the Perkman's Eastman (ph) Study that called them the best scenario, to my recollection, it would take something like 15 years to potentially build it out. We remember different scenarios potentially for the site, but the idea of a medical school for the site was something that began to be discussed and took hold and was something that the commissioners embraced and the community embraced as something that would be good for the site, because it would create the opportunity not realize a vision for the site of life sciences and development that would be related to that that would help you, not only replace the tax rateable, but would really elevate and, again, shape -- help shape future for Nutley.

Between August and September of 2016, Nutley entered into a series of meetings and passed a series of resolutions with the medical school, which again, is a joint venture, as we all know, between Hackensack and Seton Hall, which resulted in this. This was the first private medical school in New Jersey, a non-profit at that -- resulted in
them agreeing to pay Nutley the equivalent of full taxation on the site. That was an extraordinary accomplishment.

Here you have a non-profit medical school by utilizing the redevelopment tools at your disposal, were able to get a concrete agreement, series of agreements, that results in this medical school paying full taxation on the site. We also know that, in September of 2016, that Prism acquired the property from Roche. We've been engaged in the planning process for the rest of the site.

In August of this year, the commissioners approved a redevelopment plan for what we refer to as Phase II-A of the site, Phase II-A, and that is a plan, basically, for the remaining buildings on the site, other than the medical school. As we all know, Roche had taken down a bunch of buildings. There were a few buildings remaining, and the redevelopment plan pertains to those sites.

Building 1, which is now known as 100 Metro Boulevard -- this building is a 15-story, about 255 or so thousand square foot building which is being leased by Ralph Lauren, which has been announced. The redevelopment plan for Phase II-A also pertains to Building 76, which is now known as 200 Metro Boulevard, which is the other large 15-story building, which is a little over 300,000 square feet. There's Building 102, which is the modern metal building now known as 111 Ideation (ph) Way, which is a 6-story building,
consistent with about 154,000 square feet.

So the plan provides for various uses for these buildings to help facilitate, you know, tenants to go into these buildings and occupy those buildings, so that the site can realize its potential. That redevelopment plan also created the opportunity for subdivision and also designated Prism as the redeveloper and resulted in the approval of a parking garage, but that parking garage will be used exclusively for 100 and 200 Metro Boulevard, and those actions, of course, were taken by the Planning Board, under the leadership of the Planning Board attorney, Mr. Kozyra, and those members on the Board.

Currently, we're in the process of negotiating a redevelopment agreement for Phase II-A. That's ongoing. In the process of considering Prism's tax abatement request for Phase II-A, and currently planning for the future development of the balance of the Roche, now Prism, site. Some of the -- some of the issues that are being considered the various uses, making sure that those uses are linked to and consistent with the vision for the site just outlined.

The density, how dense is the site going to be; bulk standards for buildings that will be built on the site; the effects of Clifton redevelopment on the site. The Clifton site was not occupied, in large part, prior to now, with buildings, and there's a redevelopment effort going on
How are those buildings -- how is that redevelopment going to impact Nutley in the various ways?
All issues under consideration.

Traffic -- first, there's internal circulation on the site, making sure that that works. There's off-site traffic considerations that have to be thoroughly reviewed and undoubtedly result in major traffic improvements that Nutley will likely require the redeveloper to perform.

Economic impacts on the site -- this is a very significant property, in terms of the tax rateables that Nutley collects and making sure that those rateables get back, hopefully, to where they once were, or as close to that as possible and understanding impacts on services, so that all the commissioners -- I know that, as these concepts and plans for redevelopment will be reflecting on what impacts those plans might have on their departments, so that Nutley can be compensated for services.

There's infrastructure impacts on your water, on your sewer. There's things that Nutley's trying to get from the community benefit from this project, I'm sure. The inner-connect (ph) system (indiscernible), water pressure, and fire suppression issues.

There's connectivity to Nutley's business district and utilizing this new development process as a way to help
foster improvements that will benefit Nutley's business

district by creating connectivity that today does not exist.

And also affordable housing and how this site
could help satisfy Nutley's affordable housing obligations.

These impacts are important, because this site is
transforming from a closed-off, owner-occupied campus to a
multi-tenanted, potentially multi-owned campus that will not
be gated off or closed off, so the public will have -- we'll
include the public. And so, these are all of the issues
that are being carefully and thoughtfully considered and
deliberated, so that decisions that are made going forward
are ones that will be in Nutley's best interests.

Which leads me to a summary of the settlement
agreement that is on your agenda for consideration tonight.

This settlement, if approved, will resolve Nutley's
affordable housing obligation for the -- for the third
round. There have been roughly -- there's roughly 30 -- I
think in excess of 300 of these cases that have been pending
around the state, and over 230 of them have been settled.

So by settling this case, we're certainly following suit
with any of the municipalities in this state who have been
through this Mount Laurel litigation process. But first, a
little bit of context, so that the public understands what
we are talking about by Mount Laurel, Mount Laurel Doctrine
and affordable housing.
There's a little bit of the history here, and I'll get through it as quickly as I can, but I do think it's important for folks to have some understanding of the history and context, so that they can appreciate the action that's being taken tonight. Back in the early 1970s, there was a lawsuit. The Southern Burlington County NAACP challenged the zoning ordinance of Mount Laurel Township on the grounds that it excluded low and moderate-income persons from obtaining housing. The idea was that towns could zone out people with lesser means and prevent them from living in those municipalities.

And in this seminal decision, the New Jersey State Supreme Court held that the State Constitution required that each municipality plan and provide, by its land use regulations, the reasonable opportunity for appropriate variety and choice of housing, including low and moderate-income housing to meet the needs, desires, and resources of all categories of people who may desire to live in within its borders. In order to satisfy this obligation, the Court held that all municipalities, developing municipalities, must affirmatively provide a realistic opportunity for the construction of their fair share of the regional need of low and moderate-income housing. That is a constitutional requirement that is imposed on municipalities across the state and across the state, like Nutley, since 1975.
Now, despite this ruling that came down from the New Jersey State Supreme Court, many municipalities didn't do anything, and the legislature didn't do anything legislative by not enacting laws to implement the Supreme Court's decision. So in 1983, there was a case that came down that's known as Mount Laurel II, which introduces the Builders' Remedy. So in 1983, the Supreme Court upheld and affirmed its ruling in Mount Laurel I and created a mechanism to enforce its mandate, called the Builders' Remedy.

The Builders Remedy entitles developers a Court-ordered zoning designation, including density, setbacks, building heights, lot coverage, green area, et cetera, and a developer -- despite your zoning, what it means is the Court can order multi-family housing and affordable housing in any zone in the town, irrespective of how the town seeks to zone this property. If it succeeds in the Mount Laurel litigation, meaning that the developer could show that the town has not satisfied its fair share requirement establishing Mount Laurel I and if it proposes a project with a substantial amount of affordable housing, which has meant 15 percent directly and 20 percent before-sale (ph) projects of the total proposed units must be affordable to low and moderate-income housing.

And there was also a requirement that the property
be suitable for multi-family housing development, because this was significant, because in New Jersey, we're considered a whole new state. Zoning and planning is something that is done at the local level, but if the town is not compliant with its Mount Laurel requirement, then a developer can come in in any zone, sue, and get a large-scale multi-family housing imposed on the town, so long as there's 15 or 20 percent of the housing set aside for low and moderate-income housing.

So what this means, basically, is one out of five units -- one out of five units is affordable. The builder, in many cases, (indiscernible) to proceed with his project, irrespective of zoning. Well, Mount Laurel II sort of got everybody's attention in response to that.

In 1985, the New Jersey Legislature acted and passed what is called the Fair Housing Act. That act did a couple of things. Number one, it codified the Mount Laurel Doctrine.

Number two, it established a Council on Affordable Housing, known as COAH. We always hear that acronym, COAH. What does it mean? It means Council on Affordable Housing, and that is a state agency that was created under the Fair Housing Act of 1985.

The act also provides the municipality with the voluntary administrative process through which they can
satisfy their Mount Laurel obligations, in lieu of
litigating exclusionary zoning lawsuits. So rather than
waiting for a developer to come and sue you with a
(indiscernible) lawsuit, the establishment of COAH provided
voluntary mechanism whereby you could go to the state.

You could go to COAH with an affordable housing
plan and get that plan approved, or you could file a
declaratory judgment action. So municipalities again
(indiscernible) participate in COAH's administrative process
by adopting and filing housing element fair share plan that
addressed both of the (indiscernible) present and
prospective housing needs. Now, any town that filed the
housing and fair share plan with COAH could thereafter
petition COAH for something called substantial
certification, which meant that, basically, COAH approved
your plan for a particular period of time, which is known as
rounds.

So what you have here is you have the developer to
sort of have (indiscernible) of the developers', Builders'
Remedy lawsuit, and municipalities were then given the
shield of the administrative process whereby they could have
their housing plan approved and be immune from Builders'
Remedy. That's how it, basically, works, and once you have
this granted substantial certification to your plan, your
land use ordinances were rendered presumptively valid (ph)
for a period of ten years. Now, the concept here was that
COAH granted these rounds.

The concept was that COAH would say to the
municipality, here, town, is your obligation for a first
round, and the first round was actually 1987 to 1993, and
the second round was from 1993 until 1999. The COAH would
say, here's your obligation. You, town, have an obligation
to submit a plan, which showed how you were going to fulfill
that obligation through the zoning process. If the units
weren't built, it wasn't your fault. All you could do as a
town is provide the zoning and provide the ability for those
units to be built.

Now, this was not a very popular process.
Municipalities and the public did not like the fact that
unwanted, Court-mandated multi-family housing projects were
being imposed on municipalities, but frankly, back then, the
obligations, which were always significant, were not
overwhelmingly significant, but they were unpopular,
nonetheless. Now, the second round was started in 1999, and
for those of us who were around back then, we knew what
happened in 1999 and then in 2000. George W. Bush got
elected the president of the United States.

Governor Christy ripped (ph) into his time as
governor and went to become a member of George Bush's
cabinet. Don DiFrancesco because the acting governor, and
then, in 2001, Jim McGreevey, the mayor of Woodbridge, was elected governor. So guess what didn't happen during that period of time?

Third round rules were never adopted by COAH, and that was left to Governor McGreevey. Now, Governor McGreevey was mayor of Woodbridge, which was a large struggling municipality, and he understood that this concept of imposing Court-mandated housing on towns was not well-received, but he had an obligation as governor to come up with a new set of rules. So he came up with the new concept called growthshare (ph).

The concept of growthshare was, rather than the state imposing a number on the towns, instead, you would go if you grew. The more you grow -- the more you grow, the more you owe. That was the concept. So if you permitted commercial space to be built in your town, then for X number of square footage of commercial space, you had to provide Y number of affordable housing units. That was the concept, so that it wasn't as offensive to towns and the public.

These rules were challenged by Fair Share Housing Center, by the builders' groups, by a number of groups, and there was litigation that lasted from 1999, which really didn't get fully resolved until 2015. So guess what didn't happen during that period of time? Rules were never passed. Obligations were never set for municipalities, and nothing
much happened.

On March 15th, of 2015, the New Jersey State Supreme Court found that COAH's administrative process had failed and that COAH was the, quote, "more bond agency (ph)." That's what the New Jersey State Supreme Court said about COAH. This landmark decision did a number of things.

Number one is it returned the termination of municipal compliance (ph) with the constitutional net rule (ph) obligations to the courts. So now, rather than, you know, having this process that towns could go to COAH, which was probably (indiscernible), jurisdictions where compliance was with the courts in the state of New Jersey. It directed the courts to use similar processes that would have been available before COAH.

Now, this is really a recipe for dysfunction, because administrative agencies have planners on staff and an administrator. Courts don't administrate. Courts adjudicate the (indiscernible). The courts don't have planners on staff. Courts hear from experts.

It afforded municipalities some protection from Builders' Remedy actions while the obligations of municipalities were determined, and it permitted developers to file their Builder Remedy actions if a town were determined to be non-compliant. So in July of 2015, in accordance with this March ruling, over 300 municipalities,
including the Township of Nutley, filed declaratory judgment
actions seeking judicial confirmation of their compliance
with Mount Laurel and also seeking protections from the
Builders' Remedy lawsuits, and, in fact, as you know, the
Court granted Nutley immunity from Builders' Remedy lawsuits
while we went through this process of figuring out what
Nutley's obligation was going to be.

Again, approximately 230 towns have settled with
Fair Share Housing and with developers, and so, what
happened during this process is everybody had experts.
Again, because Courts adjudicate the suits, and the way
courts function is each side gets an expert, and the Court
makes the call on which expert, you know, has control. And
so, you had Fair Share Housing, who was advocating for more
affordable housing units.

They employed Dr. David Kinsey (ph) as their
expert, and municipalities across the state hired a company
called eConsult to be their expert. I will say that Nutley
has had a long history of participating in COAH's
administrative process and also received first and second
rounds of substantial certification from COAH.

So now, the litigation -- back to the litigation
-- happens (indiscernible) Dr. Kinsey and eConsult. Dr.
Kinsey had calculated Nutley's obligation to be about 500
affordable housing units. Now, again, this covers the
period between 1999 through 2015, which is called the gap
period, and then, from 2015 through 2025. But during
that period of time, Dr. Kinsey said Nutley has an
obligation for 500 affordable housing units.

Now, remember, that's only 20 percent of the total
number of units that could be imposed upon Nutley, and that
means that, under Dr. Kinsey's methodology, Nutley could
have been exposed to 2,500 multi-family housing units, of
which 500 would be low and moderate-income housing units.
That was the exposure for Nutley, and again, when we're here
in 2014 and '15 and you see what's going on with the
Roche/Prism site at that time, it's these kinds of things
that presented extraordinary challenges for the
commissioners and, I might add, your professionals. So that
was the exposure.

Your consultant, eConsult, who consulted --
represented not only Nutley, but all the municipalities who
participated in the process in the state of New Jersey (ph)
-- they calculated Nutley's obligation to be 164 units.

Now, Nutley had about 30 credits from the previous round.
So say it was 134 units or thereabouts, which still exposed
Nutley to about 675 multi-family housing units, of which 134
thereabouts would be affordable units. So we were trying to
figure out, you know, worst-case scenario, 2,500 units.
Best-case scenario, 675 total units is what we were working
We were able to reach a settlement that surpassed anything that we had hoped to accomplish, given the policy directives which we were following, which was to absolutely minimize any Court-mandated multi-family housing (indiscernible). That was the clear policy direction that I received from the Commission, and I think we accomplished that objective.

Under the agreement reached with Fair Share Housing Center, Nutley's obligation would be to adopt a zoning or redevelopment plan on the Prism site that would create the opportunity for 55 affordable family rental units, 55. That is lower than even your own expert's calculation. There is no obligation to zone for affordable housing in any other area in town.

All of your affordable housing through 2025, which is the third round and as far out as anybody could see it at the moment, will be satisfied on the Prism/Roche property. There will be no mandatory set-aside or overlay zoning requirement anywhere else in town. which is an extraordinary accomplishment that we believe accomplishes the policy goals the commissioners gave to us. This settlement constitutes an 85 percent reduction from Fair Share's calculation and approximately a 50 percent reduction from your own expert's calculation.
So again, if the policy objective here is (indiscernible) for us to minimize the requirement of, you know, the number of Court-mandated multi-family units to be imposed on Nutley, then I feel very confident (indiscernible) that goal (indiscernible) accomplished.

At this time, I'd be happy to take any questions.

MAYOR SCARPELLI: First, Mr. Inglesino, I want to compliment you for your representation of the Board in this matter and all matters that you've been handling, and thank you for the update and the civic lesson on Mount Laurel and COAH. I thought that was pretty good, and to get us to a point where we're at 55 units, rather than 500 units that we were maybe obligated to.

Commissioners, any questions, comments?

Commissioner Tucci?

COMMISSIONER TUCCI: Just that, John, I think you've done an outstanding job. This was unbelievable, the whole concept of the Council on Affordable Housing. You know what my opinion of that is. I don't have to go through it again. In some instances, it's similar to terrorism for small developed suburban towns, but nonetheless, you've done an outstanding job, and I think this is a very fair settlement. Thank you.

MAYOR SCARPELLI: Commissioner Evans?

COMMISSIONER EVANS: Yeah, John, just a point. I
don't think anyone truly understands the number of hours of
time and effort and negotiation that have gone into
achieving this decision, and I want to thank you for that.
I want to thank you for hearing our mandate, which was to
settle this, get us out of the mainstream on this, don't
wait for others to come to some conclusion, because, as we
know in all the other towns, it's still floating, and
there's a lot of, you know, uncertainty around that.

But more importantly, the aspect of the
settlement, which basically, does not obligate the town to
have to consider COAH in any other part of the town and any
future development activities, and I think that's an
extraordinary accomplishment, especially when you're aware
of the fact that, in the state of New Jersey, the shortage
in housing, which is forecast -- it is not, you know, 10 or
15 units. It's over 170,000 housing units across the state.
So that's an extraordinary accomplishment. So thank you for
listening to us and for your exceptional work.

MAYOR SCARPELLI: Commissioner Petracco?

COMMISSIONER PETRACCO: Yes, thank you.

I just want to point out one very important fact,
John, and I think you didn't stress it enough -- is that, in
the beginning of this, you know, we could have had an
additional 2,500 apartments in Nutley that would have been
mandated, you know, if it was through that 20 percent, like
you said. So, you know, again, you know, I want to commend you on your hard work, you know. To get it to 55 units, I think is, you know, unbelievable, and I know it didn't come easy for you, and I know, you know, what your work ethic is like and what you've done for the Township of Nutley.

Like Mauro said, you know, -- or the mayor, not just on this item, but, you know, everything going through Roche redevelopment, and I know we spent a lot of time together those first few years, and it was stressful, and just to see how the town is shaping up. You know, I know we can't make everybody happy, but I think we're making the majority of the people of what's going on on that Roche site and, you know, with this COAH obligation being at 55. It could have been a lot worse. So I just want to thank you for representing our town so well. Thank you.

MAYOR SCARPELLI: Commissioner Rogers?

COMMISSIONER ROGERS: John, Commissioner Petracco was truly echoing it while I was thinking. Twenty-five hundred units would have devastated our school district. Twenty-five hundred units would have change the changed of this community forever. So it was an extraordinary challenge.

You got it down to 55. The impact would be probably not even felt. Thanks for saving the town. I appreciate it.
MR. INGLESINO: Oh, thank you.

Thank you all for your -- for your kind words, but I do want to emphasize that, you know, the policy direction and the result was communicated very clearly by all of you to me several times. By the first time that I met with you, it became apparent that you all love this community. You understand what this community is and that you want to make it better, and you all had a vision on how to do that, and all I was really trying to do was to help you implement your vision. So really, that credit, you know, belongs to you.

I'm just here helping you the best way that I can accomplish these (indiscernible), and thank you for the opportunity to represent you and to represent this town, and it makes me feel good to work, you know, for people who are as professional as you are and as committed as you are (indiscernible).

MAYOR SCARPELLI: Thank you, Mr. Inglesino.

MR. INGLESINO: And then, by the way, I also extend (indiscernible) Township Attorney, Mr. Alan Genitempo, who I have really come to know and respect.

(Indiscernible) --

(Laughter)

MR. INGLESINO: We cannot talk about, you know, the (indiscernible) Nutley without having Mr. Genitempo at the top of that conversation.
MAYOR SCARPELLI: Let's move to the bills, Madam Clerk.

MADAM CLERK: Yes, Mayor.

Bill list for October 16, 2018, Public Affairs, $97,507.46; Revenue and Finance, $3,371,885.72; Public Safety, $271,218.16; Public Works, $452,562.13; Parks and Public Property, $80,979.73; Water Utility, $24,618.06. Total payroll, $953,124.21, for a grand total of $5,251,895.47.

COMMISSIONER EVANS: Move the bills.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

MADAM CLERK: That's it for bills, Mayor.

MAYOR SCARPELLI: Public comment on agenda items only?

Madam Clerk?
MADAM CLERK: Yes, Mayor.

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

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

MAYOR SCARPELLI: Anybody wish to address the Board of Commissioners on agenda items only? Seeing none, let's move to Board of Commissioner announcements.

COMMISSIONER ROGERS: We have a taker.

MAYOR SCARPELLI: Oh, I'm sorry/

Mr. Henning?

MR. HENNING: This is public action agenda items?

MAYOR SCARPELLI: It's agenda item, yes.

MR. HENNING: Congratulations on (indiscernible)
COAH obligations. It's very important (indiscernible).

What is Prism getting out of it? I mean, it's going to be
55 total units on their property. Is there expected to be
any other residential units to go there, and if so, how
many?

MAYOR SCARPELLI: Well, we don't have that number
at the present time.

MR. HENNING: But there will be?

MAYOR SCARPELLI: More than likely.

MR. HENNING: Thank you.

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

MS. O'MALLEY: Karen O'Malley, 81 Coeyman Avenue.
I'm (indiscernible) very thorough and informative. I just
have a question about something that you said -- is it okay
if I ask the attorney about this report?

MAYOR SCARPELLI: Through me, yes. go ahead.

MS. O'MALLEY: Okay. So my question was is this
housing obligated to provide any further affordable housing
outside of the Roche property; is that correct? Is that --

MAYOR SCARPELLI: There's no --

MS. O'MALLEY: (Indiscernible).

MAYOR SCARPELLI: I'll have Mr. Inglesino correct
me. There's no other further obligation, besides those --
MS. O'MALLEY: (Indiscernible).

MAYOR SCARPELLI: -- 55 units until 2025?

MS. O'MALLEY: So my question is are we allowed, as a town, to put them other places outside of that one facility. So could we spread it out, or is it going to be just congested into one all affordable housing in one area?

MAYOR SCARPELLI: It'll be -- go ahead, Mr. Inglesino.

MADAM CLERK: In the microphone.

MR. INGLESINO: In accordance with the Fair Share Housing obligations (indiscernible).

MADAM CLERK: Sorry.

MR. INGLESINO: It was important to Fair Share Housing that affordable housing -- and to the Special Master, I might add -- that affordable housing be placed on the Roche site and be part of the redevelopment there, and that is one of the ways in which we were able to effectively reduce the number even below that, which your consultant, you know, opined to. And so, you know, part of the deal is that those 55 units will be constructed on the former Roche property, and there is no -- at the moment, there is no redevelopment plan beyond, you know, Phase II-A, and while, certainly, the redeveloper has expressed an interest from the beginning to have some residential there the 55 number was
not tied to any agreed-upon, you know, number of residential
units from the current owner of the site. That's a separate
negotiation.

MS. O'MALLEY: So I'm guessing the previous
question asked (indiscernible) what percentage does that make
up of this whole new housing that would be going up
(indiscernible)?

MS. O'MALLEY: There's no obligation on our part to
have that be like 20 percent of the units built on the site.

MS. O'MALLEY: But is that a percentage of the
total --

MAYOR SCARPELLI: No.

MS. O'MALLEY: -- that's going to be
there?

MAYOR SCARPELLI: No, it's not.

MS. O'MALLEY: So then it could --essentially,
it could be just 55 housing units there complete on the
site?

MAYOR SCARPELLI: It could be.

MS. O'MALLEY: But we don't know that?

MAYOR SCARPELLI: Correct.

MS. O'MALLEY: Okay. Thank you.

COMMISSIONER TUCCI: Well, hold on.

Mr. Inglesino, correct me if I'm wrong, but right
now, our only obligation is the 55 units on that site.

MR. INGLESINO: That's correct. Your only obligation --

COMMISSIONER TUCCI: Right.

MR. INGLESINO: Which is an obligation as part of the settlement agreement. It's not an obligation to Prism.

COMMISSIONER TUCCI: Right.

MR. INGLESINO: Your only obligation under this agreement is to plan for -- which would mean either to zone or to enact a redevelopment plan, which is the functional equivalent of permitting 55 affordable housing units on this site.

COMMISSIONER TUCCI: On that site.

MR. INGLESINO: And that is not part and was not negotiated with the developer, Prism. That is an obligation that the municipality is determining to place on Prism, and, you know, whatever Prism seeks to negotiate going forward, it certainly is free to do, but it's -- it's not linked to the settlement agreement that is being acted on tonight.

MS. O'MALLEY: One more question. And is that public housing (indiscernible)? Is that the housing that the municipality has to put there, or is that private housing that developers would be installing?

MR. INGLESINO: So it's not public housing. I knew I -- I know I threw a lot of information at you, and I
-- I had to actually really try to think through how much information was too much, but -- even for me at times. But the municipality's obligation is to provide a realistic opportunity for the affordable housing to be built, which generally means that the obligation for the town is to zone for it to be built. The town has no obligation to build it. The housing will not be public housing that you might think of, you know, a town or a housing agency building -- you know? It's not that way.

It is to provide a reasonable opportunity for the housing to be built, and typically, you know, these are built, you know, by developers, and they have to follow the requirements that are set forth in the COAH regulations, because although COAH was disbanded -- and this is where we really get to the A.P. class on COAH. There are certain regulations of COAH that have survived and that govern affordable housing going forward.

MS. O'MALLEY: Thank you.

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

Seeing none, let's move to commissioner announcements.

Commissioners, any announcements?

COMMISSIONER PETRACCO: I actually have one today. I'd just like to say that I was invited to the Nutley
Lacrosse team's annual fishing trip, and I have to tell you I never caught so many porgies in my life. I never baited so many hooks for kids in my life, but I have to tell you it was an excellent trip, and, you know, everybody that ran it, from the coaches -- and there was a lot of Nutley people there. It really is the spirit of Nutley, you know, what we do here and how people get involved and how people come out.

It was a bunch of fresh new faces for me, not having, you know, my son in lacrosse, my youngest one anyway. You know, there's a whole new -- whole new people here that, you know, are moving from other towns, and it was just really nice to shake their hands, and they have actually had a lot of good things to say about the town, which was really refreshing as well. So here's to Nutley lacrosse.

MAYOR SCARPELLI: Thank you, Commissioner.

All right. Ordinance introductions?

Commissioner Petracco?

COMMISSIONER PETRACCO: Yes. Before I introduce this ordinance for introduction -- this is our parking ordinance. So I'd just like to ask the chief to come up and to say a few words of what he's been dealing with at the police department the last couple years with things that affect this ordinance.
CHIEF STRUMOLO: Here are some of the complaints we're receiving regarding some of the streets in the ordinance, Highfield Lane, Edison, Oakley Terrace and Conduit. We're adjusting the parking to allow parking permit to two hour limit; 8AM to 6PM is the standard two-hour limit in all zones. So this is just allowing the residents on the streets to apply and have the stickers to be exempt from the two-hour limit. So they can park on the street for a few hours, and it seems like that will alleviate a lot of the concerns that some have with commuter people parking in the area and the neighborhood. So I think we'll try it for six months and evaluate it and make any adjustments that need to be made we'll make them at that time.

MAYOR SCARPELLI: Okay.

Any questions, Commissioners?

COMMISSIONER ROGERS: Chief, I'm going to take this opportunity. I want to thank you and the police department for the extraordinary work that you've been doing. I've been reading a lot about some of these burglaries, these car burglaries, but I'll tell you what. Commissioner, when you read the end of the story and the Nutley Police apprehended these thugs, I've got to tell you, it makes you feel safe.

Commissioner, thank you -- or, Chief, thank you.

CHIEF STRUMOLO: Appreciate the support. Thanks.
COMMISSIONER ROGERS: Thank you.

MAYOR SCARPELLI: Commissioner?

COMMISSIONER PETRACCO: Okay. This is Ordinance No. 3400, an ordinance to amend the ordinance codified in the Code of the Township of Nutley, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING ON CERTAIN STREETS), SECTION 11 ENTITLED “PARKING TIME LIMITED” AND SECTION 32 ENTITLED “PERMIT PARKING”.

Let's see. I don't have my little saying in here. You got one?

Thank you, Commissioner Rogers.

I move that this ordinance be passed through its second reading and advertised in the Nutley Sun, together with the notice required by law and that further consideration of said ordinance for final passage by the Board of Commissioners be held at its second reading. I believe it's November --

MADAM CLERK: November 20th.

COMMISSIONER PETRACCO: What is it?

MADAM CLERK: November 20th.

COMMISSIONER PETRACCO: When is it?

MADAM CLERK: November 20th.

COMMISSIONER PETRACCO: November 20th, 2018.

I move the ordinance.

COMMISSIONER ROGERS: I second.
MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.
MADAM CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.

Let's move to public hearings.
Commissioner Petracco?
COMMISSIONER PETRACCO: Okay, this is on the LOSAP, Ordinance No. 3398, ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 96, ENTITLED "LENGTH OF SERVICE AWARDS PROGRAM". I move that we open the public portion of the meeting.
COMMISSIONER ROGERS: Second.
MAYOR SCARPELLI: Would anybody like to be heard on Ordinance No. 3398?
Seeing none, I move to close.
COMMISSIONER ROGERS: Second.
MADAM CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Just before I vote, I'd just like to thank everyone that had something to do with this ordinance. I know Sam Carella's here, Fire Chief Nicoletti, or Deputy Chief Paul Caffone (ph), all the members of the volunteers. This has been a work probably in process since the -- since I've got on this Board with all these volunteers. So I just wanted to thank the Board of Commissioners and the mayor for your support.

I'd like to thank all the volunteers for their patience, and I really think that it's been a long time coming.

So I vote aye.

MADAM CLERK:

MAYOR SCARPELLI: Aye.
I know we had scheduled the public hearing on the density ordinance.

COMMISSIONER EVANS: Excuse me. We've got to move the ordinance.

MAYOR SCARPELLI: Oh, sorry.
Move to more the ordinance.
COMMISSIONER PETRACCO: I thought I did. I'm sorry. I'm --

COMMISSIONER ROGERS: Move to close the public hearing.

COMMISSIONER PETRACCO: And to that, I move the ordinance. Thank you.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: I just want to comment. On introduction, I incorrectly voted no. I just wanted to say I wholeheartedly vote yes on this ordinance.

MADAM CLERK: Commissioner Petracco?


I vote aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

Well, that's what I would say. You know, a long-awaited density ordinance we had scheduled for a public hearing tonight -- the commissioners are still working
through the details or the ordinance with a lot more
questions that have come up over the last two weeks. We're
going to ask all the commissioners to filter their comments
through Mr. Genitempo, and then, we're going to have our two
planners come in and help us work through, so we can finally
get this ordinance passed and, you know, put some density on
mixed use. So we're just moving forward on that, and it's a
longer process than anybody anticipated.

Let's move to resolutions.

Commissioner Rogers?

COMMISSIONER ROGERS: You know, I have a
resolution -- before I present it. It deals with polio.
Normally, I don't read resolutions, but I'm going to read
this one. I remember, as a kid growing up in Brooklyn, we
had a relative who used to limp around, and I remember
asking my mother what happened to -- he was Junior. He was
a cousin, and I remember my mother telling me that he was
afflicted with polio before there was enough of vaccinations
that came out.

And, you know, I listen, as you do, to the
news, and we just, you know, are inundated with so many
things in life, but you know what really counts? Our health
and the fact that we are in a position, whether we're in
government or private industry, to do something about it,
and I'm going to read something to you tonight where you're
going to hear some extraordinary developments regarding polio.

WHEREAS, polio mainly affects children under the age of 5 -- can you imagine that? Under the age of 5 -- and
WHEREAS, there is no cure for Polio but it is preventable with a vaccine; and
WHEREAS, polio cases have dropped by 99.9 percent since 1988 and the world stands on the threshold of eradicating this disease -- and, boy, wouldn't it be great to see that eradicated in our lifetime? And
WHEREAS, if polio is not eradicated within 10 years, as many as 200,000 children could be paralyzed by it each year. A polio-free world will be a safer world for children everywhere;

NOW THEREFORE BE IT RESOLVED that the Board of Commissioners, in the Township of Nutley, County of Essex, State of New Jersey, recognize October 24, 2018 as WORLD POLIO DAY.

Now, here's the neat part of this. And commends the global network of the Rotary Organization, including the Nutley Rotary Club -- Commissioner Petracco, you talked about some of the extraordinary things our township does.
Well, boy, I'll tell you. If you ever want to see a club -- and all of them are great clubs, but I know the Rotary Club is really outstanding. The Nutley Rotary Club and their
efforts to build awareness, fundraise, and encourage governments to donate to and support polio eradication efforts around the world.

So moved.

COMMISSIONER PETRACCO: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

Commissioner Tucci?

COMMISSIONER TUCCI: Yes, thank you, Mayor.

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

WHEREAS, the RFQs for Township Forester were received and opened on Wednesday, October 8, 2018;

WHEREAS, the most responsible and responsive request for qualifications was from The Shade Tree
Department LLC, John Linson, P.O. Box 6089- West Orange, New Jersey 07052; and

WHEREAS, The Shade Tree Department LLC, has provided these services in the past to the Township of Nutley and is particularly suited to provide continued service; and

WHEREAS, the term of this contract is for a one year period commencing on October 1, 2018 and continue through September 30, 2019; and

WHEREAS, the contract is not to exceed $22,000 and funds are available from account 8-01-512-200 in the amount of $5,505 and 9-01-512-200 in the amount of $16,495; funds have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, Stat of New Jersey, that a contract be awarded to The Shade Tree Department, LLC, John Linson as described herein. The response to the Request for Qualification be placed on file with this resolution, and a notice of this action shall be printed once in the Nutley Sun in accordance with the Local Public Contracts Law.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?
WHEREAS, the Code Enforcement Department received a zoning permit fee in the amount of $75.00 from Sheldon & Glory Nidhan for property located at 197 Van Winkle Avenue; and

WHEREAS, Sheldon & Glory Nidhan are not moving forward with the sale of their home; and

WHEREAS, the Zoning Official has determined that the fee of $75.00 shall be refunded to Sheldon & Glory Nidhan;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that the Township Treasurer is
authorized to refund the Zoning Permit fee in the amount of 
$75.00 to Sheldon & Glory Nidhan.

So moved.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: BE IT RESOLVED, by the Board 
of Commissioners of the Township of Nutley, in the County of 
Essex, State of New Jersey, that the Treasurer be and she is 
hereby authorized to refund overpayments of the water 
charges in the amount of $3,772.58 for Block 9302, Lot 10.

So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER EVANS: Thank you.

MAYOR SCARPELLI: Commissioner Petracco?

COMMISSIONER PETRACCO: Yes, this is Ordinance No. 232-18. Just to save a little time, I'll read it -- I'll read it by number. This is for bullet-proof vests. It's a budget insertion of $5,284.

I move the resolution.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.
COMMISSIONER PETRACCO: BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that Anthony Barino, an employee in the Department of Public Safety, be granted a medical leave of absence without pay effective September 5, 2018 through December 5, 2018.

I move the resolution.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: That's all I have.

MAYOR SCARPELLI: WHEREAS, bids for the Nairn Place Roadway Improvement Project were received and opened on Wednesday, September 26, 2018; and

WHEREAS, AIM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey, 07011, was the low bidder; and
WHEREAS, the Base Bid for the Nairn Place Roadway Improvement Project is in the amount of $143,811, for a total bid amount of $143,811; and

WHEREAS, funds are available from Account No. G-04-104-40 I/Ordinance No. 3345A in the amount of $143,811 and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to AJM Contractors, Inc., not to exceed $143,811 and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.
WHEREAS, raffle applications have been received from the following organizations, Rotary Club of Nutley License No. 35-18, off-premise merchandise raffle be held Saturday, December 1st, 2018; HSA Fairview of Bloomfield License No. 36-18, on-premise merchandise raffle, and License No. 37-18 on-Premise 50/50 cash raffle to be held November 30th, 2018; Good Shepherd Academy, License No. 38-18 on-premise merchandise raffle, and License No. 39-18 on-premise 50/50 cash raffle to be held on Sunday, November 18th, 2018.

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

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

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

This is Resolution 238-18. I'm going to shorten this a little bit.

WHEREAS, over the past decade, the New Jersey Council on Affordable Housing has failed to adopt constitutionally compliant Third Round Rules that have withstood judicial scrutiny; and

WHEREAS, the parties have agreed to enter into a written settlement agreement to memorialize the terms and conditions of settlement, as well as the respective obligations of the parties; and

WHEREAS, the Board of Commissioners finds that it is prudent to enter into a settlement agreement with FSHC to avoid the time and expense of continued litigation.

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, as follows:

1. That the aforesaid recitals are hereby adopted and incorporated herein as if repeated in full; and

2. That the Mayor be and is hereby authorized to execute, and the Township Clerk be and is hereby authorized to witness, a settlement agreement resolving the Township's
DJ Action, in a form and content acceptable to counsel for
the Township; and

3. That the Township administration, planner, and
counsel for the Township be and are hereby authorized to
undertake all reasonable and necessary steps to effectuate
the foregoing; and

4. This Resolution shall take effect immediately.
I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Before I vote, I'm going to
expand a little bit of what Commissioner Tucci said
regarding COAH. Since the 1970s, our township and
municipalities across the state have been victimized by
judicial overreach. It is sickening to me that the courts
have the power to determine the destiny of any community in
this state. And I've looked into this for quite some time
and I've been told there is absolutely nothing we can do
about it.

I'm sure if it was up to our municipality as
well as others, we would just say hey, you know, we'll
determine what is right for our community. I hope down the
road some of the citizens here and maybe some of the
listening will take some action with regard our state
legislature that puts heavy burdens on municipalities like
ours. Judicial overreach, folks, is not good for anybody, but saying that, I'm glad that we have a Board of Commissioners and an attorney and our town attorney, Mr. Genitempo, who is really on top of this and minimize the real negative impact that this could have had on us. But I would just hope you remember those two words, judicial overreach. This is not the end. This is going to go on and on for a long time.

But I vote yes.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

That concludes the business portion of our meeting.

Madam Clerk?

MADAM CLERK: Yes, Mayor.

All persons addressing the Board of Commissioners regarding community concerns should approach the microphone and provide their name and address for the record. Unless further time is granted by the board, each person shall
limit their address to five minutes. All remarks to the
board and its individual members must be addressed to the
mayor. The mayor may defer citizens' comments to the
appropriate member of the board.

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

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

MS. ROSSI: Yes, Tammy Rossi (ph), 28 Colonial
Terrace. Good evening. As one of the founders for the
Nutley Coalition for Change, I just want to inform you we
continue to receive signatures for the petition for term
limits on the quasi-judicial boards, including Planning
Board, Zoning Board, Rent-Leveling Board, and Library Board.
I know I've been asking each of you where your stance is on
term limits for these boards, and I just want to remind you
campaign season is around the corner, and the citizens of
Nutley are watching for each of your responses.

So I'd like to revisit this one more time tonight
and ask each of you where your stance is on term limits for
these boards, starting with Commissioner Rogers.
MAYOR SCARPELLI: Ms. Rossi, we're going to have you -- you can make your public comment, and then, the commissioners will respond to you at a later time. Okay?

MS. ROSSI: Okay.

MAYOR SCARPELLI: Just continue your comments.

MS. ROSSI: Okay. Well, then, my next question would be, Mayor Scarpelli, at the last meeting, you said you would be open to receiving applicants to fill the opening positions. So from what I can see, the Planning Board has four positions opening up in December. The Library Board has one. The Rent-Leveling Board has two positions. The Shade Tree Commission has six, and the Board of Adjustments have five positions.

So, Mayor Scarpelli, will you announce these positions on each of these boards on the Nutley Town email notification system, as well as the town cable channel?

MAYOR SCARPELLI: Continue, Ms. Rossi.

MS. ROSSI: Okay, and then, my last question is for Mr. Genitempo.

What is the status of the Employee Handbook, and will there be an anti-nepotism policy included in the Employee Handbook?

MAYOR SCARPELLI: Thank you, Ms. Rossi.

Anybody else wish to address the Board of Commissioners this evening?
MR. HENNING: Neil Henning, 31 Terrace Avenue.

Besides the (indiscernible) are there any other tenants in the Davis building at this time?

MAYOR SCARPELLI: Excuse me, Mr. Hadding. Can you speak into the microphone?

MR. HENNING: Sorry.

MAYOR SCARPELLI: Could 't --

MR. HENNING: Besides the Saul's Upholstery (ph), are there any other tenants in the Davis Building at this time?

MAYOR SCARPELLI: Continue, Mr. Hadding.

MR. HENNING: If so, what is the rent? Has it tried to rent any portion of that building, and what are the plans for that building now? So we're just going to run through all the questions and then, after? Fine.

MAYOR SCARPELLI: Correct.

MR. HENNING: Has Ciccolini Property been subdivided yet? Now, we are two years owning that property. My understanding is that we were going to subdivide it and sell it off. What is the plan for that property now?

Can you tell me if each of the commissioners is endorsing this school referendum in November? I'd like to hear from each one if they are endorsing it and throwing their full weight behind getting that passed.
And are there heavy commercial vehicles allowed to
be -- use municipal parking rent -- and like basically rent
municipal parking on a monthly basis? And if so, what is he
process for that, and what is the rent?

And lastly, I'd like to know if there's any
ongoing FBI investigations currently being done on any of
the municipal government agencies in town. Thank you.

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

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

COMMISSIONER ROGERS: I make that motion.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

Commissioners wish to address any of the comments
this evening?
COMMISSIONER TUCCI: I want to address the one on the Davis Building. The only tenant left in the Davis Building is Sauls, the upholstering company there.

And you asked about our plans moving forward. As I'm sure you're aware, Neil, we originally purchased that building on behalf of the Board of Education in light of the referendum and the needed expansion in the middle school, and it is our intention and -- and any commissioner wants to correct me -- to sell that property to the Board of Education, so that, if and when, they pass a referendum that is acceptable to the citizens of the township, that they'll have the property available to expand.

MAYOR SCARPELLI: Thank you, Commissioner.

Does anybody else wish to address any of the comments made tonight?

COMMISSIONER ROGERS: Yeah, Mr. Mayor, since I was asked a question, I'll answer it about term limits.

Look, it's public knowledge I am fully, fully in favor of term limits for boards.

Ms. Rossi, since the last meeting, I did some research, and to my surprise, there are many, many, many municipalities across this country that have passed resolutions that would impose term limits on volunteer boards. And the preamble to most of these resolutions was to increase participation, to increase public engagement.
I think it's a healthy thing. So here's what I'm doing. I'm putting together some framework for a resolution with the idea of addressing some of the concerns that my colleagues had, and they're legitimate concerns, about people who have been on boards and who have a lot of corporate knowledge over a period of time, but also, in the event that there are not people stepping up to volunteer.

It's a good safety gap to make sure that the Boards are continuing their work seamlessly. But I'm putting together a framework and I'm going to sit down with each of our -- my commissioners and discuss it, but I will, without any doubt, the second meeting of November introduce that resolution.

But I would ask, and I think this is important, that whether it is yay or nays, that everyone's opinion is respected. Just because I'm for it, it may mean that another commissioner is not for it, for very legitimate reasons. But this is what democracy is about to have a civil, constructive discussion publicly about very critical issues like this.

So my answer directly is yes. I gave you a time table. I'm committed to that. Look, this is nothing new. I've been all over the darn country on every T.V. station talking about this issue. Well, I think I'm obligated to at least address it here at home. Thank you.
MAYOR SCARPELLI: Commissioner?

COMMISSIONER PETRACCO: Thank you. As far as the term limits, you know, I've been looking into that and I've had many conversations with Commissioner Rogers about it also. I just want to reflect back to when I was the mayor. I could remember I was in a really difficult situation. You know, there was someone I went to Nutley High School with and their father was on one of the Boards. And he was getting older, and not as interested in it as I thought at the time, but a great guy, a great family, all that stuff. And it very difficult for me to make that phone call to him and let him know that I wasn't going to reappoint him again. And you know, to my surprise, the guy thanked me and he came to the Commission meeting and thanked me too, because he really did have enough. And his son called me and thanked me, and I was shocked, you know. And it was kind of like a phone call where he said to me, "I never thought you were going to ask for me to go." And he did have enough.

So I think that -- I'll wait for the resolution, Steve, you know, for you to present us with the resolution and I'll review that. But I am leaning towards, you know, that there should be something in place that, you know, people do get tired of it. They're not as fresh as they were. And it's very difficult for, you know, a Mayor, you
know when I was sitting in that seat, I actually took people
off the Boards too -- or I didn't -- I never took anybody
off, but I did not reappoint some people.

And it's a very tough situation to be in as the
mayor. And I have to tell you, that's one of the situations
I don't miss at all, you know, to be perfectly honest with
you. But I think that in the future -- I think, Tammy, the
world is changing and I think that, you know, Nutley has to
change a little bit as well. Thank you.

COMMISSIONER TUCCI: Mayor, can I also comment on
that?

MAYOR SCARPELLI: Sure.

COMMISSIONER TUCCI: Tammy, when you asked this
question last time, you know I was torn about this, all
right? Because there are some folks, as some of the others
already said, who have gotten tired and maybe not as
interested, but still care about the Town and love the Town,
all right? And there are those that are up and coming that
want to get involved, and what to participate.

Well, I do need to tell you that after having
several conversations with Commissioner Rogers about the
broad framework of what he's proposing, I am absolutely open
to the idea. It's not a commitment yet, but I am absolutely
open to listening and to seeing exactly how that shakes out.
And let's all just keep in mind that it's not like we have
thousands of people beating down the doors to serve on some
of these Boards. This takes a lot of time and a lot of
energy. Thank you, Mayor.

MAYOR SCARPELLI: In regards to the appointments,
i welcome anybody's resume. I actually got one this past
week. So I welcome anybody's resume that's willing to serve
on any of the Boards. As people's appointments come up,
we'll consider them, put in their service. And I think as
the appointing authority, that's your decision to be made.
If someone is getting tired, they need to be replaced,
that's fine. You have to make that decision. That's what
the appointing authority is there for.

And any new people that are out there want to
serve, we certainly welcome their resumes to be considered.

COMMISSIONER EVANS: Mayor, the only other comment
that I will add is that -- (indiscernible) and as you heard
me say the last time, I truly believe that people who serve
on these Boards, by and large, are very dedicated. All
right? You saw us tonight honoring Barry Kozyra for his
service. And when you think about his role, and what he
does, and the passion that he brings to that Board each
time, and the colleagues that I sit with, right? There's
much that I think -- that's valuable about the process.

I think we need to actually learn more about the
selection process, what that would be. I agree that the
measure should be one's willingness to commit to do the job the way the job is meant to be done. And so when you think about the corporate capital, the training that they have to go through, just the experience that you have to go through, and getting used to the idea that on these Boards -- the Zoning Board especially and the Planning Board -- that they're quasi-judicial Boards. You sit there as a judge. You have to listen to testimony, not the emotion of what you think, not the emotion of what you think other people think you should do, but to sit there with the strength and the fortitude to listen to objective testimony or what's in front of you. And then to propose -- that says, "Look, if we're approving something we don't like, make recommendations to understand how, for example, our rules should evolve because things are changing."

So I'm very interested. I didn't know about Commissioner Rogers' position of putting together a resolution. I'm very interested, Steve, in learning more about that.

COMMISSIONER ROGERS: Nobody knew except -- until tonight. So I hear you.

COMMISSIONER EVANS: So just that idea. And the other thing is that I've watched the Mayor -- the present Mayor struggle and the former Mayor struggle to search for qualified candidates, people with a desire.
So one of the aspects that you have talked about is, is there a process that could be in place that if people are interested, they can submit an application and that they can go be screened, to me, that would be a huge step forward. So even if we were just able to accomplish two things: make sure that the people that we're serving are passionate about doing their job to the best that they can do; and two, have a ready list of candidates that are available and willing to do that, or willing to make the commitment, (indiscernible), you know, that would be a giant step forward in and of itself.

But I will reserve to see what Commissioner Rogers crafts.

MAYOR SCARPELLI: Does anybody else want to address anything else tonight?

COMMISSIONER ROGERS: Thanks, Mayor.

MAYOR SCARPELLI: The heavy equipment on Township owned parking lots. The only heavy -- Mr. Henney (ph), the only heavy equipment that is being rented currently is on the Ciccolini property because they were there previous and we honored the commitment that Mr. Ciccolini made to them. Other than that, there's no other heavy equipment and I believe they're paying $100 a month.

Mr. Genitempo, do you want to comment if there's any FBI investigation into any of the departments of the
Township of Nutley?

MR. GENITEMPO: Yes, Mr. Mayor. As far as I am aware, there are no FBI investigations involving any aspects of the Township. I believe I would be made aware, but I am not aware of any such investigations.

MAYOR SCARPELLI: And the -- how about on the subdivision of Ciccolini --

MR. GENITEMPO: Yes. Mayor, one of the reasons why that hasn't been addressed is because we needed to know what our COAH obligation might be and where we would have to resolve it. Now that that's getting cleared up, I anticipate that we can move forward as soon as that is approved and start to take action with regard to Ciccolini.

MAYOR SCARPELLI: Any other comments, Commissioners?

MR. GENITEMPO: Mayor, just one comment in response to Tammy's question. I wish I could say that I have it done, but I don't. I'm working on it. It's right here. I'll -- it's this thick. I'm really working at it, but it's just taking me more time. And I -- the Commissioners will determine if there's going to be a nepotism policy, but there is currently going to be one -- some type of form of one.

I don't know what it's going to finally look like, but they have to make that determination.
COMMISSIONER TUCCI: Mayor, just as a point of reference, and Alan, correct me if I'm wrong, but concerning any nepotism policies and/or ethics policies that are not addressed presently, I believe we revert to what, the state policy?

MR. GENITEMPO: Yes. We are always subject to the state policies on that and --

COMMISSIONER TUCCI: Right. So it's not that we're without policies --

MR. GENITEMPO: Right.

COMMISSIONER TUCCI: -- it's just that we may be sharing the state's policy.

MR. GENITEMPO: And as to the ethics, the handbook will basically say we are subject to the state ethics policy for the most part.

COMMISSIONER TUCCI: Great. Thank you.

MAYOR SCARPELLI: If nothing else, Commissioners, I look for a motion to adjourn.

COMMISSIONER EVANS: Motion to adjourn.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

MADAM CLERK: And the time is 9:18.

MAYOR SCARPELLI: Goodnight, everybody.

(Whereupon, this proceeding was concluded at 9:18 PM.)
CERTIFICATION

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

Nicole Yawn

Date: November 2, 2018