

In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript Of Proceedings

November 20, 2018

Conference Session



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Conference Session

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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS
ONE KENNEDY DRIVE
3RD FLOOR COMMISSION CHAMBERS
NUTLEY, NEW JERSEY 07110

*** CONFERENCE SESSION ***

DATE: November 20, 2018

BOARD OF COMMISSIONERS:

- JOSEPH P. SCARPELLI, MAYOR
- STEVEN L. ROGERS, COMMISSIONER
- MAURO G. TUCCI, COMMISSIONER
- THOMAS J. EVANS, COMMISSIONER
- ALPHONSE PETRACCO, COMMISSIONER

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR SCARPELLI: All right. Madam Clerk?

3 THE CLERK: Board of Commissioners Public
4 Meeting, Tuesday, November 20, 2018. The time is now
5 7:10. Pursuant to the requirements of the Open Public
6 Meeting Act, Chapter 231, public law in 1975, notice of
7 this meeting was published in a December 14, 2017,
8 issues of the Nutley Sun, the Herald News, and the Star
9 Ledger. A copy of this notice has been posted on the
10 Nutley town hall bulletin board and a copy is on file
11 in the municipal clerk's office.

12 Commissioner Rogers?

13 COMMISSIONER ROGERS: Here.

14 THE CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Here.

16 THE CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Here.

18 THE CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Here.

20 THE CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Here.

22 THE CLERK: All present, Mayor.

23 MAYOR SCARPELLI: All right. Mr. Petracco,
24 what do you have on the agenda?

25 COMMISSIONER PETRACCO: Let's see here. I

1 know I have -- let's see, I have a public hearing on
2 this -- on parking, the time limiting parking. That's
3 for the final passage tonight. I also have two
4 resolutions. I have an award of the contract to
5 GTBM. That's for the electronic ticketing. An
6 authorization to sell surplus property online at the
7 property.com -- propertyroom.com. And I have
8 authorized to enter into an agreement with the Borough
9 of North Arlington for the police pistol range, and
10 that's all I have.

11 MAYOR SCARPELLI: Thank you.

12 COMMISSIONER PETRACCO: You're welcome.

13 MAYOR SCARPELLI: Commissioner Evans?

14 COMMISSIONER EVANS: Thank you, Mayor. I
15 have -- just to clear up the (indiscernible) covered in
16 the meeting, the public session, that we have our best
17 practices inventory that's available to be submitted to
18 the State. It's already down there in draft. I just
19 have to finalize it. We achieved the -- more than the
20 minimum for getting our full aid for the year, so we
21 got 87 percent on the checklist. So that's ready for
22 submit -- to submit. We just have to mention it. I
23 have a code enforcement report and one resolution.

24 Our elevator inspection company notified us
25 that they were going -- actually going out of business

1 and they wouldn't be able to meet the requirements. So
2 we did find someone who can do it, Suburban/City
3 Inspections. It's an individual who is licensed. The
4 good news is, we're saving about 8,400 bucks on the
5 contract through this year and going forward.

6 MAYOR SCARPELLI: Good.

7 COMMISSIONER EVANS: That's all I have.

8 COMMISSIONER TUCCI: How does --

9 MAYOR SCARPELLI: Commissioner Rogers?

10 COMMISSIONER TUCCI: Excuse me. How does
11 that happen?

12 UNIDENTIFIED: They go out of business --

13 COMMISSIONER TUCCI: It's a great thing that
14 we save the 8,400 (indiscernible).

15 COMMISSIONER EVANS: (Indiscernible - cross
16 talk).

17 COMMISSIONER TUCCI: It's great that we saved
18 8,400. Did they just bid lower?

19 COMMISSIONER EVANS: Yeah, exactly. He said
20 he can --

21 UNIDENTIFIED: (Indiscernible - cross talk).

22 COMMISSIONER TUCCI: Oh, I --

23 COMMISSIONER EVANS: Yeah. And I'll talk to
24 you about it, but yeah.

25 MR. TUCCI: Yeah. Okay.

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1 COMMISSIONER EVANS: And just --

2 COMMISSIONER TUCCI: It was good. It was a
3 little confusing. I couldn't understand why, but
4 I'm --

5 COMMISSIONER EVANS: Yeah. It's basically,
6 you know, 130 bucks per inspection.

7 COMMISSIONER TUCCI: Yeah. Great. Good job.

8 COMMISSIONER EVANS: Thanks.

9 COMMISSIONER PETRACCO: Just real quick also.
10 I missed one. I have an ordinance introduction for a
11 handicap parking spot. Excuse me.

12 MAYOR SCARPELLI: You're excused.

13 COMMISSIONER PETRACCO: Thank God for modern
14 technology.

15 MAYOR SCARPELLI: Mr. Rogers?

16 UNIDENTIFIED: We got too many
17 (indiscernible).

18 UNIDENTIFIED: (Indiscernible - cross talk).

19 COMMISSIONER ROGERS: I have a resolution
20 that will focus in on a contract to furnish public
21 health nursing services, which we've had every year
22 with the Township of Montclair. Also have an ordinance
23 that will establish term limits for non-elected
24 township boards. That will be the introduction
25 tonight.

1 MAYOR SCARPELLI: Mr. Tucci?

2 COMMISSIONER TUCCI: I have no ordinance to
3 introduce, but I do have a bunch of resolutions. The
4 first one's to enter into a contract with Delta Dental
5 for our township employees, the total amount not to
6 exceed 362,100. It's a two-percent increase over our
7 last contract with them. I'm looking for authorization
8 to advertise for sealed bids for recreation uniforms
9 and equipment. Also, I have the resolution to set the
10 2019 Shade Tree Committee meetings. And my last
11 resolution is to enter into a contract with Gabriele
12 Roofing & Siding right here in Nutley for emergency
13 room repairs to the public safety building, not to
14 exceed 45,000, so -- and that was as a result of the
15 last rain and windstorm.

16 COMMISSIONER PETRACCO: The public safety building,
17 you said?

18 COMMISSIONER TUCCI: Public safety. It's a
19 mess, so --

20 COMMISSIONER PETRACCO: What do you think -- do you
21 think it's going to be like new roof time there or --

22 UNIDENTIFIED: (Indiscernible).

23 COMMISSIONER TUCCI: Yeah.

24 COMMISSIONER PETRACCO: It is?

25 COMMISSIONER TUCCI: Yeah.

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1 MR. DEMAIO: it's a new roof.

2 COMMISSIONER PETRACCO: The whole place, Frank?

3 MR. DEMAIO: For that (indiscernible -
4 cross talk).

5 UNIDENTIFIED: Or that --

6 COMMISSIONER TUCCI: That section, yeah.

7 MR. DEMAIO: To cover that --

8 COMMISSIONER TUCCI: Just that section.

9 Uh-huh.

10 UNIDENTIFIED: (Indiscernible - cross talk).

11 Yeah.

12 COMMISSIONER PETRACCO: Yeah. I know it's been an
13 issue.

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

16 MAYOR SCARPELLI: Thank you, Commissioner.

17 I have a ordinance introduction which really
18 paves the way for setting the fees for -- to accept
19 credit cards at the parking lot meters. I have a
20 public hearing on the water ordinance that I can push
21 to the next meeting if there's no questions, because
22 the --

23 COMMISSIONER TUCCI: No questions. I met
24 with your guys. You know that they were fantastic,
25 answered all of my questions. But I got it late.

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1 MAYOR SCARPELLI: Yes. So --

2 COMMISSIONER TUCCI: All right? Can you just
3 hold it?

4 MAYOR SCARPELLI: Yeah. Absolutely.

5 COMMISSIONER TUCCI: I would appreciate that.
6 I just want to read it.

7 MAYOR SCARPELLI: Because there was some
8 other information you wanted that --

9 COMMISSIONER TUCCI: Right.

10 MAYOR SCARPELLI: -- I'm not prepared for
11 anyways, so --

12 COMMISSIONER TUCCI: Okay. Great. That's
13 great. Thank you.

14 MAYOR SCARPELLI: So we can push that to the
15 next meeting. I have a authorization to approve some
16 raffle applications, to set the 2019 holiday schedule,
17 set our -- another resolution for the meeting dates. I
18 have a budget transfer of \$40,000. And we'll be
19 meeting in executive to talk about the redevelopment
20 agreement. And that's on the agenda for -- to be
21 passed when Mr. Inglesino gets here.

22 COMMISSIONER EVANS: Mayor, the
23 3406, does that include credit cards at this
24 point?

25 MAYOR SCARPELLI: Where are you?

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1 COMMISSIONER EVANS: With the ordinance?

2 MAYOR SCARPELLI: Yes. That's the reason
3 it's on.

4 COMMISSIONER EVANS: That's for the credit
5 cards?

6 MAYOR SCARPELLI: Yes.

7 COMMISSIONER EVANS: All right. Okay. Thank
8 you.

9 COMMISSIONER TUCCI: I'm glad you mentioned
10 that, because it appears it's about 50 cents a half an
11 hour for coins and a dollar for credit cards. Is the
12 fee that -- just 50 cents per swipe?

13 MAYOR SCARPELLI: When you add all -- well,
14 when you add in all the other fees --

15 COMMISSIONER TUCCI: Right.

16 MAYOR SCARPELLI: -- to accept the credit
17 cards, that's what they came up with to cover our
18 costs.

19 COMMISSIONER EVANS: Yeah.

20 MAYOR SCARPELLI: So we're not --

21 COMMISSIONER EVANS: I think it's important
22 that that's not a town fee.

23 MAYOR SCARPELLI: Right.

24 COMMISSIONER EVANS: None of that --
25 that's --

1 COMMISSIONER TUCCI: Right.

2 COMMISSIONER EVANS: -- actually a credit
3 card -- the merchant provided a fee --

4 COMMISSIONER TUCCI: That's a processing fee.

5 MAYOR SCARPELLI: Processing for --

6 COMMISSIONER EVANS: Exactly (indiscernible).

7 MAYOR SCARPELLI: Right. So per transaction,
8 the monthly fees, all those things.

9 COMMISSIONER EVANS: All right.

10 COMMISSIONER TUCCI: Right.

11 MAYOR SCARPELLI: So the convenience, we
12 can't absorb.

13 COMMISSIONER EVANS: By law we can't.

14 COMMISSIONER TUCCI: Yeah. Yeah.

15 COMMISSIONER EVANS: We can't do it.

16 COMMISSIONER TUCCI: Listen, it's a great
17 convenience. I was in Montclair last week and I had no
18 change because I don't typically walk around with
19 change. And I just put the credit card in and it was
20 fantastic. Yeah.

21 COMMISSIONER PETRACCO: Do you know the company
22 used for the credit card processing?

23 MAYOR SCARPELLI: I don't off the top of my
24 head.

25 COMMISSIONER PETRACCO: And the only reason why I

1 mentioned that is because I used (indiscernible) I have
2 him in my store across the street. I have a million
3 guys walking in with these credit cards all the time.
4 No one has even come close to his fees.

5 UNIDENTIFIED: Oh, it's through
6 (indiscernible - cross talk).

7 MAYOR SCARPELLI: It's through our bank.

8 COMMISSIONER PETRACCO: You know what, that's why
9 it's so high.

10 MAYOR SCARPELLI: Yeah. It's high.

11 COMMISSIONER EVANS: Well, and with the --

12 COMMISSIONER PETRACCO: Are we forced to use them,
13 the bank? I mean, they're --

14 COMMISSIONER EVANS: Well, it's connected to
15 a contractual agreement with the meter company and the
16 exclusive use --

17 MAYOR SCARPELLI: For their merchant. And
18 then we had to get them to interconnect with our bank.
19 So it's --

20 COMMISSIONER PETRACCO: I'm just telling you, I know
21 those bank fees are outrageous when you go into
22 private -- like only because I deal with them, and
23 those fees are -- they're all --

24 MAYOR SCARPELLI: It's 50 cents a
25 transaction. That's what it's going to be.

1 COMMISSIONER PETRACCO: And that's high.

2 MAYOR SCARPELLI: Yeah. There's a lot of
3 fees in there.

4 COMMISSIONER PETRACCO: No, I know.

5 MAYOR SCARPELLI: But we can't absorb them.

6 COMMISSIONER PETRACCO: No. I'm just saying,
7 I mean what --

8 MAYOR SCARPELLI: You know, it's not like --

9 COMMISSIONER PETRACCO: -- we can't chop that?

10 MAYOR SCARPELLI: No.

11 COMMISSIONER EVANS: The company that
12 provides the meters has an arrangement with this --
13 this (indiscernible) that provides the credit card
14 service. With all of them, you're not -- you're
15 talking about -- you know, depending upon what it is --
16 in the case of a parking meter, what's the fee you
17 charge for all the service processing on a 25-cent, you
18 know, meter use. Right? So the fee seems very high in
19 relation to the quarter, but there is a minimum that
20 these companies charge.

21 We have -- I have got calls because people
22 like to pay their property taxes using a credit card
23 and some of them are paying a 6-, \$700 convenience fee.
24 And they tell me that they like the points because they
25 go traveling, that they get -- all right? But others

1 question it. But these are fees the merchants
2 provides -- charges. They're not ours. You know, we
3 don't have control over it. It's if you want to use
4 their -- the machine -- so if you want to use Amex, you
5 want to use Visa, MasterCard, there's
6 a charge that they charge. And it is anywhere from
7 like one-and-a-quarter percent to three percent,
8 depending upon which cards you want to use for that
9 service.

10 And normally, people don't realize it because
11 you as the business owner cover it. It's in the price.
12 Right? Or it's not. Or you just -- you're just
13 absorbing it. It came out in municipalities because
14 under state statute, we cannot budget that in our
15 budget as an appropriation to cover the fee because it
16 basically is, in effect, assessing a tax on people who
17 do not use that credit card, so -- and that's just not
18 allowed.

19 And we did have an issue for a while -- and
20 Mauro, you'd remember this. There was a point in time
21 where they said as a town you can only have one
22 merchant provider for everything.

23 COMMISSIONER TUCCI: Yeah.

24 COMMISSIONER EVANS: All right? And now
25 they've modified that to say one merchant provider per

1 function. So the court has a merchant provider.
2 Recreation has a merchant provider. Now, parking, you
3 know, has a parking provider. But we can't have a
4 merchant provider for one parking lot and a different
5 merchant provider for another parking lot. So you have
6 the --

7 COMMISSIONER PETRACCO: Well, that's my whole point.
8 I don't -- if you have other merchant companies in town
9 already, why would we agree to let them charge us 50
10 cents a transaction because the meter company is
11 pushing the bank, you know, for us to use them, which
12 they're probably making money on top of it, too.
13 Because I think 50 cents is outrageous per transaction,
14 to be honest with you. And I'll check my -- I'll let
15 you know. I mean, you can do what you want, but --

16 COMMISSIONER EVANS: Yeah. No,
17 (indiscernible - cross talk).

18 COMMISSIONER PETRACCO: Why should we have --

19 COMMISSIONER EVANS: (Indiscernible).

20 COMMISSIONER PETRACCO: Why shouldn't we give the
21 residents the best bang for their buck?

22 MAYOR SCARPELLI: I don't think we have much
23 choice.

24 COMMISSIONER EVANS: Yeah. But
25 (indiscernible) your point is, is if, you know, you

1 have a merchant provider who has the -- like the
2 machine you swipe --

3 UNIDENTIFIED: Yeah.

4 COMMISSIONER EVANS: -- (indiscernible) that
5 processing, that gets a fee. Then you have the credit
6 card company (indiscernible) says this is my card. All
7 right? Then you have -- here's the fee for that.

8 COMMISSIONER PETRAC: Are these going to be in
9 every meter, the credit card -- that you'll be able to
10 swipe a meter?

11 COMMISSIONER PETRACCO: Every --

12 COMMISSIONER PETRACCO: Or is (indiscernible) or --

13 MAYOR SCARPELLI: Just the --

14 UNIDENTIFIED: Yeah.

15 MAYOR SCARPELLI: Yeah. Just the meters in
16 the parking lots out on (indiscernible).

17 COMMISSIONER EVANS: Yeah. But, you know,
18 Nutley's not the only one. Other towns are struggling
19 with -- or they're trying to figure out a way to get
20 those fees down, from what I've been able to find out.
21 So I agree with you that the fee is high. The question
22 is, what can you do? It's not the bank. It's the
23 merchant provider and the credit card company. So the
24 fees (indiscernible).

25 COMMISSIONER PETRACCO: Well, actually, traditionally,

1 I've always found out that the bank's fees, that's what
2 I'm saying, are much higher than these private guys
3 that are roaming around.

4 COMMISSIONER EVANS: Well, you have --- this
5 isn't -- we have to get the money from whoever is
6 collecting it, the private person, to our bank. All
7 right? So --

8 COMMISSIONER PETRACCO: Well, how do we do it in
9 the court? I mean, that's where I have --

10 COMMISSIONER EVANS: Same thing. Same
11 process. Same thing with credit cards. But so, for
12 example, the account for collecting this cash, for
13 example, could be, let's say, Capital One --

14 COMMISSIONER PETRACCO: All right.

15 COMMISSIONER EVANS: -- because we have an
16 account there. And since all these -- all this money
17 that's being transacted -- transactions doesn't come
18 here to town hall. It goes to the bank. The bank then
19 has to process all of that. So for a parking meter,
20 it's probably simpler because it's just in one account.
21 But if it's for a taxpayer, it's got to make sure that
22 they're -- you're tracking it, all the taxpayer
23 information, so it can be properly credited against
24 that taxpayer's account. The bank is involved with all
25 of that.

1 So you have a bank process, you have the
2 merchant provider themselves, and then you have the
3 credit card company. You know, they're all in the
4 middle between the service and the consumer. And so
5 sometimes those fees -- which they're problematic, I
6 don't disagree with you, on parking meters, but the
7 economics are such that what's the fee to make it
8 affordable, you know, in effect, profitable -- it's a
9 business -- profitable when you're collecting quarters.

10 COMMISSIONER PETRACCO: Okay.

11 COMMISSIONER EVANS: You know

12 (indiscernible).

13 COMMISSIONER PETRACCO: No, I understand it, but --

14 COMMISSIONER EVANS: That's why a lot of --
15 you know, a lot of times when you go into a store and
16 they say the minimum charge for a credit card is ten
17 bucks, because it's not --

18 COMMISSIONER PETRACCO: It's illegal to do that,
19 I heard.

20 COMMISSIONER EVANS: Yeah. Yeah. But you
21 see --

22 COMMISSIONER PETRACCO: Yeah. You're not supposed
23 to do that.

24 COMMISSIONER EVANS: But you see it in a lot
25 of places because it's --

1 COMMISSIONER PETRACCO: We don't do that at
2 Petracco's.

3 COMMISSIONER EVANS: Well, I'm sure you
4 don't. I'm sure you don't, as of today.

5 COMMISSIONER PETRACCO: I'm just saying, if you
6 want the number, I'll give you our (indiscernible) number
7 (indiscernible).

8 COMMISSIONER EVANS: Yeah. That's why I
9 think, hey, if there's somebody out --

10 UNIDENTIFIED: (Indiscernible).

11 COMMISSIONER EVANS: -- out there that
12 could --

13 UNIDENTIFIED: (Indiscernible).

14 COMMISSIONER EVANS: Yeah, I know. If
15 there's somewhere out there that maybe that could be
16 done, I (indiscernible).

17 COMMISSIONER PETRACCO: Sam, can you take care of
18 that tomorrow?

19 COMMISSIONER EVANS: I understand that
20 they're under this -- this state -- meter stations,
21 it's -- there's a -- the people that run the station --
22 the meter stations has an arrangement with a merchant
23 provider. That's all.

24 COMMISSIONER TUCCI: Okay. Thank you. And
25 sometimes there's proprietary software that's involved,

1 too.

2 COMMISSIONER EVANS: Yes.

3 COMMISSIONER TUCCI: But it's -- and they --
4 most places --

5 COMMISSIONER PETRACCO: I have that (indiscernible -
6 cross talk)

7 COMMISSIONER TUCCI: You know, in Montclair,
8 they did not take Amex because Amex typically --

9 COMMISSIONER PETRACCO: It's a higher charge.

10 COMMISSIONER TUCCI: -- is one of the higher
11 charges --

12 COMMISSIONER EVANS: Three percent.

13 COMMISSIONER TUCCI: -- as we know.

14 COMMISSIONER EVANS: Yeah. Absolutely.
15 Three percent.

16 COMMISSIONER TUCCI: It's crazy.

17 COMMISSIONER EVANS: So you're right. So
18 there's a lot of issues we --

19 COMMISSIONER TUCCI: Yeah. It's worth
20 checking out. It's a good point. Thank you.

21 COMMISSIONER EVANS: Absolutely.

22 MAYOR SCARPELLI: Madam Clerk?

23 THE CLERK: Yes, Mayor. We have minutes for
24 approval for October 16, 2018. And for communications,
25 we have a social affair permit from St. Mary's Church

1 for their annual St. Anthony's event for Friday, May
2 31, 2019. And that's it.

3 MAYOR SCARPELLI: Counselor?

4 MR. GENITEMPO: I have a need for executive
5 session on a potential litigation and contract
6 negotiation. We have Mr. Ricci here. Mr. Inglesino is
7 running late. He's stuck in traffic.

8 MAYOR SCARPELLI: So why we don't bring
9 Mr. Ricci back here since we're waiting for
10 Mr. Inglesino.

11 MR. GENITEMPO: All right.

12 MAYOR SCARPELLI: Let's get that out of the
13 way. And then if we have to go into public session and
14 come back later for -- to executive, we will.

15 MR. GENITEMPO: Okay. Everyone has in their
16 package documents from Mr. Ricci. So I'll
17 (indiscernible). So obviously (indiscernible).

18 UNIDENTIFIED: What do we have from Ricci?

19 UNIDENTIFIED: (Indiscernible).

20 COMMISSIONER PETRACCO: Do we have him, or --

21 UNIDENTIFIED: It's the mixed use --

22 UNIDENTIFIED: It's an (indiscernible).

23 MAYOR SCARPELLI: No, we're not going into
24 executive.

25 MR. GENITEMPO: No, no, no, no. Just this is

1 public. This is public.

2 UNIDENTIFIED: Well, no, I'm --
3 (indiscernible) suggests that (indiscernible).

4 MR.GENITEMPO: I just suggest she should come
5 in and listen.

6 UNIDENTIFIED: That's what I said.

7 UNIDENTIFIED: Oh, okay. All right.

8 UNIDENTIFIED: That's what I just said.

9 UNIDENTIFIED: All right.

10 UNIDENTIFIED: Yeah, then (indiscernible -
11 cross talk).

12 UNIDENTIFIED: No, no, no. Sit here. I like
13 by the windows. It's (indiscernible).

14 UNIDENTIFIED: You know, I can't
15 (indiscernible). It's a guy thing.

16 MAYOR SCARPELLI: So we're having Mr. Ricci
17 come in. We tried to get (indiscernible) here tonight,
18 too, and it didn't work out. But again, this is a
19 mixed use ordinance. Paul went through the ordinance
20 and had some changes, along with trying to straighten
21 out the schedule on the back and -- so it was
22 consistent. So can you go through that quickly,
23 Mr. Ricci?

24 MR. RICCI: I can. I did leave my copy in my
25 car, I just realized.

1 UNIDENTIFIED: Here. (Indiscernible).

2 MR. RICCI: Thank you. I mean, just some
3 30-second background. There was a draft in place. I
4 was asked to provide planning comments on the draft.
5 My comments initially were meant, some of them, as --
6 some of them were just understanding and confirming
7 some of the things in the ordinance and some were meant
8 to raise discussion, I think, for the Board of
9 Commissioners. And then at points, I was asked to
10 provide specific recommendations in terms of how maybe
11 the bulk chart would change, bulk chart being the
12 schedule, regulations, the amount of building coverage,
13 the amount of impervious coverage, essentially what are
14 the -- we'll call the core requirements of a zoning
15 ordinance.

16 I would state that Dave Berry and his
17 predecessor historically relied on the bulk chart when
18 they -- when they review the zoning ordinance. And for
19 a period of time, there was a -- as this Board of
20 Commissioners are aware, there was a mixed-use section
21 and some of those sections were in conflict. And it
22 was part of my goal, at least, to assist in clarifying.
23 Whatever a standard is, it should be clear. And that
24 in a lot of cases, the way that the ordinance was
25 written in the bulk chart, it would have a different

1 setback if you were a mixed-use building versus another
2 type of building. And in my opinion, that leaves
3 issues and problems.

4 And, listen, I've testified in over 200
5 towns. There's ways that, if you are a smart
6 professional, you can skirt around that, come in with a
7 different use, then come in six months later with a
8 change of use application. And essentially, the
9 individual would be entitled to a hardship and have to
10 grant the variance. So I think somebody needs to clean
11 some of these things up. Standards are standards, you
12 know?

13 So with that said, I don't know -- I know I
14 don't have a lot of time. So is there anything you
15 want me to focus on in here, Mayor, or --

16 MAYOR SCARPELLI: I think focus on the chart.

17 MR. RICCI: The chart? Okay. Okay. One of
18 the things right now, lot coverage in this context
19 represents the building coverage. And you don't have
20 an impervious coverage standard for that. One of the
21 recommendations that came out from essentially, I
22 guess, the work by the Planning Board and the like was
23 to have an impervious coverage calculation. All the
24 way in the back in red, I proposed some standards to
25 consider.

1 I have to note that when I prepared this, we
2 didn't study the entire corridor and -- but I did look
3 at aerial photography, all the -- of all the districts.
4 I have reviewed a lot of applications for the boards.
5 So I have a decent feel for the existing conditions.

6 Because you haven't historically had an
7 impervious coverage calculation, that means that
8 somebody can cover the entire lot with a parking lot
9 today. So it's not surprising to -- when you go out
10 there -- and this is your town, you know -- to
11 recognize that most of these lots are, at least under
12 my review and some inspection, aerial photography, are
13 very close to that hundred-percent standard.

14 So what I did was I proposed standards that
15 were, in the core downtown, at a hundred percent and
16 then drew it back to probably something that would
17 create some degree of non-conformity. But I think the
18 goal would be to encourage some green space on these
19 properties, particularly with the fact that if you
20 allowed a hundred-percent impervious coverage that's
21 out there, and most of these properties do border your
22 R districts and you do have buffering standards that
23 are required, that would encourage a buffer to be
24 installed and for those properties to be marginally
25 improved, become more compliant over time, while still

1 recognizing a standard that gives, I think, reasonable
2 consideration to the character of the area that's out
3 there, not just some hocus pocus number that doesn't
4 reflect that -- you know, it's a very high impervious
5 coverage number. So that's where I went there.

6 In terms of the rear yard setback, you had
7 some -- you had conflicting standards that could range
8 between 10, 25, and 30. Generally speaking, for rear
9 yard setback, when that rear yard setback is close to a
10 building height, that could be 25 or 30. That's
11 generally a good standard in a downtown environment to
12 encourage.

13 So instead of having these varying standards,
14 we were trying to encourage in the bulk chart standards
15 of consistency, you know, have it in one place, not in
16 a mixed-use section that's essentially dug into the
17 code, in the middle of the code. This is at the end of
18 the code. It's what at least your zoning officer has
19 historically relied upon. And part of that, I think,
20 is to be pragmatic about it and to make it easier for
21 the person that's really trying to apply this most of
22 the time.

23 Regarding setbacks, you had standards in
24 districts the downtown that required in some instances
25 ten feet and -- six and ten feet. If that was the

1 case, you know, on Franklin next to Centre, you could
2 not rebuild your downtown based on your current
3 standards. So I try to recognize the existing
4 condition, allow for a zero-foot side yard setback.
5 And if you did have it, have between three and four
6 feet so you could have windows on those buildings
7 without like special needs of sprinklers and the like
8 that you have to -- because if you don't have at least
9 three feet, you can't have a window on a -- at a side
10 yard unless you -- you know, you -- the building is
11 treated in a special manner. So it was recognizing
12 that you have a downtown, to recognize that -- you
13 know, to allow buildings to go zero for side yard
14 setback. And if someone wants to have a driveway going
15 into the back, it doesn't prohibit that, but it
16 recognizes the condition that's there. So again,
17 trying to make your zoning more conforming with what is
18 out there. So --

19 MR. GENITEMPO: Mayor, may I interrupt for
20 one second?

21 Paul, also, our discussion was to try to
22 eliminate some of the text so there's no confusion
23 between the written words and what's in the chart, to
24 try to rely more on the chart than -- and eliminate
25 some of the text language relative to what constitutes

1 mixed use and the numbers, correct? We had talked
2 about that also as --

3 MR. RICCI: Yes.

4 MR. GENITEMPO: -- relying more on the chart
5 to get rid of some of the text in the ordinance.

6 MR. RICCI: And again, the texts in that
7 chart were in conflict, so we're getting -- trying to
8 get rid of those conflicts. And the standards we're
9 largely proposing are -- in my opinion, are largely
10 consistent with what's out there to date, with the
11 exception of the impervious coverages may be a little
12 lower than existing conditions, but recognizing what I
13 said, trying to encourage some green space over time.
14 And that's something you do historically see as part of
15 redevelopment. Because one of the limiting factors --
16 I hate to say this, but developers don't want to put in
17 extensive storm water management systems so they reduce
18 the impervious coverage on the -- on a lot to usurp
19 that. So if that's the case, the township should
20 get -- at least get some type of benefit. That would
21 be the green space and that additional buffering
22 associated with that.

23 In terms of the bulk chart, Mayor, that's
24 mostly it. And --

25 MAYOR SCARPELLI: I think your comments in

1 the bulk --

2 MR. RICCI: Yeah.

3 MAYOR SCARPELLI: -- in the body of it, the
4 commissioners can read.

5 MR. RICCI: Okay.

6 MAYOR SCARPELLI: They're pretty
7 self-explanatory, I think.

8 MR. RICCI: Okay.

9 MAYOR SCARPELLI: And then, you know,
10 hopefully we can get Topology in here, too.

11 We can just --

12 MR. RICCI: Okay.

13 MAYOR SCARPELLI: -- get their take.

14 Any questions, commissioners?

15 COMMISSIONER TUCCI: I have just one question,
16 because I'm not an expert in this area. On the minimum
17 yard dimensions, all right, on the one, Paul, with the
18 highlighting in red, you have zero to four.

19 MR. RICCI: Yeah.

20 COMMISSIONER TUCCI: Does that mean on one side you
21 could have no setback and four feet on the other side?
22 Tell me what that means.

23 MR. RICCI: That's in the one -- I think it's
24 in the one side yard setback. It's zero feet is
25 permitted --

1 COMMISSIONER TUCCI: I see both sides.

2 MR. RICCI: -- for buildings -- okay.

3 COMMISSIONER TUCCI: Both sides.

4 MR. RICCI: The intent is to be zero feet --
5 yeah, buildings can touch each other.

6 COMMISSIONER TUCCI: And can touch each other.

7 MR. RICCI: But if you do provide it, it
8 should be four feet. So it's not one-and-a-half feet
9 if you do provide a setback, so --

10 MAYORU SCARPELLI: Okay. So it's either zero or
11 four?

12 MR. RICCI: Four minimum.

13 COMMISSIONER EVANS: And just a -- excuse me,
14 Commissioner. Commercial school -- as you said,
15 commercial schools, you know, pretty much everything is
16 in the B-3.

17 MR. RICCI: Yeah.

18 COMMISSIONER EVANS: And it's three stories
19 because you said commercial schools two stories?

20 MR. RICCI: I retained the existing standard
21 for that. I didn't change that. But that could change
22 if you think it's fair. But --

23 COMMISSIONER TUCCI: Just to follow up on that,
24 too, the commercial school's maximum height, it was 50
25 percent. That has been struck and now it's 25. Is it

1 25 percent or 25 feet?

2 MR. RICCI: There's an error in the chart,
3 obviously. I'm not sure why it's written that way, but
4 it was -- percentages were in story area.

5 So I tried to correct that. It appeared to me that
6 historically the standard was 25 feet, two stories for
7 schools. I didn't propose a change to that, so I was
8 just trying to correct how it was displayed in the
9 interim.

10 COMMISSIONER TUCI: Okay.

11 MR.GENITEMPO: That was one of the problems
12 with the original chart. It had percentages when it
13 should have had feet.

14 UNIDENTIFIED: Well, yeah, that's
15 (indiscernible - cross talk).

16 MR.GENITEMPO: Right. And that's stories, 40
17 stories. You know? So --

18 COMMISSIONER TUCCI: Gotcha.

19 MR.GENITEMPO: -- these had to be --

20 COMMISSIONER EVANS: And if I -- I mean, just
21 for an example, the B-3 where it says, "Maximum lot
22 coverage, 50 percent; surface coverage, maximum
23 impervious coverage, 90 percent," does that mean you
24 can have a building improvement that covers 50 percent
25 of the lot, the size of the lot?

1 MR. RICCI: Yes.

2 COMMISSIONER EVANS: And then but at the
3 ground level, it would be 90 percent of it would be
4 blacktop or sidewalks or things like that?

5 MR. RICCI: That's correct.

6 COMMISSIONER EVANS: Okay.

7 MAYOR SCARPELLI: Any other questions for
8 Mr. Ricci?

9 COMMISSIONER TUCCI: I'm sure there's going to be a
10 lot of questions when you're not here.

11 UNIDENTIFIED: (Indiscernible).

12 MAYOR SCARPELLI: All right. That will
13 (indiscernible). Well, thank you for being here.

14 MAYOR SCARPELLI: Thank you very much.

15 MR. RICCI: Thank you. Everyone have a nice,
16 happy Thanksgiving.

17 MAYOR SCARPELLI: Have a happy Thanksgiving.

18 MADAM CLERK: Thank you, Paul.

19 MR. RICCI: Bye.

20 MAYOR SCARPELLI: I think I'd like to go
21 into -- get the meeting out of the way and come back
22 with the executive. We have people waiting. And it's
23 past 7:30, right?

24 MR. GENITEMPO: 7:37.

25 MAYOR SCARPELLI: All right. So let's go

1 out. Let's have our meeting and we'll come back into
2 executive. We're going to have to come back into
3 public and do the redevelopment agreement.

4 (End of recording)

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CERTIFICATION

I, Ilene Watson, do hereby certify that the foregoing is a correct transcript from the electronic sound recording provided for transcription and prepared to the best of my professional skills and ability.

_____ December 5, 2018

Ilene Watson
AAERT Cert. No. 447
Certified Court Transcriptionist

In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings

November 20, 2018

Public Session



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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS
ONE KENNEDY DRIVE
3RD FLOOR COMMISSION CHAMBERS
NUTLEY, NEW JERSEY 07110

*** PUBLIC SESSION ***

DATE: November 20, 2018

BOARD OF COMMISSIONERS:

- JOSEPH P. SCARPELLI, MAYOR
- STEVEN L. ROGERS, COMMISSIONER
- MAURO G. TUCCI, COMMISSIONER
- THOMAS J. EVANS, COMMISSIONER
- ALPHONSE PETRACCO, COMMISSIONER

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

1 (Recording begins)

2 MAYOR SCARPELLI: It's the other one, Madam
3 Clerk. You hit the wrong one. There you go.

4 Everybody, please stand for the flag salute.

5 (Pledge of Allegiance)

6 MAYOR SCARPELLI: Madam Clerk.

7 THE CLERK: Thank you, Mayor.

8 Board of Commissioners Public Meeting,
9 Tuesday, November 20, 2018. The time is now 7:40.
10 Pursuant to the requirements of the Open Public Meeting
11 Act, Chapter 231, public law 1975, notice of this
12 meeting was published in the December 14, 2017, issues
13 of the Nutley Sun, the Herald News, and the Star
14 Ledger. A copy of this notice has been posted on the
15 Nutley Town Hall bulletin board, and a copy is on file
16 in the Municipal Clerk's Office.

17 Commissioner Rogers?

18 COMMISSIONER ROGERS: Here.

19 THE CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Here.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Here.

23 THE CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Here.

25 THE CLERK: Mayor Scarpelli?

Public Session

3

1 MAYOR SCARPELLI: Here.

2 THE CLERK: All present, Mayor.

3 MAYOR SCARPELLI: Minutes, Madam Clerk.

4 THE CLERK: Yes. We have Board of
5 Commissioner Meeting minutes for October 16, 2018. I
6 need a motion.

7 COMMISSIONER PETRACCO: Move it.

8 COMMISSIONER ROGERS: Second.

9 THE CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 THE CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 THE CLERK: That's it for minutes.

20 MAYOR SCARPELLI: Communications?

21 THE CLERK: St. Mary's Church has submitted
22 an application for a Social Affair Permit for their
23 St. Anthony's Feast event on Friday, May 31, 2019, from
24 6:00 p.m. to 12:00 a.m. at 17 Monsignor Owens Place.
25 I need a motion.

1 COMMISSIONER EVANS: Move it.

2 COMMISSIONER TUCCI: Second.

3 THE CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 THE CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 THE CLERK: That's it for communications.

14 MAYOR SCARPELLI: Commissioner Evans, best
15 practice inventory?

16 COMMISSIONER EVANS: Yes.

17 Each year, we receive a best practices
18 worksheet from the State of New Jersey, the Division of
19 Local Governmental Services. It's important for us to
20 complete the worksheet and respond with enough yes
21 answers in order to qualify for aid.

22 We've been able to complete the questionnaire
23 again for this year. We achieved an 87 percent on the
24 questionnaire which means we qualify for the full
25 amount of aid that was approved for this year. So the

1 transitional aid of 4.1 million, we will get 100
2 percent of that in December of this year based upon the
3 completion of this report.

4 Thank you, Mayor.

5 MAYOR SCARPELLI: Thank you, Commissioner.
6 Reports. Commissioner Evans.

7 COMMISSIONER EVANS: Thank you.

8 I have a Code Enforcement Report for the
9 month of October.

10 MAYOR SCARPELLI: Commissioner Petracco?

11 COMMISSIONER PETRACCO: I have my monthly
12 report of Public Safety this month for October.

13 MAYOR SCARPELLI: Bills, Madam Clerk?

14 THE CLERK: Yes, Mayor.

15 Bill list for November 20, 2018.

16 Public Affairs, \$113,694.17; Revenue and
17 Finance, \$3,150,208.80; Public Safety, \$51,718.30;
18 Public Works, \$88,080.87; Parks and Public Property,
19 \$154,250.21; Water Utility, \$31,686.86; Total payroll,
20 \$792,292.66; for a grand total of \$4,381,931.87.

21 COMMISSIONER EVANS: Move Bills.

22 COMMISSIONER TUCCI: Second.

23 THE CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 THE CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 THE CLERK: And that's it for the bills.

9 MAYOR SCARPELLI: Public comment on agenda
10 items only.

11 Madam Clerk.

12 THE CLERK: Yes, Mayor.

13 All persons addressing the Board of
14 Commissioners regarding community concerns should
15 approach the microphone and provide their name and
16 address for the record. Unless further time is granted
17 by the Board, each person shall limit their address to
18 three minutes.

19 All remarks to the Board and its individual
20 members must be addressed to the Mayor. The Mayor may
21 defer citizens comments to the appropriate member of
22 the Board.

23 Dialogue between citizens and others
24 addressing the Board shall be allowed unless the Mayor
25 or presiding officer or the majority of the membership

1 of the Board shall determine that the interest of
2 decorum and/or the expeditious conduct of municipal
3 business are being adversely affected by such dialogue.

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

5 Mr. Scarpelli, I'd like to get a copy of the
6 best practices. I shouldn't have to OPRA that. I
7 believe I got a copy last year. Is that a yes or a no?

8 MR. GENITEMPO: Mr. Mayor, it has to be
9 OPRA'd so we can track when we produce documents to the
10 public. So, Mr. Moore, we'll --

11 MR. MOORE: So it will be OPRA'd. Thank you.

12 MR. GENITEMPO: Thank you.

13 MAYOR SCARPELLI: Anybody else wish to
14 address the Board on agenda items only?

15 MS. HIRSCH: Yes. Good evening, Mr. Mayor.
16 Barbara Hirsch, 477 Washington Avenue. I come to
17 address the group this evening on Ordinance Number 3405
18 which I see is scheduled for its first reading this
19 evening.

20 I am president of the Friends of the Nutley
21 Library and I speak on behalf of that group. I have
22 some question relative to the ordinance and its
23 parallel to New Jersey state law, and I am quoting from
24 New Jersey Statutes, Title 40, Chapter 54. I have
25 particular questions relative to Section 1, Section 8,

1 Section 9, and Section 10, and how that the ordinance
2 that is about to be introduced tonight coincides with
3 this statute.

4 Also, I do wish to remind Mayor Scarpelli the
5 fact that there is a very large bond issue that was
6 approved by the voters of the State of New Jersey, and
7 in the fall, we will be involved in that process. I
8 thank you for listening to my comments this evening.

9 MAYOR SCARPELLI: Thank you, Ms. Hirsch.

10 Anybody else wish to address the Board of
11 Commissioners on agenda items only?

12 MS. RUBINO: Joan Rubino, 48 North Road.
13 This is not exactly agenda. I'm questioning whether
14 you're going to use the same format you did at the last
15 meeting.

16 MAYOR SCARPELLI: Mrs. Rubino, we're going to
17 change it just a little bit, but we're going to ask --
18 I'm going to ask for some cooperation. You can ask
19 your questions, then I'm going to ask you to sit down.
20 You can use your three minutes or your five minutes,
21 and then we were going to -- we're going to answer them
22 at that time for that person.

23 MS. RUBINO: And would the people in the
24 audience have time to respond?

25 MAYOR SCARPELLI: You can come back up after

1 everybody else with a follow-up, but we're not going to
2 get into a back and forth. So you ask your questions
3 in your three to five minutes, sit down, that's where
4 the cooperation comes in, and allow the Commissioners
5 to answer those questions.

6 MS. RUBINO: Because that was not clear at
7 the last meeting.

8 MAYOR SCARPELLI: Well it was a little
9 different last meeting, we did it all at the end.

10 MS. RUBINO: And also, the acoustics in this
11 room are really very poor. So it would be good if you
12 would all kind of lean toward your mics and speak.
13 Thanks.

14 MAYOR SCARPELLI: Thank you, Mrs. Rubino.
15 Anybody else wish to address the Board of
16 Commissioners on agenda items only?

17 MS. CELENTO: Amy Celento, 70 Newman Avenue.

18 In terms of Ordinance Number 3405 introduced
19 tonight, I wanted to say that I do -- I'm an advocate
20 for term limits. They are part of a healthy
21 government. And I think that the Town has a really
22 good communication system in terms of reaching out to
23 the citizens. And it would be, in my opinion, fairly
24 simple to announce spots that are becoming available or
25 potentially becoming available on the boards to which

1 you're -- you know, you're simply nominating someone.

2 They're not voted positions, they're
3 appointed positions. And so, I'm an advocate for this,
4 and I appreciate your consideration, and also
5 Commissioner Rogers for putting this forth. Thank you,
6 very much.

7 And then in terms of Ordinance Number 3406
8 for the parking fees, I'm really glad to see this is
9 put forward. I've asked about this in the past. I
10 will say this in terms of credit card payments.
11 Typically, a transaction fee is applied per
12 transaction, so I think the parking stations might have
13 up to three hours of parking. I'm not 100 percent
14 sure.

15 But when I looked across the board at Park
16 Mobile apps and other apps available for this type of
17 thing, the transaction fee doesn't increase the hourly
18 rate across the board for say the maximum three hours.
19 There would simply be a fee for the transaction applied
20 on top of what would be our normal rate of fifty cents
21 per hour. So I'm just wondering if, on the next second
22 reading, there can be a further breakdown of how these
23 fees are applied. Thank you.

24 MAYOR SCARPELLI: Thank you, Ms. Celento. We
25 will look into that.

1 Anybody else wish to address the Board of
2 Commissioners on agenda items only?

3 MS. TANGORRA: Good evening.

4 My name is Carol Tangorra, and I live at
5 43 Colonial Terrace in Nutley.

6 I also would like to speak to Ordinance 3405.
7 I'm opposed to the passage of this ordinance. I have
8 served on the Planning Board for a good number of
9 years. In fact, looking at the mayors on the left side
10 of the building, a large number of them have appointed
11 me and reappointed me to this position.

12 I feel that we actually have term limits.
13 Just as if you are not doing your job, the public will
14 not vote you back into office. If I am not doing my
15 job, whoever is mayor at the time will certainly not
16 reappoint me. So I really feel that we already have
17 term limits and I don't know why we need an actual
18 ordinance when there's not one other municipality in
19 the State that has such an ordinance. Thank you.

20 MAYOR SCARPELLI: Thank you.

21 Anybody else wish to address the Board of
22 Commissioners on agenda items only?

23 MS. MCGOVERN: Yes. My name is Diana
24 McGovern, 68 Edgewood Avenue, Nutley, New Jersey. I'm
25 also an attorney for the Zoning Board of Nutley. And

1 this is with respect to Ordinance Number 3405.

2 I think that the Commissioners should take a
3 careful look at -- you should take a careful look at
4 the statutes and the case law interpreting those
5 statutes. In my research in particular, several cases
6 have come and made clear that if the State has passed
7 an ordinance that regulates a certain area, and the
8 MLUL which governs planning and zoning boards, I
9 believe there's also library board statutes and that
10 this preempts what the Town can do in terms of term
11 limits.

12 And in terms of cases, there's historically
13 been attempts to do term limits. In Bayonne, in 19 --
14 I think it was '74 -- there was an attempt to do term
15 limits, and the court, at that point, said no, you
16 can't because it's already regulated by statute.
17 Subsequently, in another case in 1990, Saverino vs.
18 Zboyan, Z-B-O-Y-A-N, there was an attempt to limit --
19 to cap municipal expenses. The court said no. Like
20 the MLUL and other statutes where the State has already
21 taken that under their wing and issued and accepted and
22 promulgated statutes that are specific and all-
23 encompassing, unless there is a specific permission
24 given in those statutes to allow you to do a term limit
25 or something to change the ordinance, you can't do it.

1 Then when you got -- then, even more
2 recently, in the year -- it's 403 N.J. supra, and this
3 was in the year 2008 -- there was another attempt at
4 something similar. And the language in that case which
5 was by the appellate division specifically spoke to,
6 "when a state statute has preempted a field by
7 supplying a complete system of law on a subject, an
8 ordinance dealing with the same subject is void." And
9 in that case, they specifically reference the fact that
10 planning boards and zoning boards are regulated already
11 and have prescribed measures for membership, terms of
12 membership.

13 Though already by statute in the State of New
14 Jersey, there's no other town in this State that has
15 term limits and that's because, in my opinion in
16 reading these cases, it would be void if you were to
17 pass an ordinance of this type. So I urge
18 Commissioners to take a look at the case law before you
19 go forward with such an ordinance. Thank you.

20 MAYOR SCARPELLI: Thank you, Ms. McGovern.

21 Anybody else wish to address the Board of
22 Commissioners on agenda items only?

23 MR. GREENFEDER: Commissioners, my name is
24 Wayne Greenfeder. I live at 224 Grant Avenue. I've
25 lived in the Town for over 34 years, and I've been on

1 the library --

2 MAYOR SCARPELLI: Mr. Greenfeder, can you
3 speak into the mic, please?

4 MR. GREENFEDER: [See following page for
5 missing paragraph] I've been on the library trustees
6 for over 20 years. I've worked my way up, and I'm now
7 treasurer of the New Jersey State Library Trustees
8 Association. That allows me to have contact with
9 people all over the state. We're also -- we're very
10 involved in the bond issue for \$125 million. We're
11 going to be involved in coming up with the criteria for
12 how towns can apply for that, including Nutley. If you
13 take me off the board, which you have the right to do,
14 I'm not allowed to be on the New Jersey Library
15 Trustees Association, we lose that power.

16 I was also on the Bergen County Cooperative
17 Library System. We're a part of that group. I was on
18 the executive board for a one-year term. I got to meet
19 libraries from all over Bergen County, Essex County,
20 Union County. These are the ties that take many, many
21 years to develop.

22 Also, we have endowment funds in the library.
23 These are things that were created by Tony. I've
24 helped him. It took years, many years, to develop the
25 contacts where we were able to get people to donate

1 MR. GREENFEDER: I've been on the library
2 board for over 20 years, and I could tell you I'm very
3 impressed by the people that sit on these boards.
4 They've very dedicated. They put in a tremendous amount
5 of time. And you have the power to get rid of the ones
6 that don't do a good job. That is within your power.
7 What this does is it takes away your power to keep
8 someone on the board that you really want there. And
9 there are a lot of boards that take years of experience
10 to -- institutional memory to get on to different state
11 boards.

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1 money to set up endowments. You're not going to get
2 that from -- if you take off people that have done this
3 for years and put people who really don't know how to
4 do it, don't have the contacts, won't be on the state
5 board. You're going to give up an awful lot of
6 institutional memory, and I think you're really going
7 to hurt the library.

8 And remember, with all these things, why term
9 limits? You have the ability to get rid of someone
10 who's incompetent. They come up for reelection or they
11 come up for appointment, you just say no. But why
12 would you do it so you lose the power that if you have
13 someone on a board that you say is fantastic, has been
14 helping Nutley, has been getting Nutley's name all over
15 the state, why are you going to say after two terms,
16 that person's off? It just doesn't make sense to me.
17 I don't see the benefit, and I see a tremendous amount
18 of cost. That's all I have to say.

19 MAYOR SCARPELLI: Thank you, Mr. Greenfeder.
20 Anybody else wish to address the Board of Commissions
21 on the agenda items only?

22 MR. ARCUTI: Good evening. Mark Arcuti, 126
23 Whitford Avenue. Regarding Ordinance 3405, I am
24 opposed to it. I am opposed to the term limits. In
25 the spirit of full disclosure, I am the vice-chairman

1 of the planning board. I've been on it for many years
2 and enjoyed serving. And I had some important things I
3 wanted to say, but some of my colleagues have said them
4 better than I can, so I'm not going to repeat those
5 different things.

6 I'm here for questions. As a member of the
7 planning board, we have put together several changes --
8 recommended changes to certain ordinances in our town,
9 and those recommendations went up to the Board of
10 Commissioners, and the Board of Commissioners did their
11 due diligence and they did their research and they
12 spoke to experts before they made any kind of action on
13 any of the things the planning board gave them. So my
14 question is, what due diligence was done here? What
15 research was done here? What experts were consulted
16 with to find out if this is the best thing for our
17 town? And I understand by what the mayor said before,
18 these questions will be answered later. Yes?

19 MAYOR SCARPELLI: When you give up the mic,
20 if they want to be answered, they will be.

21 MR. ARCUTI: Yeah.

22 MAYOR SCARPELLI: Thank you, Mr. Arcuti.

23 MR. ARCUTI: Thank you.

24 MAYOR SCARPELLI: You can answer the -- yeah,
25 answer his question. Answer Mr. Arcuti's -- no, wait

1 until -- answer Mr. Arcuti's question.

2 COMMISSIONER ROGERS: All right. I'm going
3 to -- first of all, I want to thank all of you for
4 coming tonight. It's good to see dialogue. It's good
5 to see a lot of discussion over an issue that is very
6 important to this community.

7 Now, the research that was done, this is not
8 new to me. This is not new, the supporting of term
9 limits. Those of you who know me, I've supported this
10 for many years. For many years, I've spoken to many,
11 many people, and I've done some research, and there are
12 a lot of communities across this country where term
13 limits work and where term limits don't work.

14 I think that in the Town of Nutley, we are
15 moving into a new era, a new age. I believe that it is
16 so very important to open up the doors and to open up
17 the opportunities for people moving here and people who
18 have a lot at stake in the future. And what term
19 limits does, folks, in the opening of this ordinance,
20 it says it increases and encourages democracy,
21 democratic participatory government. People today are
22 very, very unsure of what their government does.
23 They're very skeptical about government. They're weary
24 about government. They don't trust us. And that's not
25 here in just in Nutley, it's all over the country. So

1 this is why many, many communities across the country
2 are moving towards particular issues like this.

3 Transparency is very important. Bringing fresh ideas
4 is very important.

5 I've asked people in town, when I started
6 this, why don't you step up and why don't you become
7 involved? And they said to me, well -- this is what
8 they're telling me, right, so perception -- you've got
9 to know somebody. It's like one man said to me, the
10 reason why he won't run for office is that it's too
11 expensive. The little guy doesn't have a chance.
12 There's no way in hell I'm going to raise \$100,000.
13 There's no way I could raise 50,000, 25,000, so I'm
14 excluded.

15 All of you here tonight are to be commended,
16 and I said that around this country. The work you do
17 and the long hours you put in, I know that. But I'm
18 also living by example. You're not going to see me
19 here in 2020. I am a strong advocate of term limits
20 because I believe sometimes -- and this is my personal
21 belief -- sometimes you've got to know when to pass the
22 torch on to another person with fresh ideas, with new
23 ideas, so that they can chart the future.

24 So, yes, Mark, I did the research. I did the
25 work. As far as the statutes that were brought up, I'm

1 going to ask our town attorney, who I've had lengthy
2 discussions with about this. I was first going to
3 introduce this as a resolution, and he suggested,
4 you're better off doing this as an ordinance. But
5 there are some questions, I know, and there are some
6 questions that we need to answer. But this is why we
7 have an introduction, and then a public hearing, and at
8 the end of the day, a decision will be made based on
9 the totality of information and facts that we have.

10 But my purpose of doing this is clearly to
11 increase participation in government. I am very
12 fearful of the day that we won't even have people
13 willing to run for office. People feel shut out. Now,
14 it's a perception. Maybe it's a reality. I don't
15 know. But I know people just don't feel like they have
16 the opportunities to come up and participate. Maybe we
17 have to do a better job in marketing.

18 But what I ask myself is what's wrong with
19 term limits? What's wrong with opening up doors and
20 the opportunities? And there is a provision -- if you
21 read the entire ordinance, there are provisions in
22 there where it gives the Board of Commissioners -- in
23 this case, it would be the mayor the appointing
24 authority to extend one's terms. If no one steps up,
25 if someone's unqualified who steps up, if someone has

1 corporate knowledge which was discussed here today --
2 and that's a very good point. You've got a lot of
3 corporate knowledge. You don't want to lose it all at
4 one time. Those are factors that would allow the Board
5 of Commissioners to say, you know what, we'll waiver
6 that because we need your corporate knowledge to move
7 forward. Everyone is protected. But what it does, it
8 opens up the doors for more participation of the
9 public.

10 Counselor, could you speak to some of the
11 statutes that were brought up that we had discussed?
12 Thank you.

13 MR. GENITEMPO: Yes, Commissioner. Some of
14 the case law that Ms. McGovern had cited, I had sent to
15 the commissioners for their review. I think we need to
16 have some discussion on these issues between now and
17 the next time we're going to bring this up. I do have
18 a lot of concerns about it, which we have discussed on
19 the phone and in email. And there are some important
20 points that have to be worked out because we have to
21 talk about whether it's going to be retroactive or
22 prospective, what happens to the members on the board
23 currently, what if they already served two terms,
24 what's the result. We haven't discussed any of that.
25 It's not addressed in the ordinance. So it's going to

1 be something that has to be addressed.

2 There are a lot of technical legal issues
3 that I would rather address with the board as advice,
4 but I don't think it's for public consumption at this
5 point. But I have read the cases that Ms. McGovern
6 cited, and she has some valid arguments relative to
7 those issues. For example, is the MLUL -- does it
8 preempt our ordinances or actions of the commission in
9 terms of setting term limits? Not specific, I told
10 you, but there is some case law that would support that
11 argument.

12 So it really needs more -- I think I've spent
13 several hours over the last two days since I had the
14 full copy of the ordinance, and I was away last week,
15 so I apologize. But since I've had the full ordinance
16 and had two days to research it and we're frankly still
17 doing it, and I'd like some more time on it.

18 COMMISSIONER ROGERS: And this is what's good
19 about what we're doing tonight. We're having a
20 discussion to hear two sides, you know, centering in on
21 one issue. All of the people in here tonight are
22 looking out for the best interest of this community.
23 Make no mistake about it. It's how we get there that
24 we have to come together on, so thank you, Counselor.
25 Thank you, Mayor.

1 MAYOR SCARPELLI: Mr. Alessio.

2 MR. ALESSIO: Yeah, Carmine Alessio, 81 East
3 Centre Street. I'm looking at Ordinance 3400.
4 Mr. Petracco. It's in reference to the parking,
5 restricted parking, different parking in different
6 areas.

7 MAYOR SCARPELLI: We're going to have a
8 public hearing on that, Mr. Alessio, if you want to
9 address it then.

10 MR. ALESSIO: It's an agenda item, isn't it?
11 It's an agenda item.

12 MAYOR SCARPELLI: It's an agenda item, but
13 we're going to have a public hearing. I'm just letting
14 you know that.

15 MR. ALESSIO: Maybe I might not want to go to
16 that, you know.

17 MAYOR SCARPELLI: Okay.

18 MR. ALESSIO: We're looking at the parking,
19 restricted parking, this and that. Like, I keep coming
20 to these meetings. My grandfather was one of the
21 original settlers in this town, and East Centre Street
22 happens to be a part of Nutley. East Centre Street has
23 one-hour parking, which has never been enforced. You
24 have somebody like me, I have property there, three
25 homes my family own, including mine, and we're

1 speculators, just like everyone else. If someone wants
2 to purchase the property, bring the money.

3 But what's going on here is you're saying
4 restricted parking. Certain streets have parking. On
5 East Centre Street, the parking's -- it's never been
6 enforced. You have all of these businesses. It'd be
7 like putting, like, 100 people in a Volkswagen. They
8 all share, and they're employing people, which is a
9 good thing. But the buildings are small, and they park
10 all over the sidewalk. They park on the park entrance
11 over there. They park all over. There's violations
12 every second.

13 And God's my witness, the police just drive
14 by these things, which I can relate to some of these
15 people here, why they don't want term limits or why
16 they do want term limits. But term limits may be good
17 for someone like me in the area I live in, which I can
18 prove -- and I've written and come here numerous times
19 -- that the planning board is not doing what they're
20 supposed to be doing.

21 Every variance that has passed on East Centre
22 Street, which is a part of Nutley, is in violation. Me
23 as a homeowner, I don't want to be in violation. I
24 came here last meeting discussing about the driveway
25 that Mekaa had got to get to the building in the back,

1 and if my driveway's clear, they will actually come up
2 my driveway like they're going into the back. I almost
3 got hit by a car when the driveway was clear, so I
4 leave the driveway loaded with cars and different
5 things.

6 I want to conform to what should be done, but
7 every other person around is doing ten times worse.
8 That's my point. And I know my time's up, okay, but --

9 MAYOR SCARPELLI: You'll have another
10 opportunity during the public hearing, Mr. Alessio.

11 MR. ALESSIO: What I'm trying to get at in
12 closing is some people have issues with it, others
13 don't. Like, I have a big issue with all of the
14 quasi-boards. In my opinion, it's all fraudulent in my
15 area. Everything. And I could discuss this with
16 whoever wants to hear it, but every little -- you get
17 an agenda this thick. It's like --

18 MAYOR SCARPELLI: Thank you, Mr. Alessio.
19 Thank you.

20 MR. ALESSIO: You're welcome. And I will
21 have a chance to go --

22 MAYOR SCARPELLI: During the public hearing.

23 MR. ALESSIO: And when will that be? In ten
24 months?

25 MAYOR SCARPELLI: Little while?

1 MR. ALESSIO: When?

2 MAYOR SCARPELLI: Depends on when we are in
3 this --

4 MR. ALESSIO: Tonight?

5 MAYOR SCARPELLI: Tonight, yes.

6 MR. ALESSIO: Okay. Maybe I can go put on my
7 \$700 suit and come up here and be comfortable in my
8 planning board position so that I can have a life term
9 doing that. This is, like, unbelievable what goes on
10 in our three-mile-radius town. Thank you,
11 Mr. Scarpelli --

12 MAYOR SCARPELLI: Thank you, Mr. Alessio.

13 MR. ALESSIO: -- for giving me time up here.

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

17 MR. IANNARONE: My name is Anthony Iannarone,
18 better known as Tony. I live at 103 Rhoda Avenue. As
19 many of you know, I have the town record for board
20 membership. I'm now in my 47th year as a trustee of
21 the library. I'm in my 33rd year as president. I want
22 to make clear at the outset that I'm not talking about
23 other boards because I don't know enough about them to
24 do that.

25 Secondly, while I might mention myself as an

1 example, it's not about me. I'm not in your hands, I'm
2 in God's hands. I'll be 88 years old next month. If I term
3 -- live out this term, I'll be 92, so I certainly won't
4 be taking another term. I've been trying to retire for
5 15 years, but people won't let me.

6 The library is different from the other
7 boards in a number of ways, particularly we're more
8 like a town department headed by a board of trustees
9 instead of a commissioner. The library is not run by
10 us. The first thing I tell new trustees is you're a
11 trustee, you're not a librarian. We have a director.
12 We have profession librarians with master's degrees in
13 library science. We have one who's going to library
14 school now. We don't need new ideas from new trustees.
15 We've never gotten them. We don't expect to get them.
16 They're good people; we're glad to have them, but not
17 for new ideas.

18 We can get our ideas basically from our
19 professional staff. They go to conventions. They read
20 all the literature. And if you want to compare the
21 Nutley Library, we're really up to date. We have
22 18,800 cardholders, the biggest demographic in the
23 town. I challenge any of you to say you've ever heard
24 a complaint about the library.

25 As for trusting government, they sure trust

1 the library as they walk out with armloads of books,
2 records, movies, video games. They can -- they can do
3 a Nook, a Kindle. We have everything; latest in new
4 projection system.

5 So what have I accomplished in 47 years? I
6 oversaw the construction of a 9,000-foot expansion,
7 first library to join the -- first Essex County library
8 to join the Bergen County system which gives our people
9 access to 75 libraries. Got the Steinway piano, raised
10 over half a million dollars in endowment funds. That
11 wasn't done in two terms, much, much more.

12 I think we -- we're not giving you a good
13 library, we're giving you a great library. We have
14 plenty of ideas. I have the drawings for new
15 expansion. All I need is a few million dollars. The
16 ideas are there, the money isn't.

17 So, you know, I could talk about the library
18 forever, but the ultimate point was made by the
19 previous attorney who was up here. We have actually
20 consulted with the attorney for the Jersey Library
21 Trustees Association, an expert on library law. He was
22 very clear, you cannot do it, it's illegal.

23 And I'll tell you this, too, on your present
24 ordinance in this form. I'm an expert drafter. I was
25 considered the best draftsman in the (indiscernible)

1 law department. It just is going to drive you crazy.
2 It doesn't provide what you do with existing trustees.
3 Do they end retroactively they serve two terms? Do
4 they get two more terms? None of these things are --
5 there are a lot of holes in it. It's going to give you
6 a lot of trouble. And in closing, some of the
7 commissioners might want to look up the psychological
8 definition of motivational bias.

9 MAYOR SCARPELLI: Thank you, Mr. Iannarone.
10 Anybody else wish to address the Board of Commissioners
11 on agenda items only?

12 MR. DEMMER: John Demmer, 263 Harrison
13 Street, Nutley, in respect to 3405. Excuse me for
14 reading, but I have a lot to say and a short time to
15 say it.

16 As a board member and volunteer, I'd like to
17 express my concerns about this proposed ordinance. I
18 don't feel that the ordinance in its current form
19 provides the best scenario for the boards affected by
20 it. While I can understand the concern for keeping
21 boards fluid, the ordinance provides no considerations
22 for a job well done by an individual who has not only
23 sacrificed their time, but also placed themselves in
24 the line of fire of public scrutiny with every decision
25 they make.

1 The idea of limiting a senior board member
2 based on a calendar date is counterintuitive to
3 producing a quality board. Every board I have served
4 on has gladly welcomed new members when needed, and I
5 am unaware of any board in town that looks to limit new
6 blood. I'm currently part of a group that's been
7 struggling to keep its ranks full, and it kills me to
8 think of a resolution that could deplete what is
9 already a very limited resource of qualified people.

10 The reality is that many newly appointed
11 volunteer board members don't make it past what I call
12 the breaking period. Many come to find that the time
13 commitment and workload was more than they could handle
14 and that it's not easy being a volunteer board member.

15 With the ordinance that's proposed, a
16 functioning, experienced board member could be forced
17 to leave without the guarantee that a competent or
18 dedicated person is in the ranks to fill their place.
19 I believe the petitioners had a good intent in wanting
20 to keep corruption and inefficiency out of boards, but
21 this random shake-up does not solve the problem. I
22 have even tried to convey to the petitioning group that
23 this ordinance may eventually get rid of a board member
24 that they dislike, but it will force people out that
25 they might feel are doing a good job and deserve to

1 stay.

2 The proposed system will be too random and
3 solves nothing. If a member of any board is not
4 competent to serve, then some kind of inner
5 housekeeping method, which sounds like it's already in
6 place, should be implemented to remove them from the
7 board if such incompetency can be proven.

8 This resolution paints too broad a stroke
9 across various boards, and there can not be a
10 one-size-fits-all measure to this. In my eyes, a
11 quality board is like a garden. You plant seeds, you
12 hope for the best. Some seeds never take and need to
13 be replaced. But the ones that take hold, root, and
14 grow strong cannot be cut down in the midst of that
15 growth or you'll never yield a good crop.

16 I take this topic very seriously. As a
17 volunteer, I have not dedicated hundreds or thousands,
18 but tens of thousands of hours in service to this town.
19 Please do not dismiss me or any board member who is
20 doing their job well just because of their start date.
21 I respectfully ask that this proposed ordinance be
22 dismissed or at least tabled until a time when a more
23 fair solution can be found that can rid boards of
24 inefficient members, something that we all want; yet
25 one that can also reward a job well done and earned.

1 Thank you.

2 MAYOR SCARPELLI: Thank you, Mr. Demmer.
3 Anybody else wish to address the Board of Commissioners
4 on agenda items only?

5 MS. CELENTO: Amy Celento, 70 Newman Avenue.
6 I do have a question in terms of tabled versus a second
7 reading coming up. I don't actually understand the
8 process, but in response to Mr. Demmer when he asked
9 that this be tabled, so I don't know if this something
10 you can answer in terms of what would tabled mean
11 versus there would be a second reading.

12 MAYOR SCARPELLI: The --

13 MS. CELENTO: Okay. Thank you.

14 MAYOR SCARPELLI: Ms. Celento, tabling would
15 just be putting it off and taking it off the agenda, or
16 moving it to a certain date. This already has a public
17 hearing date on it, so it'll move forward unless
18 Commissioner Rogers decides to do something different.

19 MS. CELENTO: Okay. Thank you.

20 MS. ROSSI: Tammy Rossi, 28 Colonial Terrace.
21 I am in support of term limits for the reasons
22 mentioned by Commissioner Steven Rogers. To address
23 Mr. Demmer's concern, there is a contingency in this
24 ordinance if no qualified parties step forward. So
25 there's never going to be a situation, to my

1 understanding, where people are forced off the board
2 because their term is up and there will be no one to
3 fill their place. Correct, Commissioner Rogers (ph)?
4 Thank you.

5 And my second point I'd like to make tonight
6 is the assumption that in a town of over 28,000
7 citizens, there are no equally qualified or passionate
8 seeking to serve the community. I think that's
9 unfounded. And, you know, there -- there's a
10 fundamental rule of human interaction called taking
11 turns. So for those, I applaud you for all of the
12 wonderful years of service that you've provided to the
13 town of Nutley, but to dismiss others willing to serve
14 as well is not fair. It's just not fair to other
15 citizens in this town, and it, in my mind, creates
16 division.

17 And we need, if anything, to create unity in
18 this town because the demographic is changing. The
19 population of multi-generational Nutleyites is
20 shrinking. We're getting more people moving in from
21 other areas, Jersey City, Brooklyn, and this is where
22 they need to feel included in -- as part of the
23 community as well. Thank you.

24 MAYOR SCARPELLI: Thank you, Ms. Rossi.
25 Anybody else wish to address the Board of Commissioners

1 on agenda items only?

2 MR. SIMKO: My name is John Simko. I'm at 32
3 Maple Place. And I am against Ordinance 3405. I am
4 the chairman of the Nutley Historic Preservation
5 Committee, and my experience with my own committee has
6 been that we have reached out to the community looking
7 for people who want to come to attend our meetings.
8 They're all public.

9 In the last 18 months, we have had two
10 citizens come to our meetings expressing any kind of
11 interest in what we do. So this idea of sort of taking
12 turns as a way to run an organization I don't think is
13 a valid one at all. We've had people who -- John
14 Demmer, who spoke, has spent about two years just
15 putting together or hoping to put together an ordinance
16 for our committee. The thought that he would be off of
17 the committee a year or two later when that ordinance
18 is beginning to take effect doesn't seem fair.

19 I don't see that we are keeping anybody out
20 of our groups. I don't believe I've got a
21 multi-generational Nutleyite on my committee. We are
22 people that have all come together with Nutley in mind.
23 So I don't see that this ordinance does anything except
24 force good people out. You guys have your -- in your
25 power to reappoint me or not, or to reappoint any of

1 us. And as -- I would just end again by saying that we
2 are looking for good people to keep things
3 (indiscernible). I've had two people leave the
4 committee in the past 18 months. They've done what
5 they wanted to do with it, they moved on to other
6 things in town, and we have seamlessly filled in their
7 organization -- filled in their spot in the
8 organization without anyone feeling like they've been
9 forced out of it.

10 So I don't know what positive ramifications
11 this ordinance would have. I think the mechanisms are
12 already there to keep a board that is open and fluid
13 and welcoming to everybody. Thank you.

14 MAYOR SCARPELLI: Thank you, Mr. Simko.

15 MR. BUCCINO: Anthony Buccino, 116 Stanley
16 Avenue. I think there's a lot of stuff that has to go
17 into this term limit organization thing, and I think at
18 the town is hurting going over that will hopefully
19 a lot of the questions that a lot of the people have
20 here. But in terms of a blanket elimination of anyone
21 who's been on two terms, that this is just simply
22 ridiculous. You definitely lose the institutional
23 history. You also need -- you know, you probably want
24 someone who's been going to planning board meetings for
25 a year just to be familiar with what kind of

1 regulations and things that they're in for if they
2 decide that they want to volunteer. And all you have
3 to do is say, Mr. Mayor, I'd like to serve on the
4 planning board, which I'm not stating that. But it's
5 not like he's turning people away who want to volunteer
6 to do good things for the town. And I think the
7 ordinance really needs a whole lot of work and a whole
8 lot more thought. Thank you very much.

9 MAYOR SCARPELLI: Thank you, Mr. Buccino.
10 Anybody else wish to address the Board of
11 Commissioners?

12 MS. BUSET: Linda Buset, 285 High Street.
13 I'm here this evening because I do not support
14 Resolution 3405. I was appointed to the Nutley
15 Historic Preservation Committee, and I am one of those
16 multi-generational people in the town of Nutley. And I
17 resigned from the Historic Preservation Committee. I
18 was very excited when I was appointed, but I was also
19 delusional because I thought just because I lived in
20 Nutley all my life, and being my age, and knowing the
21 town as well as I do, I thought I was a good choice.

22 But then I sat on the board with people like
23 Doty Greengrove, Jeannie Van Steen, Sal Corvino, our
24 town historian John Demmer, and John Simko, who is just
25 overflowing with history knowledge. I can't even

1 imagine losing those people from that board. When I
2 sat on the board, I sat with them and I was just in
3 awe. Just in awe of what they know, I mean, down to
4 little parts of the historic buildings, everything.
5 The things they knew, it's just amazing. I was just in
6 awe.

7 I know we need newcomers on a lot of boards.
8 We definitely need new -- I'm getting very emotional.
9 We definitely need newcomers on our boards, I agree
10 with that. But to take people off boards that have sat
11 there for that many years, know so much, are so
12 passionate about what they do, just because they're
13 term is up, I think that's terrible. It's absolutely
14 terrible. I sat with these people. I know what
15 they're like. I know how hard they work. I know how
16 passionate they are.

17 And I think if this resolution is passed, I
18 think it's a very bad thing for our town. And you have
19 to sit on these boards, like the library board, know
20 Tony Iannarone, know these people on the board, the
21 Historic Preservation Committee, to know that they
22 belong there. I don't care if they're there 40 years,
23 they belong there. Thank you.

24 MAYOR SCARPELLI: Thank you, Ms. Buset.
25 Anybody else with to address the Board of Commissioners

1 on the agenda items only?

2 MR. GABRIEL: Good evening, my name is
3 Michael Gabriel. I was a Nutley resident for many
4 years. I live in Clifton now. Former editor of the
5 Nutley Sun and current member of the Nutley Historical
6 Society.

7 I come here tonight as somewhat of an
8 observer, and maybe an arm's length observer. And I've
9 listened to all the comments and the points, and
10 they're all very well taken. What my takeaway is, at
11 least from this one meeting, is that there is quite a
12 variety of boards, all with different dynamics. The
13 zoning board, the planning board, is much different
14 than the library board. It's much different than the
15 Nutley Historical Society. It's much different than
16 the Nutley Historical Preservation Committee.

17 I would say that, yes, we need more open
18 doors, more participation, but maybe not just a blanket
19 statement -- I mean not just a blanket ordinance. I
20 would say my encouragement would be to look
21 specifically at the boards we have in town, look at
22 their dynamics, look at how they operate, and think
23 maybe a little more creatively, little more -- with a
24 little more critical thinking, because, yes, I think
25 boards do need to have more blood. But then people who

1 are on the boards should be honored for their service.

2 So thank you very much. It's nice to be in
3 the country chambers again. It's been quite a while
4 since I've been here.

5 MAYOR SCARPELLI: Thank you, Mr. Gabriel.
6 Anybody else wish to address the Board of Commissioners
7 on agenda items only? Seeing none, do we have a motion
8 to close public comment?

9 COMMISSIONER PETRACCO: Motion.

10 COMMISSIONER ROGERS: Second

11 THE CLERK: Commissioner Rogers.

12 COMMISSIONER ROGERS: Aye.

13 THE CLERK: Commissioner Tucci.

14 COMMISSIONER TUCCI: Aye.

15 THE CLERK: Commissioner Evans.

16 COMMISSIONER EVANS: Aye.

17 THE CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 THE CLERK: Mayor Scarpelli.

20 MAYOR SCARPELLI: Aye.

21 Board of Commissioner announcements,
22 Commissioners?

23 COMMISSIONER TUCCI: I have one announcement,
24 Mayor. On Thursday, the 29th of November, at 7:30, we
25 will have our opening performance of the Parks

1 Department Theater performance, the Wizard of Oz. That
2 will start at 7:30. It will also run on Friday, the
3 30th, at 7:30, and on Saturday there will be two
4 performances, one at 1:30 and one at 6:30. And there
5 will be over 70 wonderful Nutley children participating
6 in this. It's a great event. If you've never been
7 there before, please come out, it will be the
8 experience of your life. If you've been there, you
9 know what to expect, so please come and enjoy it with
10 us. Thank you, Mayor.

11 MAYOR SCARPELLI: Thank you, Commissioner.
12 Anybody else?

13 MAYOR SCARPELLI: I have a -- I just want to
14 thank my fellow commissioners. This past Thursday, we
15 had a pretty bad storm, and throughout the state -- or
16 a couple states, tri-state area, had a lot of problems
17 with gridlock closing down the highways. Some of those
18 highways got diverted into town; Route 21, Route 3, the
19 Parkway. We kept the town passable, but we had our
20 issues. But working together with police and fire and
21 Commissioner Tucci's department, we kept everything
22 passable and running. And I've got to say, we did a
23 pretty good job with the circumstances that were
24 presented. It was a very unique storm, so thank you.
25 Thank you, all.

Public Session

MAYOR SCARPELLI: Ordinance introductions, 40

1 Commissioner Petracco.

2 COMMISSIONER PETRACCO: Yes, I have Ordinance
3 Number 3404, an ordinance to amend an ordinance
4 codified in the Code of the Township of the Township of
5 Nutley, Chapter 228, entitled Vehicles and Traffic,
6 particularly Article VII, Special Zones and Areas,
7 Section 29A entitled Handicapped Parking, to add to the
8 locations set forth. This is a handicapped parking
9 spot on Conover Avenue. I move that this ordinance be
10 passed to a second reading and advertised in the Nutley
11 Sun, together with the notice required by law, in
12 further consideration of said ordinance for final
13 passage by the Board of Commissioners, be held at its
14 second reading on -- is it December 27th, 2018?

15 THE CLERK: December 18.

16 MR. PETRACCO: Oh, I'm sorry, you're
17 right. December 18th, 2018.-----

18 COMMISSIONER ROGERS: second.

19 THE CLERK: Commissioner Rogers.

20 COMMISSIONER ROGERS: Aye.

21 THE CLERK: Commissioner Tucci.

22 COMMISSIONER TUCCI: Aye.

23 THE CLERK: Commissioner Evans.

24 COMMISSIONER EVANS: Aye.

25 THE CLERK: Commissioner Petracco?

1 COMMISSIONER PETRACCO: Aye.

2 THE CLERK: Mayor Scarpelli.

3 MAYOR SCARPELLI: Aye.

4 Commissioner Rogers?

5 COMMISSIONER ROGERS: Ordinance Number 3405.

6 Now, before I introduce this, I really believe that we
7 have to have a lot more discussion about this. I want
8 to hear from more people in the town of Nutley. I was
9 very impressed what I heard tonight, but I don't want
10 anyone to believe that anyone wants to push anybody out
11 of any position. That is not what this is about. This
12 is about trying our best to get more people involved in
13 their local community. So I'm going to introduce this
14 ordinance in that spirit and that you all come back,
15 and hopefully there will be more citizens that will be
16 involved in the discussion.

17 I will sit down with the town council and
18 discuss some of the legal issues with him, as well as
19 with the commissioners because I think it's important
20 that since this ordinance will have impact on the
21 community in man years to come that we get all the
22 information we could and we do what's best for this
23 community.

24 Introduction of Ordinance 3405, an Ordinance
25 of the Board of Commissioners of the Township of Nutley

1 in the County of Essex creating -- the chapter there is
2 pending because we're not amending an ordinance, we're
3 creating a new ordinance. And that's something else I
4 will discuss with the town attorney. Establishing term
5 limits for non-elected township boards. I move that
6 this ordinance be passed to a second reading and
7 advertised in the Nutley Sun together with the notice
8 required by law, and that further consideration of said
9 ordinance for final passage by the Board of
10 Commissioners be held at a second reading on
11 January 2nd, 2019. So moved.

12 COMMISSIONER PETRACCO: Before I second this,
13 I just have a question myself, if you don't mind,
14 Commissioner. This is to actually our attorney. Are
15 we voting on something tonight? I mean, I know it's
16 just introduction.

17 MAYOR SCARPELLI: Just introduction.

18 COMMISSIONER PETRACCO: I know it's just introduction,
19 but are we voting on something that we're not even sure
20 is a legal document yet? And if we -- if it isn't and
21 if we don't know, why are we doing that tonight?

22 MR. GENITEMPO: That's a very good question,
23 Commissioner. I think there are lot of legal questions
24 surrounding the ordinance, some that were brought here
25 tonight also. The case law is complicated. There are

1 issues with the legality of at least portions of it.
2 There is no reference to term limits in any of the
3 state statutes. There may be reasons for that, and we
4 haven't even had a chance to look at legislative
5 history to dig into the -- you know, the MLUL or the
6 Library Act, the rent leveling board, all the boards
7 are being -- you know, being affected here. So you --
8 there's many options here.

9 You can introduce it. You could table it,
10 and you can do that research before it's reintroduced
11 because I think some of the language is going to have
12 to change. But if you introduce it and we make
13 significant changes to it between now and the public
14 hearing, it'll have to be in reintroduced anyway
15 because if you significantly change it, it has to be
16 reintroduced. So we haven't had a chance, the
17 Commissioner and I, to sit down and really hammer out
18 some of the language issues that I may have. But
19 that's the only thing I can tell you.

20 So if you introduce it, you're not bound to
21 it. It can be reintroduced again at the next meeting
22 originally and then have a public hearing after that,
23 but we'll have a little bit of time in between.

24 COMMISSIONER PETRACCO: Well, my feelings on
25 this is that I think that moving it forward tonight, I

1 mean, and I will second it, but I will ask Commissioner
2 Rogers, too, because of the public outpour that we are
3 learning about. And I can tell you the way that Steve
4 has explained these -- this ordinance to me, there is
5 nobody getting thrown off these boards. There are
6 clauses in this ordinance that allows us to -- if there
7 is a good board member, that then the Board of
8 Commissioners would be able to extend that person also.
9 Is that true?

10 So I think what Commissioner Rogers is trying
11 to do tonight is really strike a balance of, you know,
12 to move some people -- new people on to these boards,
13 not really taking the old people off of them. Is that
14 true?

15 COMMISSIONER ROGERS: Yes.

16 COMMISSIONER PETRACCO: So, you know, I
17 commend him on having the nerve to bring everybody out
18 here tonight, I have to tell you, Steve, I really do.
19 And I think, you know, Carol Tangorra, you -- actually,
20 your sister at one of the meetings I was at, that's
21 what Nutley is all about. We don't always all agree on
22 everything here, and I think that the people still
23 coming out is a sign of what a great town we still have
24 in that people are willing to come to the mic in Nutley
25 and say that, their peace.

1 But again, to me, to vote on this
2 prematurely, Alan, if it's not a legal document and
3 we're going to be changing it, I think that my
4 questions for Commissioner Rogers have been about the
5 Library Board, about, you know, the other boards. I
6 think the hot topic here tonight is the Planning and
7 Zoning Board. And I have to tell you, I've heard a lot
8 of talk tonight about that. When I was the mayor, the
9 hardest thing I ever did as Mayor -- well, there was a
10 few things, but one of the hardest things I should say
11 is taking somebody off a zoning or planning board.
12 It's not easy. And, Diane, you could vouch for that
13 because I remember when we worked together on some of
14 that.

15 And some of the people do get old, older, and
16 they get stale, and they've been on the board for a
17 long time, and some of the people that I've took off --
18 and again, Diane, you could say this -- when I called
19 them to tell them that I was taking them off, they said
20 to me, I thought I would never get this phone call,
21 that they wanted to come off but nobody has ever called
22 them to take them off. And they actually -- well, one
23 person actually thanked me.

24 But with that being said, you know, again, if
25 anybody else wants to comment, I'm willing to second

1 this tonight and put it to a vote, but I just think
2 that there is a lot of discussion on this, and I think
3 that me personally, before we vote, we should at least
4 make sure it's a legal document.

5 COMMISSIONER PETRACCO: I second.

6 MAYOR SCARPELLI: Is that a second?

7 COMMISSIONER PETRACCO: I mean, is it a legal
8 document or isn't it? I mean, that's what I want to
9 know. I want to know what I'm voting on.

10 COMMISSIONER TUCCI: Alan, I guess the
11 question is --

12 COMMISSIONER PETRACCO: Yes.

13 COMMISSIONER TUCCI: -- if we were to engage
14 this ordinance on first reading, all right, would we be
15 creating an ultra vires act by going against --

16 MR. GENITEMPO: No, because you're not
17 voting --

18 COMMISSIONER TUCCI: -- by going against
19 existing law.

20 MR. GENITEMPO: Well, you're not voting on it
21 yet. If that question was asked to me on
22 December 18th, I might have a different answer.

23 COMMISSIONER TUCCI: Well, no. I'm sorry, I
24 have to respectfully disagree. We're voting on it for
25 its introduction.

1 MR. GENITEMPO: Introduction, correct.

2 COMMISSIONER TUCCI: Not for final passage.
3 So even on introduction, would we be in conflict with
4 existing law?

5 MR. GENITEMPO: I think there are issues of
6 conflict that I've raised with the commissioners by
7 email, and I'm a little concerned. For example, a
8 perfect one is is retroactive or prospective. So
9 anybody that's serving on a board right now for two
10 terms, as soon as you pass this on December 18th, are
11 they total -- are they immediately off the boards? Is
12 that the intention of it?

13 COMMISSIONER PETRACCO: No. No. That's not
14 the way I understand it thought.

15 MR. GENITEMPO: No, no, I know that, but it's
16 not --

17 COMMISSIONER PETRACCO: But what is the
18 language that's saying that?

19 MR. GENITEMPO: That's not what it says.
20 There has to be some --

21 COMMISSIONER ROGERS: But it's an
22 introduction.

23 MR. GENITEMPO: No, I know. He's asking --

24 COMMISSIONER ROGERS: Yeah, we're not
25 voting on any passage. It's spurring public debate and

1 public discussion.

2 MR. GENITEMPO: Commissioner, I'm only
3 answering Commissioner Tucci's question about the
4 effect of it, if it was put into place. Is that what
5 you really meant?

6 COMMISSIONER TUCCI: Yeah, that's exactly
7 what I meant.

8 MR. GENITEMPO: And so that's an unanswered
9 question that hasn't been really addressed. I started
10 to raise it today, but I -- we don't have enough time
11 to really get into it. I need more time, you know. So
12 I think tabling it, at least until the next meeting on
13 the 18th, will give us all a chance to really look at
14 it I think would be a better way to handle this instead
15 of introducing it, because it's going to have to
16 change. There are definitely changes that I have
17 already suggested that are going to have to be made.
18 That's the most -- that's what I can tell you.

19 COMMISSIONER TUCCI: Okay. All right. I
20 think part of the intention of Commissioner Rogers'
21 ordinance, which started out as a resolution, has
22 already been achieved, all right, just by the sheer
23 number of people that are in the chambers this evening.
24 We very rarely get this many folks here unless we're
25 giving a team an award or it's some special occasion.

1 I think the dialogue is healthy. I think
2 there are good points that have been made on both
3 sides, all right? I don't have all of the answers. I
4 don't know if as written, all right, this would even be
5 enforceable, all right? But I will defer to
6 Commissioner Rogers, all right, out of respect for the
7 time and effort that he's put into this, and his
8 belief, all right, which is a valid one. We all don't
9 have to agree, but I think it's only right that we all
10 listen to each other and at least debate the merits of
11 what we're looking at here and what we may or may not
12 be trying to accomplish.

13 So, Commissioner, if you feel so strongly
14 about this that you want to move forward with it, I
15 will support it on introduction. I don't know that I
16 will support it on second passage because I -- we don't
17 -- there are so many answers that we don't have right
18 now. But I will defer to you as to what your wishes
19 are this evening.

20 COMMISSIONER ROGERS: So the question I have
21 is, if we pass this on introduction, is the town in any
22 exposure for anything?

23 MR. GENITEMPO: No. It's not a law yet.

24 COMMISSIONER ROGERS: Okay.

25 MR. GENITEMPO: It's not a law until there's

1 a public hearing and a vote after a public hearing.

2 COMMISSIONER ROGERS: Okay. So we can move
3 forward in introduction. We could move forward in the
4 public debate, the public discussion that we want to
5 have. We could move forward with making sure we're
6 within the law, and if we're not, then it would be no
7 sense at that time to move forward because we're not
8 going to violate any laws.

9 MR. GENITEMPO: It's hard to answer your
10 question. You know, I understand what you're asking
11 me. Is introducing it creating a legal jeopardy in
12 terms of it. I can only say that I have concerns about
13 the legality of portions of this document.

14 COMMISSIONER ROGERS: Okay. All right. So
15 you have concerns about the legality of the
16 introduction?

17 MR. GENITEMPO: Right.

18 COMMISSIONER ROGERS: All right. So here's
19 what I think we should do. First of all, I do not want
20 to see this ordinance get killed, okay? That I don't
21 want to see. But I also want to see an ordinance that
22 is strong enough that meets the needs of our community.
23 I am going to continue to support term limits, so I'm
24 going to continue to bring my argument to everyone, but
25 this is a healthy discussion tonight.

1 What I will do is table it. I will table it,
2 but it is not going to die. I think what we need to do
3 is to have further discussion, especially with regard
4 to the legal aspects of it. And I think in the spirit
5 of -- look, in the spirit of working together, it would
6 be prudent to table it. And let's bring our best at
7 another hearing and we'll move forward then. I table
8 this.

9 MAYOR SCARPELLI: All right. Thank you,
10 Commissioner.

11 COMMISSIONER EVANS: Just a comment,
12 Commissioner. I appreciate every word that you just
13 presented right now. It restores my faith in the
14 process of government. I applaud you for your
15 passionate belief in term limits, to the point where I
16 actually hope that when we say this does not die, that
17 we will actually schedule more hearings. So it seems
18 to me that we seem to actually arrive at introduction
19 many times before we actually have a hearing to even
20 actually fully understand what all of the diverse
21 opinions are and the points of view.

22 I applaud you for recognizing that the legal
23 research, which seems to be significant, is important
24 because I believe that the integrity of this board, we
25 don't want to introduce something that we know on the

1 surface is, in and of itself, would be something that
2 we could never introduce. Because I -- you know, I
3 don't like the optics of saying, well, it was a good
4 thought, but the law is against us and we can't do
5 this. I'd rather know that on the front end and
6 actually have the conversation about what works and
7 makes sense for Nutley.

8 So I thank you for doing that and I
9 appreciate your willingness to do that. I also
10 encourage all of us to figure out a way that we can
11 bring more people into chambers or in other forums, not
12 only to discuss this issue, but actually as we lead to
13 the redevelopment discussions that go on with, for
14 example, the Ciccolini property, the continuing
15 redevelopment of the prism property, the implications
16 for state aid and the economics of the town. I think
17 there's many topics that actually lend itself to more
18 public discussion before we actually are put into the
19 position of having to vote, so thank you very much. I
20 appreciate what you did.

21 COMMISSIONER ROGERS: Mr. Mayor, to Commissioner
22 Evans' point, now you brought up something very
23 interesting. We do tend to have these discussions
24 after introduction, so can we set up a process where we
25 invite the public to a meeting on a specific issue like

1 this so that this room could be filled and we don't
2 have any doubts as to where we're headed? I mean, I
3 think that's a good idea.

4 MR. EVANS: I vote yes.

5 MAYOR SCARPELLI: Any public discussion is
6 certainly good from my end.

7 COMMISSIONER ROGERS: Okay. So --

8 MAYOR SCARPELLI: We had a discussion
9 tonight. We had multiple points of view. Everybody
10 was very respectful of everybody.

11 COMMISSIONER ROGERS: It was great. It was great.

12 MAYOR SCARPELLI: Which is important. So the
13 more we can do that, the better off we are in making
14 informed decisions on what the electorate will --

15 COMMISSIONER ROGERS: So here's what I would like
16 to do. I would like to do the work that I have to do as a
17 commissioner with my colleagues and council. I would
18 also ask that we put the word out that on a particular
19 night at a Commission meeting, we are going to discuss
20 the issue without introducing it. Can we do that?

21 MAYOR SCARPELLI: Sure.

22 COMMISSIONER ROGERS: And get all the opinions and
23 suggestions and ideas, and then formulate an ordinance
24 that would meet our needs if we go forward with it.
25 Fair?

1 MAYOR SCARPELLI: Fair, Commissioner.

2 COMMISSIONER ROGERS: Okay. Thank you. Thank you
3 very much.

4 MAYOR SCARPELLI: Thank you.

5 COMMISSIONER TUCCI: Mayor, can I make just
6 one closing comment?

7 MAYOR SCARPELLI: Sure.

8 COMMISSIONER TUCCI: Because I would be
9 remiss if I didn't say this. I just want to thank all
10 of our volunteers and all of our professionals because
11 many of the hours that you put in and the time and the
12 controversy that surround different issues are not
13 addressed. All right? But you need to know that we do
14 recognize the hard work that you do, and we do
15 appreciate it.

16 And I don't ever think for one moment that
17 this ordinance and/or resolution, however it started,
18 all right, was ever to eliminate anyone who is really
19 contributing and doing their very best. So I just want
20 to thank everyone for all of the hard work that you've
21 put in and all of the dedication over the years. And I
22 know there are many long-term members, and I believe
23 that's part of the reason why Nutley is the township
24 that is is and not like some of our surrounding towns
25 that aren't in the same shape that we're in, so thank

1 you all.

2 MAYOR SCARPELLI: Commissioner, I just want
3 to thank you for polling this tonight. You know I had
4 reservations about it, and we had correspondence going
5 back and forth. But I'm also going to circulate to
6 everybody the list of the board members so you can see
7 that we've had turnover with each of the boards, so
8 everybody recognizes that, too. There are people that,
9 if you look at the experience on the board, we have
10 people with many years of experience, we have people
11 with a medium level of experience, and we have new
12 people, and I think that's a good mix in what we have.

13 And I'd hate to lose some of those people
14 with that institutional knowledge that was brought up
15 tonight. So I look forward to working with you,
16 Commissioner, in getting a better ordinance. And I
17 want to thank everybody on both sides for coming out
18 and voicing your opinion in such a respectful manner.
19 It's very important that we respect each other's
20 opinions, and I want to thank everybody for that.

21 Ordinance Number 3406. And if anybody
22 doesn't want to stick around for the rest of us, we're
23 probably going to be here until about eleven o'clock.

24 (Pause in proceedings)

25 MAYOR SCARPELLI: If everybody can make it

1 out, though, please don't stick around in chambers and
2 talk. Happy Thanksgiving, everybody.

3 (Pause in proceedings)

4 MAYOR SCARPELLI: Madam Clerk, I'm going to
5 move along.

6 THE CLERK: Yes, Mayor.

7 MAYOR SCARPELLI: This is Ordinance
8 Number 3406, and ordinance to amend an ordinance
9 codified in the code of the Township of Nutley,
10 Chapter 484, entitled Parking Lots, Municipal,
11 Particularly the following sections: Article 1,
12 Section 8, entitled "Hours of Service; Parking Fees;
13 and Monthly Parking." I move this ordinance be passed
14 to a second reading advertised in the Nutley Sun,
15 together with the notice required by law, and that
16 further consideration and set an ordinance for final
17 passage by the Board of Commissioners be held at its
18 second meeting on December 18, 2018. I move the
19 resolution.

20 COMMISSIONER TUCCI: Second.

21 THE CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 THE CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 THE CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 THE CLERK: Commissioner Petracco?

3 COMMISSIONER PETRACCO: Aye.

4 THE CLERK: Mayor Scarpelli?

5 MAYOR SCARPELLI: Aye. That's the ordinance

6 I moved.

7 Public hearings. Commissioner Petracco?

8 COMMISSIONER PETRACCO: Yes. I have
9 Ordinance Number 3400, an ordinance to amend an
10 ordinance codified in the code of the Township of
11 Nutley, Chapter 228, entitled "Vehicles and Traffic,"
12 particularly Article II, parking on certain streets,
13 Section 11 entitled "Parking Time Limited" and Section
14 32 entitled "Permit Parking." This is for the streets
15 for Highfield Lane, Edison Avenue, Oakley Terrace,
16 Conduit Place. This is the issue that we've been
17 having in town with commuter parking and neighborhoods
18 getting filled up. So I open the public hearing.

19 MAYOR SCARPELLI: Anybody wish to be heard on
20 Ordinance Number 3400?

21 COMMISSIONER PETRACCO: Seeing no one, I move
22 to close.

23 COMMISSIONER ROGERS: Second.

24 THE CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.

2 THE CLERK: Commissioner Evans?

3 COMMISSIONER EVANS: Aye.

4 THE CLERK: Commissioner Petracco?

5 COMMISSIONER PETRACCO: Aye.

6 THE CLERK: Mayor Scarpelli?

7 MAYOR SCARPELLI: Aye.

8 COMMISSIONER PETRACCO: I move the ordinance.

9 COMMISSIONER ROGERS: Second.

10 THE CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 THE CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 THE CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Just before I vote
18 "aye" on this for the last time, I just want to let my
19 board members know and the general public that we have
20 had a lot of questions, and this is still a pilot
21 program for sure.

22 I've had already people from Nutley Ave. come
23 up to me, actually friends of my mom's, and with that
24 being said, that, you know, they're worried that the
25 problem is going to be pushed to another street, all

1 that stuff, so we're going to really be taking a close
2 eye, you know, on this and seeing what exactly is going
3 on and how to resolve any issues that may come up. But
4 I could say that this was a very, very difficult
5 ordinance to pass, to give some of the residents the
6 relief that they need.

7 I'm not sold a hundred percent that this is
8 going to be the way this is going to be for the next
9 hundred years. We might have to tweak it, and tweak
10 some things, and I'm willing to do that. So if there's
11 anybody in TV land out there that lives on any of these
12 streets that are being affected, please reach out to my
13 assistant at the Town, Sandra Carella. I'm sure you
14 like that, Sandra, huh? But, anyway, please get in
15 touch with us because this is really a work in process.
16 Aye.

17 THE CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 Ordinance Number 3399, that public hearing
20 will be moved to our next meeting date. There were
21 some last minute changes that are de minimis in nature,
22 but still I want to give the commissioners a chance to
23 review that.

24 COMMISSIONER TUCCI: Thank you, Mayor.

25 MAYOR SCARPELLI: Resolutions. Commissioner

1 Rogers.

2 COMMISSIONER ROGERS: Resolution Number
3 260-18, Whereas, the Township of Nutley Department of
4 Public Affairs desires to enter into a contract for the
5 furnishing of Public Health Nursing services of a
6 technical and professional nature with the Township of
7 Montclair pursuant to N.J.S.A. 26:2A2-1 and N.J.S.A.
8 40:8A-1.

9 Whereas, the Township of Nutley shall provide
10 the services of a licensed Registered Nurse who will
11 administer public health nursing activities within the
12 territorial jurisdiction of the Township of Nutley.

13 And, whereas, the Township of Montclair
14 agrees to pay the Township of Nutley during the
15 contract period, January 1, 2019 through December 31,
16 2021, the amount of \$37 per hour for nursing time which
17 includes administrative costs up to 15 hours per week
18 of nursing time.

19 Now, therefore, be it resolved by the Board
20 of Commissioners of the Township of Nutley, that the
21 Mayor and the Township Clerk are hereby authorized to
22 enter into an agreement for Public Health Nursing
23 services with the Township of Montclair. So moved.

24 COMMISSIONER PETRACCO: Second.

25 THE CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye. Thank you,
10 Commissioner. Commissioner Tucci?

11 COMMISSIONER TUCCI: Yes. Whereas, the
12 Township of Nutley has the need to acquire dental plan
13 services on behalf of the Township.

14 Excuse me. And, whereas, such services may
15 be acquired as a non-fair and open contract pursuant to
16 the provisions of N.J.S.A. 19:44 A-20.4 or 20.5, as
17 appropriate.

18 And, whereas, Imac Insurance Management &
19 Consulting shopped rates but none of the quotes were
20 comparable to the benefits the Township currently has
21 with Delta Dental.

22 And, whereas, the Township has negotiated
23 with Delta Dental of New Jersey, P.O. Box 369,
24 Parsippany, and has retained a one-year renewal rate,
25 with a 2 percent increase.

1 And, whereas, the anticipated cost for this
2 service will not exceed \$362,100.00 per year.

3 And, whereas, funds will be available from
4 Accounts 9-01-526-243 and 9-01-707-243, and will be
5 certified by the Chief Financial Officer, said funds to
6 be available through the 2019 Municipal Budget.

7 And, whereas, Delta Dental of New Jersey has
8 completed and submitted a Business Entity Disclosure
9 Certification which certifies that Delta Dental has not
10 made any reportable contributions to a political or
11 candidate committee in the Township of Nutley in the
12 previous one year, and that the contract will prohibit
13 Delta Dental from making any reportable contributions
14 through the term of the contract.

15 Now therefore, be it resolved, that the Board
16 of Commissioners of the Township of Nutley, County of
17 Essex, State of New Jersey, authorizes the Commissioner
18 of Parks and Public Property and/or the Mayor,
19 whichever is appropriate, to enter into a contract with
20 Delta Dental of New Jersey. I move the resolutions.

21 COMMISSIONER EVANS: Second.

22 THE CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 THE CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 THE CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 THE CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 THE CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 COMMISSIONER TUCCI: Be it resolved, by the
8 Board of Commissioners, Township of Nutley, County of
9 Essex, State of New Jersey, that the Township Clerk is
10 authorized to advertise for sealed bids for recreation
11 uniforms and recreation equipment, bids to be received
12 on Wednesday, December 12, 2018 in the Commission
13 Chambers, Township Hall at three o'clock prevailing
14 time, at which time they will be publicly opened and
15 read. I move the resolution.

16 COMMISSIONER EVANS: Second.

17 THE CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 THE CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 THE CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 THE CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 THE CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

2 COMMISSIONER PETRACCO: Be it resolved, by
3 the Board of Commissioners of the Township of Nutley,
4 County of Essex, State of New Jersey, that the Shade
5 Tree Committee Meetings will be held on the following
6 dates, for the year 2019: January 10 of '19; March 7;
7 April 11; June 13; September 19; and November 7, 2019.
8 I move the resolution.

9 COMMISSIONER EVANS: Second.

10 THE CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 THE CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 THE CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 COMMISSIONER TUCCI: Whereas, the Township of
21 Nutley, Department of Parks and Public Property, has
22 the need to make emergency repairs to the roof of the
23 Public Safety Building, 228 Chestnut Street Nutley, New
24 Jersey.

25 And, whereas, as a result of the excessive

1 amount of rainfall and strong winds from the last
2 storm, water has begun leaking into the second floor of
3 the Public Safety Building, that is touching electrical
4 wires and endangering the safety and welfare of the
5 employees in the building.

6 And, whereas, in accordance with Local Public
7 Contracts Law 40A: 11-6, entitled Emergency Contracts,
8 the Director of Parks and Public Property has notified
9 the Purchasing Agent in writing of the emergency.

10 And, whereas, Gabriele Roofing & Siding,
11 125 Kenzel Avenue, Nutley, New Jersey, has the ability
12 to repair the roof and/or replace different portions of
13 it on an emergent basis at a cost not to exceed
14 \$45,000.

15 And, whereas, funds are available in Capital
16 Account No. 3372A and have been certified by the Chief
17 Financial Officer, said certification being attached to
18 this resolution.

19 Now, therefore, be resolved that the Board of
20 Commissioners of the Township of Nutley, County of
21 Essex, State of New Jersey, authorizes that a contract
22 be entered into on an emergency basis in accordance
23 with Local Public Contracts Law 40A: 11-6, with
24 Gabriele Roofing & Siding at a cost not to exceed
25 \$45,000 to repair the roof on the Public Safety

1 Building, 228 Chestnut Street, Nutley, New Jersey. I
2 move the resolution.

3 COMMISSIONER EVANS: Second.

4 THE CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 THE CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 THE CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 THE CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 THE CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

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

16 MAYOR SCARPELLI: Commissioner Evans?

17 COMMISSIONER EVANS: Thank you, Mayor. I
18 have one resolution.

19 Whereas, the Township of Nutley, Department
20 of Revenue and Finance, Code Enforcement Department
21 entered into a contract with EIC Inspection Agency,
22 Kennedy Boulevard in Jersey City, as a non-fair and
23 non-open contract pursuant to the provisions of
24 N.J.S.A. 19:44A-20.4 and 20.5 as appropriate, through
25 Resolution Number 301-17 dated December 19, 2017.

1 Whereas, EIC Inspection Corporation suddenly
2 and with short notice closed its business, and will no
3 longer be available to inspect Nutley -- Township of
4 Nutley elevators.

5 Whereas, the Township of Nutley has a need to
6 acquire Elevator Inspections Services on an emergent
7 basis on behalf of the Township as a non-fair and non-
8 open contract pursuant to the provisions of N.J.S.A.
9 19:44A-20.4 and 20.5 as appropriate.

10 Whereas, Suburban/City Inspection, LLC,
11 P.O. Box 192, Ho-Ho-Kus, New Jersey, has submitted a
12 proposal to provide the required elevator service
13 inspections for the remainder of 2018 at a total fee
14 not to exceed \$16,100. The 16,000 covers is if the
15 inspections are made at the end of the year, so EIC
16 informed us that they were no longer going to be able
17 to do the inspections before they started. So while
18 it's the remainder of '18, it's actually in the period
19 when the inspections occur.

20 Whereas, as a result of the change in
21 circumstances, the Township will realize a cost savings
22 of approximately \$8,418.

23 And, whereas, Suburban Inspection has
24 completed and submitted a Business Entity Disclosure
25 Certification which certifies that said LLC has not

1 made any reportable contributions to a political or
2 candidate committee in the Township of Nutley in the
3 previous one year, and that the contract will prohibit
4 Suburban/City Inspection's principal from making any
5 reportable contributions through the term of the
6 contract.

7 Whereas, funds are available in
8 Account 8-01-217-205 and have been certified by the
9 Chief Financial Officer, said certification being
10 attached to this resolution.

11 Now, therefore, be it resolved by the Board
12 of Commissioners of the Township of Nutley, State of
13 New Jersey, that a contract shall be entered into
14 between the Township of Nutley and Suburban/City
15 Inspection, LLC, P.O. Box 192, Ho-Ho-Kus, New Jersey,
16 for Elevator Services not to exceed \$16,100. So moved.

17 COMMISSIONER TUCCI: Second.

18 THE CLERK: Commissioner Rogers?

19 COMMISSIONER ROGERS: Aye.

20 THE CLERK: Commissioner Tucci?

21 COMMISSIONER TUCCI: Aye.

22 THE CLERK: Commissioner Evans?

23 COMMISSIONER EVANS: Aye.

24 THE CLERK: Commissioner Petracco?

25 COMMISSIONER PETRACCO: Aye.

1 THE CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye. Commissioner
3 Petracco?

4 COMMISSIONER PETRACCO: Yes. I have
5 Resolution Number 269-18. This is for software for the
6 police department. This is a contract not to exceed
7 45,000, and I'm just going to move it as it is to save
8 some time tonight. Move the resolution.

9 COMMISSIONER ROGERS: Second.

10 THE CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 THE CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 THE CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 COMMISSIONER PETRACCO: On Resolution

21 Number 270-18, whereas, the Township of Nutley has
22 determined that certain property is no longer needed
23 for public use.

24 Whereas, the Local Unit Technology Pilot
25 Program and Study Act authorizes the sale of surplus

1 personal property no longer needed for public use
2 through the use of an online auction. This is
3 Resolution 270-18. I move the resolution.

4 COMMISSIONER ROGERS: Second.

5 THE CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 THE CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 THE CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 THE CLERK: Commissioner Petracco?

12 COMMISSIONER PETRACCO: Aye.

13 THE CLERK: Mayor Scarpelli?

14 MAYOR SCARPELLI: Aye.

15 COMMISSIONER PETRACCO: And Resolution
16 Number 271-18, this is for the pistol range in North
17 Arlington in the amount of -- not to exceed the amount
18 of \$2,000. I move the resolution.

19 COMMISSIONER ROGERS: Second.

20 THE CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 THE CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 THE CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye. Thank you. Thank
5 you, Commissioner.

6 Whereas, raffle applications have been
7 received from the list below. Whereas, the
8 applications have been reviewed and approved by the
9 Municipal Clerk and the Police Department.

10 Now, therefore, be it resolved by the Board
11 of Commissioners of the Township of Nutley, County of
12 Essex, State of New Jersey that the aforementioned
13 licenses are approved and the Municipal Clerk is
14 authorized to issue the raffle licenses. Move the
15 resolution.

16 THE CLERK: Need a second.

17 COMMISSIONER TUCCI: Second. I'm sorry,
18 Mayor.

19 MAYOR SCARPELLI: That's all right.

20 THE CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 THE CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: Aye.

24 THE CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 THE CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 THE CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 Be it resolves by the Board of Commissioners
6 of the Township of Nutley, County of Essex, State of
7 New Jersey that the following days shall be considered
8 paid holidays and move the move the resolution.

9 MR. TUCCI: Second.

10 THE CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 THE CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 THE CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye.

20 Be it resolved, in accordance with the Open
21 Public Meeting Law, Chapter 231, Public Law 1975 the
22 public meetings of the Board of Commissioners of the
23 Township of Nutley, County of Essex, State of New
24 Jersey, are held on the first and third Tuesday of
25 every month.

1 Please take further notice that the Board of
2 Commissioners of the Township will hold end of the year
3 meeting on Tuesday, December 31, 2019 at 9:00 A.M.,
4 Township of Nutley Municipal Building, Third Floor
5 Commission Chambers, One Kennedy Drive where formal
6 action will be taken, and the listed meetings are here.
7 I move the resolution.

8 MR. TUCCI: Second.

9 THE CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 THE CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 THE CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 THE CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 THE CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 Be it resolved, by the Board of Commissioners
20 of the township of Nutley, County of Essex, state of
21 New Jersey that in accordance with the provision of
22 R.S. 40A:4-58, the following transfers of
23 appropriations in the 2018 Budget be and the same are
24 hereby authorized and approved from Sewer System salary
25 and wage, \$40,000 to Recycling Program salary and wage

1 \$40,000 and move the resolution.

2 COMMISSIONER TUCCI: Second.

3 THE CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 THE CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 THE CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 THE CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 THE CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 The final resolution we're going to hold
14 until after our executive meeting and we'll come back
15 on the record to vote on that. In the interim, we're
16 going to have the -- open the meeting up to the public.
17 Madam Clerk?

18 THE CLERK: I need a motion.

19 COMMISSIONER TUCCI: So moved.

20 THE CLERK: All rise.

21 MAYOR SCARPELLI: Mayor Clerk, read the five-
22 minute public comment notice.

23 THE CLERK: Okay.

24 MAYOR SCARPELLI: I'm sorry. I wasn't clear.

25 THE CLERK: Sorry. All persons addressing

1 the Board of Commissioners regarding community concerns
2 should approach the microphone and provide their name
3 and address for the record. Unless further time is
4 granted by the Board, each person shall limit their
5 address to five minutes. All remarks to the Board and
6 its individual members must be addressed to the Mayor.
7 The Mayor may defer citizens' comments to the
8 appropriate member of the Board.

9 Dialogue between citizens and others
10 addressing the Board shall be allowed unless the Mayor
11 or presiding officer or the majority of the membership
12 fo the Board shall determine in the interest of the
13 quorum and/or the expeditious conduct of municipal
14 business are being adversely affected by such dialogue.

15 MR. MOORE: Rory Moore, 462 Chestnut
16 Street. Mister -- Commissioner Rogers, I'd like to
17 commend you, sir, salute you for what you did tonight.
18 This is the first time in my brief history in Nutley
19 that I've ever seen a commissioner actually care about
20 this -- the townspeople. Everybody knows prior to
21 this, if you wanted to be on the board, you had to be
22 very well connected. That was very obvious.

23 I've known a lot of people who've moved into
24 town with the hopes of contributing to boards and were
25 never able to get there. But at least tonight you did

1 something that nobody else before you ever did, and
2 that was to open it. Now we we're going to have a
3 dialogue. Nobody would be having this dialogue, or
4 even planning to have it, if you didn't introduce this
5 ordinance tonight.

6 And I think it says a lot to the people who
7 have been there, but it also says a lot -- we're
8 looking at an ordinance to put 70 percent more than
9 two-bedroom apartments. We're inviting a lot of other
10 people into this town and we're saying to them, you can
11 come in here, you can pay \$3,500 a month for rent, but
12 you can't be on the board. But I think that's
13 important that when you have the discussion, the public
14 hearing, I think it's crucial that everybody should be
15 able to be heard.

16 I'm sure there's just as many good reasons
17 for everybody to want to stay on the boards. However,
18 there's probably just as equally as many reasons for
19 new people to get on to the board. And I'm sure that
20 it is a mix to say, yes, we can do this, but if you
21 didn't do it tonight, this would never have happened.
22 Tonight you changed Nutley history. Thank you.

23 MAYOR SCARPELLI: Thank you, Mr. Moore.
24 Anybody else? Commissioner.

25 MR. ROGERS: Thank you, Mr. Moore. I would

1 like to say that my colleagues here do care for the
2 town. I think that they demonstrated tonight a desire
3 to have open dialogue, to have more discussion about
4 this, and I think it's a good thing. You're right,
5 maybe we made a little history here, all of us did,
6 because this is the first time I've been on this board
7 that I've seen this crowd this big to discuss an issue
8 that's critical to all of us. But I thank you for your
9 words, but I'm working with a good team here. And this
10 is Round 1, my friends. We're going to go to Round 2,
11 right, fellas? Thank you very much.

12 MAYOR SCARPELLI: Thank you.

13 MS. ROSSI: Tammy Rossi, 28 Colonial Terrace.
14 While I also appreciate the board members making an
15 appearance to express their opposition to term limits,
16 I wonder why they left after they had their say. These
17 are committed parties who say they care about the town
18 of Nutley. Do they ever once come to a town meeting, a
19 Board of Commissioner meeting, a Board of Education
20 meeting?

21 I'm not trying to minimize the time and
22 effort they put into serving on the boards, but their
23 strong opposition to term limits is illustrative of
24 almost a power struggle. They want to hold on to those
25 positions. And, you know, as I said earlier, this town

1 has over 28,000 citizens. We don't even post these
2 opportunities for people, so how are people even made
3 aware? Where are the criteria to serve on these boards
4 even posted?

5 People don't know what the time commitment
6 is. They don't know what the job requires. And that
7 really would help give people clarity on whether or not
8 they can handle signing up for that position or
9 applying for it. I'm sure many more parties in this
10 town would be willing to volunteer if they had clarity
11 on what the demands are of these volunteer
12 opportunities.

13 Mr. Iannarone spoke about how they defer to
14 the professional staff at the library to make the
15 decisions. Well, then my question is what is the
16 criteria to serve on the library board if they leave
17 all of the decision making to the staff of the library?
18 You know, this is where we need clarity, and I ask you,
19 Mayor Scarpelli, next month there are term expirations
20 on the Planning Board. There is a term expiration on
21 the Library Board. There may be other term expirations
22 on other boards. People are sending their resumes in
23 to serve on these boards. How will you make that
24 determination of whether or not you will allow new
25 parties to serve on these boards?

1 MAYOR SCARPELLI: Ms. Rossi, I've received four
2 resumes from people for various boards, and I intend to
3 sit down with each of them and talk to them and explain
4 what the criteria is and how much time is allotted for
5 those boards.

6 MS. ROSSI: Great.

7 MAYOR SCARPELLI: So that's what I plan on
8 doing.

9 MS. ROSSI: Thank you very much.

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

12 MS. CELENTO: Amy Celento, 70 Newman Avenue.
13 I want to echo the comments made here by all of you as
14 well as the citizens still attending the meeting. Just
15 in terms of opening a public dialogue, this really was
16 what you're saying unprecedented. I've only been
17 coming to the meetings for a year, but it really is
18 fantastic that people came out and spoke.

19 I was surprised that a paid employee, the
20 Zoning Board attorney, was here providing testimony
21 almost as if she was a citizen. So it would be great I
22 guess since we have three paid attorneys -- we have
23 Mr. Genitempo, we have Mr. Kozyra, and we have
24 Ms. McGovern -- I guess if they would all coordinate
25 while this ordinance is tabled because it does seem

1 like that would be necessary.

2 I do want to say that at the federal level
3 there are a significant number of term limits. I mean,
4 I served on a committee of the Food and Drug
5 Administration, and they're very clear term limits. So
6 this idea that state regulations or ordinances or
7 statutes might prohibit what happens at the municipal
8 level, I don't know, there were some things cited from
9 the '70s. It's now almost the end of 2018, so maybe
10 it's time for a new precedent. And I'm not sure if a
11 change at the municipal level could potentially
12 establish new precedent. It would probably be
13 appealed. I understand that may take some money in
14 terms of, you know, going through that process, but
15 maybe it's time for a new precedent. It seems like
16 some of these statutes are potentially outdated by
17 about 40 years. I'm not sure; I'm just saying
18 possibly.

19 Additionally, I wanted to say that in terms
20 of what else is on the agenda tonight, the parking
21 meters, I looked through the session listing from the
22 New Jersey League of Municipalities. It doesn't look
23 like there's anything addressing parking and parking
24 fees and, you know, coming up to speed in terms of
25 debit and credit card acceptance, but I wonder if the

1 League of Municipalities can provide some guidance as
2 to what other municipalities are doing and/or if you
3 can reach out to neighbors in Montclair as Commissioner
4 Tucci suggested, that it was very easy to pay with a
5 card.

6 And, you know, I've parked in that Crescent
7 Garage. It's a dollar an hour whether you use cash or
8 a credit card, and they've even now turned on, if
9 somebody didn't pay at the pay station, you can
10 actually pay on exit, and it is super quick. It
11 doesn't hold up the line at all. You can pay right at
12 the gate, pop your credit card in. It is so fast.

13 And it's the same fee, so I understand there
14 are fee issues, but somehow they're figuring it out, so
15 I wanted to just mentioned that. So thank you very
16 much.

17 MAYOR SCARPELLI: Ms. Celento, we'll walk
18 into the League of Municipalities and see if they have
19 any guidance.

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

22 MR. ODRIA: Michael Odria, 133 Hight St. I would just
23 say publicly, it is of the utmost importance for our
24 committee to have term limits on our boards, including on
25 this board, too, because Tammy mentioned something we have

1 28,000 people who live in this town; 28,000 people is a
2 lot for a small town. And I would like for our
3 Planning and Zoning Board, and especially our Planning
4 Board, what to do (indiscernible) the population of
5 this town growing even larger. This town is supposed
6 to be a small town of single-family homes, the
7 majority, and I hate to see this town change into
8 surrounding towns.

9 I mean, in Montclair, they just had a murder,
10 someone (indiscernible) stabbed to death, I think
11 (indiscernible). I don't want that crap to be brought
12 to this town because their population (indiscernible)
13 is bigger than ours. We need board members who care
14 about the protection of the homeowners of this town
15 that have been living here for many decades.
16 (indiscernible) this town turn into an overcrowded
17 town.

18 I really think for the past 20 years, our
19 board members on our Planning Board should have done
20 things to cut the population of this town at a subtle
21 small (indiscernible) level. I mean, 28,000 people is
22 a lot. I don't want to see it grow any bigger. Let's
23 keep Nutley small. And I think the term limits, people
24 like me with (indiscernible) might want it, but
25 (indiscernible) help keep it that way. Total limit

1 apartment building (indiscernible) apartments. Thank
2 you.

3 MAYOR SCARPELLI: Thank you, Mr. Odria.
4 Mr. Odria, just so you know, when I was growing up in
5 the town, there were 33,000 people in Nutley.

6 MR. ODRIA: Was that in the '40s?

7 MAYOR SCARPELLI: It was a long time ago.

8 MR. ALESSIO: Carmine Alessio, 81 East Centre
9 Street. Mr. Rogers, thanks for trying to introduce the
10 term limit quasi board thing. I thought it was a great
11 idea, and I don't think it should have been tabled. I
12 think it should have been totally introduced.

13 Now, I want to cut to the chase here. We
14 have a lot of these people on the board that were on
15 the board for -- at the library. I mean, they come up
16 here like they're victims. We have people that, like
17 me, our beef is with the Planning Board, Variance
18 Board, and all of the buildings that are being built
19 multi-dwellings. We don't have a beef with the
20 librarians and people who are on that board.

21 What's going on is definitely not legit,
22 okay? You have all of these multi-dwellings going up.
23 People are investing in their homes. Their homes,
24 they're sending their children to school, people in the
25 homes. You've got people living in all of these multi-

1 dwellings. They're supposed to be one-bedroom; they're
2 two-bedrooms. And there's -- they're using our
3 schools. Our schools are small now, okay?

4 I'm from on East Centre Street over there,
5 and I watch my alma mater. My father went to
6 Washington School. I went to Washington School. My
7 children went to Washington School. I'm looking at the
8 school and I'm saying, if I took a picture of the
9 front, it's like watching Annie Oakley over there,
10 right? You could put six classrooms without changing
11 the footprint, okay? And everybody's trying to make
12 Mr. Meka fall on his sworn, although I had my thing
13 with him about my trees that he built the wall right up
14 against, and the trees are going to fall down, and I
15 have a beef about that, which nothing is getting
16 accomplished. I've got two giant trees. There's 50
17 percent of the root system's like not there no more and
18 they're going to fall. You think maybe there's a thing
19 called impact fee where the man is supposed to service
20 the community a little bit and try to like square up
21 with some of the people that are affected by this? No.
22 Nobody seems to care. Nobody wants to do anything.
23 And it's the people like us that are getting hurt.
24 We're getting severely hurt by all of these multi-
25 dwellings.

1 Now, last week I was here. I see the agenda.
2 It's like three inches thick -- well, maybe two inches,
3 okay? I'm looking at my B-4 business zone, okay? I
4 look at the zone and now there was an introduction to
5 keep it B-4. Nobody could put any residences there or
6 any kind of retail there. But yet Mr. Meka built a
7 giant monstrosity building that I myself said it wasn't
8 going to work out.

9 Nobody is going to go in the little
10 residential stores there. Our neck of the woods down
11 there was manufacturing, okay? It's not for a Mike
12 Cafone (phonetic) to have a 75-by-100 lot, and it looks
13 like a third-world country. Even until today, it looks
14 like that. There's -- they dump all over the place,
15 7:00 in the morning on a Sunday. I know it's not
16 residential, okay? I know what the score is. We've
17 been here all our lives, okay? We just want a fair
18 shake in the community to have things -- things done
19 properly.

20 I'm not the caretaker down there, okay? Drug
21 dealers dealing out of cars, people pulling in the lot
22 late at night. There was an OD. I tried to
23 (indiscernible) what happened there. You know, like,
24 what is this? I don't want that there. It's illegal.

25 I came here numerous times telling you that

1 when you have an empty lot, there's supposed to be a
2 site plan and some -- and that's what it's supposed to
3 be, not to use a lot as an empty lot to run trucks off
4 of, okay?

5 Not to have somebody put -- which was
6 supposed to be a gated community, it turns into an
7 apartment complex, okay? There's no -- the Municipal
8 Land Use Act says that you have to have property
9 abutting the street. He has a driveway on one side and
10 a two-carriage road on the other, and the Planning
11 Board ordered them to go get a title for that road.

12 I go to the meetings and I'm over there
13 saying that road was -- the town took it. They used it
14 for a right-of-way. There's no -- King Marsack
15 (phonetic) doesn't own that. All right? The town took
16 it, and I have proof it. I know my time's up, but I'm
17 trying to -- I wouldn't be coming to these things if I
18 didn't think that there was a detriment in my area, and
19 it's becoming like that all over the town. So
20 Mr. Rogers, thanks for introducing something like that,
21 and I don't think it should have been tabled. It's
22 only for a few of the boards, which --

23 MAYOR SCARPELLI: Thank --

24 MR. ALESSIO: -- these people are appointed
25 by the --

1 MAYOR SCARPELLI: Thank you, Mr. Alessio.

2 MR. ALESSIO: -- commissioners, so maybe
3 instead of the quasi board term limit, we should get
4 rid of all the commissioners. We've got three miles by
5 three mile radius here, and the town's overload. It's
6 going to pop, and I don't like it. And that's why I
7 come to these meetings, so I have just the right and
8 amount of time in these meetings for 25 years as a
9 person that's on the library board for 40 years. I've
10 been coming to these meetings for 30 years.

11 MAYOR SCARPELLI: Mr. Alessio, please.
12 That's enough.

13 MR. ALESSIO: And I'm sorry, I had enough,
14 too, so I'm going to sit down.

15 MAYOR SCARPELLI: Thank you.

16 MR. ALESSIO: I had enough. Thanks for
17 hearing me.

18 MAYOR SCARPELLI: Anybody else wish to
19 address the Board of Commissioners?

20 MR. ALESSIO: Can I say one thing? I hope
21 some -- I hope we can get along as a community, because
22 this is -- we're all friends here, and that's all I
23 have to say.

24 MAYOR SCARPELLI: Thank you, Mr. Alessio.

25 MR. ALESSIO: Thank you.

1 MS. O'MALLEY: Hello. Karen O'Malley,
2 81 Coeyman. I have a comment/question that has nothing
3 to do with anything we spoke about tonight. It's more
4 personal in nature. I have a neighbor in my -- that
5 abuts my backyard that does not maintain their
6 property, and I had the Shade Tree come about a year
7 and a half ago, and they said, yes, it's -- they need
8 to maintain their property. They need to take care of
9 these dead trees. They need to do all these things.
10 And I offered to pay half, and then the homeowner
11 didn't want to like -- didn't like the prices that I
12 got and so wouldn't pay half.

13 And so I have called a couple more times to
14 Shade Tree to find out, like, can we get somebody in,
15 can we get the Town in there to make them clean up the
16 backyard, which is, like I said, all their dead trees
17 are going to come over and, like, kill my pets that are
18 in the backyard one day. A big, big chunk of trunk did
19 come down, but fortunately ended up -- landed on their
20 side of the fence, but I've had other branches and
21 stuff, so I know. So to make a long story short, what
22 do I do? Because I've called the Shade Tree Department
23 a couple times and I haven't gotten any responses.

24 COMMISSIONER TUCCI: I can answer that. I find
25 that very disturbing because our Shade Tree Department

1 is typically very diligent. Frank Demaio is here.
2 He's the gentleman sitting at the end there. Give him
3 your address, I'll make sure and he will make sure that
4 John Linson, our town arborist, will be out there to
5 check those trees again. And we do have an ordinance
6 where we can force folks to take care of dangerous
7 trees.

8 MS. O'MALLEY: Mm-hmm.

9 COMMISSIONER TUCCI: All right. And if there are
10 other property maintenance issues, we can coordinate
11 with Commissioner Evans' department.

12 MS. O'MALLEY: There were. That's what they
13 said. But John -- I guess it was John who came like a
14 year and half, two years go.

15 COMMISSIONER TUCCI: Right.

16 MS. O'MALLEY: He said if they don't do it,
17 there's going -- they're going to be cited for these
18 other things that are there if somebody comes in to
19 say --

20 COMMISSIONER TUCCI: Well, I don't know about the
21 other things, but --

22 MS. O'MALLEY: Well, they're --

23 COMMISSIONER TUCCI: -- if they're out of
24 compliance with the tree and it's hazardous --

25 MS. O'MALLEY: Yes.

1 COMMISSIONER TUCCI: -- all right, then we can cite
2 them for that, and we can force them to take care of
3 that. And if by some stretch of the imagination
4 they're -- you know, it's an affordability issue, we
5 can also work something out in that regard.

6 MS. O'MALLEY: Yeah. Okay.

7 COMMISSIONER TUCCI: Okay.

8 MS. O'MALLEY: Thank you.

9 COMMISSIONER TUCCI: Thank you so much. Yes. Just
10 touch base with Frank Demaio and we'll make sure we
11 stay on it.

12 COMMISSIONER EVANS: And just to the code office,
13 we do have a property maintenance ordinance, so if
14 there is some issue with regard to the property itself,
15 Frank, just we would get the address. John can go out
16 with an inspector from the Code Office and maybe do it
17 all at once.

18 MS. O'MALLEY: Okay. That would be great.
19 Thank you so much.

20 COMMISSIONER TUCCI: I'm sorry you had to come
21 back.

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

24 MS. RUBINO: Joan Rubino, 48 North Road. I
25 would like to address once again the format that you

1 had discussed about back and forth. These minutes are
2 transcribed, are they not, and put into a binder or
3 whatever in the library? Are they transcribed? They
4 used to be.

5 MAYOR SCARPELLI: Well, our minutes are
6 transcribed. I don't know if they go to the library.
7 That I don't know.

8 MS. RUBINO: You don't have any public record
9 of the meetings that are -- have been, you know,
10 transcribed? I mean, I used to go the library and look
11 meetings up and read what was --

12 MAYOR SCARPELLI: Madam Clerk?

13 THE CLERK: It's on the website.

14 MAYOR SCARPELLI: They're on the website?

15 THE CLERK: Yes, they are.

16 MS. RUBINO: Oh, it's the website? No more
17 in the library. Okay. The same thing then. If you
18 have a discussion and somebody asks the question, and
19 20 minutes later you're answering it, the person
20 reading that, they have to go back and forth to see
21 what has transpired. It doesn't make sense, at least
22 not to me.

23 MAYOR SCARPELLI: Ms. Rubino, I think you
24 misunderstood that I changed a little bit of what we're
25 going to do. You're going to ask the questions, right?

1 MS. RUBINO: Yes.

2 MAYOR SCARPELLI: And sit down and then we're
3 going to answer you at that point. All right? We're
4 not going to wait until the end like we did at the last
5 meeting.

6 MS. RUBINO: Okay.

7 MAYOR SCARPELLI: We'll try this. As long as
8 there's not a back-and-forth. So that's what we're
9 trying to do is eliminate that back-and-forth.

10 MS. RUBINO: Why do you want to eliminate the
11 back-and-forth? I don't understand.

12 MAYOR SCARPELLI: Because sometimes it
13 becomes a little contentious and we're trying to avoid
14 that.

15 MS. RUBINO: I -- after attending meetings, I
16 really have never seen it be contentious. I mean, some
17 people drag things out a long time, but other than
18 that, I haven't seen anything that was contentious, as
19 you say, so I don't know. But I think that the format
20 has to be confined. Thank you.

21 MAYOR SCARPELLI: Thank you, Ms. Rubino.
22 Does anybody else wish to address the Board of
23 Commissioners this evening? Seeing none, could I have
24 a motion to go into executive --

25 COMMISSIONER TUCCI: So moved.

1 MAYOR SCARPELLI: -- to discuss,
2 Mr. Genitempo?

3 MR. GENITEMPO: Contract and potential
4 litigation.

5 MAYOR SCARPELLI: Okay.

6 THE CLERK: Whereas, Section 8 of the Open Public Meetings
7 Act Chapter 231, public law 1975, permits the exclusion of
8 the public for meeting in certain circumstances;

9 And, whereas, the public body is of the
10 opinion that such circumstances exist;

11 Whereas, the Board the Commissioners of the
12 Township of Nutley, in the County of Essex, in the
13 State of New Jersey, desires to proceed to a closed
14 executive session;

15 And now, therefore, be it resolved by the
16 Board of Commissioners of the Township of Nutley to
17 move into closed executive session to discuss the
18 contract negotiations and potential litigation.

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

1 THE CLERK: Commissioner Rogers?

2 MR. GENITEMPO: And, Madam Clerk, and action
3 will -- may be taken after executive session.

4 THE CLERK: And action may be taken after
5 executive session.

6 Commissioner Rogers?

7 COMMISSIONER ROGERS: Aye.

8 THE CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Aye.

10 THE CLERK: I'm sorry. Commissioner Evans?

11 COMMISSIONER EVANS: Aye.

12 THE CLERK: Commissioner Petracco?

13 COMMISSIONER PETRACCO: Aye.

14 THE CLERK: Mayor Scarpelli?

15 MAYOR SCARPELLI: Aye.

16 THE CLERK: The time is 9:25.

17 (End of requested portion)

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CERTIFICATION

I, Ilene Watson, do hereby certify that the foregoing is a correct transcript from the electronic sound recording provided for transcription and prepared to the best of my professional skills and ability.

_____ December 5, 2018

Ilene Watson
AAERT Cert. No. 447
Certified Court Transcriptionist

In The Matter Of:

In RE: Nutley Board of Commissioners

Transcript of Proceedings

November 20, 2018

Adjournment



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Adjournment

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TOWNSHIP OF NUTLEY BOARD OF COMMISSIONERS
ONE KENNEDY DRIVE
3RD FLOOR COMMISSION CHAMBERS
NUTLEY, NEW JERSEY 07110

*** ADJOURNMENT ***

DATE: November 20, 2018

BOARD OF COMMISSIONERS:

- JOSEPH P. SCARPELLI, MAYOR
- STEVEN L. ROGERS, COMMISSIONER
- MAURO G. TUCCI, COMMISSIONER
- THOMAS J. EVANS, COMMISSIONER
- ALPHONSE PETRACCO, COMMISSIONER

ALSO APPEARING:

- ALAN GENITEMPO, TOWNSHIP ATTORNEY

Adjournment

2

1 (Recording begins)

2 MAYOR SCARPELLI: Resolution Number 273-18,
3 resolution authorizing the execution of a redevelopment
4 agreement between the Township of Nutley and PB Nutclif
5 Master, LLC and designating PB Nutclif Master, LLC as a
6 redeveloper of the portion of the redevelopment area
7 covered by the Nutley Phase IIA redevelopment plan. I
8 move the resolution

9 COMMISSIONER TUCCI: Second.

10 THE CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 THE CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 THE CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 THE CLERK: Commissioner Petracco?

17 COMMISSIONER PETRACCO: Aye.

18 THE CLERK: Mayor Scarpelli?

19 MAYOR SCARPELLI: Aye. Happy Thanksgiving.

20 THE CLERK: We need a motion to adjourn.

21 COMMISSIONER EVANS: Happy Thanksgiving.

22 MAYOR SCARPELLI: I make a motion to

23 adjourn.

24 COMMISSIONER TUCCI: Second.

25 THE CLERK: Commissioner Rogers?

Adjournment

3

1 COMMISSIONER ROGERS: Aye.

2 THE CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 THE CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 THE CLERK: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Aye.

8 THE CLERK: Mayor Scarpelli?

9 MAYOR SCARPELLI: Aye.

10 THE CLERK: And the time is 10:32.

11 (End of requested portion)

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CERTIFICATION

I, Ilene Watson, do hereby certify that the foregoing is a correct transcript from the electronic sound recording provided for transcription and prepared to the best of my professional skills and ability.

_____ December 5, 2018

Ilene Watson
AAERT Cert. No. 447
Certified Court Transcriptionist