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
(Recording begins)

MAYOR SCARPELLI: All right. Madam Clerk?

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

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

THE CLERK: All present, Mayor.

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

COMMISSIONER PETRACCO: Let's see here. I
know I have -- let's see, I have a public hearing on this -- on parking, the time limiting parking. That's for the final passage tonight. I also have two resolutions. I have an award of the contract to GTBM. That's for the electronic ticketing. An authorization to sell surplus property online at the property.com -- propertyroom.com. And I have authorized to enter into an agreement with the Borough of North Arlington for the police pistol range, and that's all I have.

MAYOR SCARPELLI: Thank you.

COMMISSIONER PETRACCO: You're welcome.

MAYOR SCARPELLI: Commissioner Evans?

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

Our elevator inspection company notified us that they were going -- actually going out of business
and they wouldn't be able to meet the requirements. So we did find someone who can do it, Suburban/City Inspections. It's an individual who is licensed. The good news is, we're saving about 8,400 bucks on the contract through this year and going forward.

MAYOR SCARPELLI: Good.

COMMISSIONER EVANS: That's all I have.

COMMISSIONER TUCCI: How does --

MAYOR SCARPELLI: Commissioner Rogers?

COMMISSIONER TUCCI: Excuse me. How does that happen?

UNIDENTIFIED: They go out of business --

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

COMMISSIONER EVANS: (Indiscernible - cross talk).

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

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

UNIDENTIFIED: (Indiscernible - cross talk).

COMMISSIONER TUCCI: Oh, I --

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

MR. TUCCI: Yeah. Okay.
COMMISSIONER EVANS: And just --

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

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


COMMISSIONER EVANS: Thanks.

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

MAYOR SCARPELLI: You're excused.

COMMISSIONER PETRACCO: Thank God for modern technology.

MAYOR SCARPELLI: Mr. Rogers?

UNIDENTIFIED: We got too many (indiscernible).

UNIDENTIFIED: (Indiscernible - cross talk).

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

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

COMMISSIONER PETRACCO: The public safety building, you said?

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

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

UNIDENTIFIED: (Indiscernible).

COMMISSIONER TUCCI: Yeah.

COMMISSIONER PETRACCO: It is?

COMMISSIONER TUCCI: Yeah.
MR. DEMAIO: it's a new roof.

COMMISSIONER PETRACCO: The whole place, Frank?

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

UNIDENTIFIED: Or that --

COMMISSIONER TUCCI: That section, yeah.

MR. DEMAIO: To cover that --

COMMISSIONER TUCCI: Just that section.

Uh-huh.

UNIDENTIFIED: (Indiscernible - cross talk).

Yeah.

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

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

MAYOR SCARPELLI: Thank you, Commissioner.

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

COMMISSIONER TUCCI: No questions. I met with your guys. You know that they were fantastic, answered all of my questions. But I got it late.
MAYOR SCARPELLI: Yes. So --

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

MAYOR SCARPELLI: Yeah. Absolutely.

COMMISSIONER TUCCI: I would appreciate that.

I just want to read it.

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

COMMISSIONER TUCCI: Right.

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


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

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

MAYOR SCARPELLI: Where are you?
COMMISSIONER EVANS: With the ordinance?

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

COMMISSIONER EVANS: That's for the credit cards?

MAYOR SCARPELLI: Yes.

COMMISSIONER EVANS: All right. Okay. Thank you.

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

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

COMMISSIONER TUCCI: Right.

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

COMMISSIONER EVANS: Yeah.

MAYOR SCARPELLI: So we're not --

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

MAYOR SCARPELLI: Right.

COMMISSIONER EVANS: None of that --

that's --
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1. COMMISSIONER TUCCI: Right.
2. COMMISSIONER EVANS: -- actually a credit card -- the merchant provided a fee --
3. COMMISSIONER TUCCI: That's a processing fee.
4. MAYOR SCARPELLI: Processing for --
5. COMMISSIONER EVANS: Exactly (indiscernible).
6. MAYOR SCARPELLI: Right. So per transaction, the monthly fees, all those things.
7. COMMISSIONER EVANS: All right.
8. COMMISSIONER TUCCI: Right.
9. MAYOR SCARPELLI: So the convenience, we can't absorb.
10. COMMISSIONER EVANS: By law we can't.
12. COMMISSIONER EVANS: We can't do it.
13. COMMISSIONER TUCCI: Listen, it's a great convenience. I was in Montclair last week and I had no change because I don't typically walk around with change. And I just put the credit card in and it was fantastic. Yeah.
14. COMMISSIONER PETRACCO: Do you know the company used for the credit card processing?
15. MAYOR SCARPELLI: I don't off the top of my head.
16. COMMISSIONER PETRACCO: And the only reason why I
mentioned that is because I used (indiscernible) I have him in my store across the street. I have a million guys walking in with these credit cards all the time. No one has even come close to his fees.

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

MAYOR SCARPELLI: It's through our bank.

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

MAYOR SCARPELLI: Yeah. It's high.

COMMISSIONER EVANS: Well, and with the --

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

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

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

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

MAYOR SCARPELLI: It's 50 cents a transaction. That's what it's going to be.
COMMISSIONER PETRACCO: And that's high.

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

COMMISSIONER PETRACCO: No, I know.

MAYOR SCARPELLI: But we can't absorb them.

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

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

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

MAYOR SCARPELLI: No.

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

We have -- I have got calls because people like to pay their property taxes using a credit card and some of them are paying a 6-, $700 convenience fee. And they tell me that they like the points because they go traveling, that they get -- all right? But others
question it. But these are fees the merchants
provides -- charges. They're not ours. You know, we
don't have control over it. It's if you want to use
their -- the machine -- so if you want to use Amex, you
want to use Visa, MasterCard, there's
a charge that they charge. And it is anywhere from
like one-and-a-quarter percent to three percent,
depending upon which cards you want to use for that
service.

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

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

COMMISSIONER TUCCI: Yeah.

COMMISSIONER EVANS: All right? And now
they've modified that to say one merchant provider per
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function. So the court has a merchant provider. Recreation has a merchant provider. Now, parking, you know, has a parking provider. But we can't have a merchant provider for one parking lot and a different merchant provider for another parking lot. So you have the --

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

COMMISSIONER EVANS: Yeah. No,

(indiscernible - cross talk).

COMMISSIONER PETRACCO: Why should we have --

COMMISSIONER EVANS: (Indiscernible).

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

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

COMMISSIONER EVANS: Yeah. But

(indiscernible) your point is, is if, you know, you
have a merchant provider who has the -- like the machine you swipe --

UNIDENTIFIED: Yeah.

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

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

COMMISSIONER PETRACCO: Every --

COMMISSIONER PETRACCO: Or is (indiscernible) or --

MAYOR SCARPELLI: Just the --

UNIDENTIFIED: Yeah.

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

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

COMMISSIONER PETRACCO: Well, actually, traditionally,
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I've always found out that the bank's fees, that's what I'm saying, are much higher than these private guys that are roaming around.

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

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

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

COMMISSIONER PETRACCO: All right.

COMMISSIONER EVANS: -- because we have an account there. And since all these -- all this money that's being transacted -- transactions doesn't come here to town hall. It goes to the bank. The bank then has to process all of that. So for a parking meter, it's probably simpler because it's just in one account. But if it's for a taxpayer, it's got to make sure that they're -- you're tracking it, all the taxpayer information, so it can be properly credited against that taxpayer's account. The bank is involved with all of that.
So you have a bank process, you have the merchant provider themselves, and then you have the credit card company. You know, they're all in the middle between the service and the consumer. And so sometimes those fees -- which they're problematic, I don't disagree with you, on parking meters, but the economics are such that what's the fee to make it affordable, you know, in effect, profitable -- it's a business -- profitable when you're collecting quarters.

COMMISSIONER PETRACCO: Okay.

COMMISSIONER EVANS: You know (indiscernible).

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

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

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

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

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

COMMISSIONER EVANS: But you see it in a lot of places because it's --
COMMISSIONER PETRACCO: We don't do that at Petracco's.

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

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

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

UNIDENTIFIED: (Indiscernible).

COMMISSIONER EVANS: -- out there that could --

UNIDENTIFIED: (Indiscernible).

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

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

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

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

COMMISSIONER EVANS: Yes.

COMMISSIONER TUCCI: But it's -- and they --

most places --

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

COMMISSIONER TUCCI: You know, in Montclair,

they did not take Amex because Amex typically --

COMMISSIONER PETRACCO: It's a higher charge.

COMMISSIONER TUCCI: -- is one of the higher

charges --

COMMISSIONER EVANS: Three percent.

COMMISSIONER TUCCI: -- as we know.

COMMISSIONER EVANS: Yeah. Absolutely.

Three percent.

COMMISSIONER TUCCI: It's crazy.

COMMISSIONER EVANS: So you're right. So

there's a lot of issues we --

COMMISSIONER TUCCI: Yeah. It's worth

checking out. It's a good point. Thank you.

COMMISSIONER EVANS: Absolutely.

MAYOR SCARPELLI: Madam Clerk?

THE CLERK: Yes, Mayor. We have minutes for

approval for October 16, 2018. And for communications,

we have a social affair permit from St. Mary's Church
for their annual St. Anthony's event for Friday, May 31, 2019. And that's it.

MAYOR SCARPELLI: Counselor?

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

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

MR. GENITEMPO: All right.

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

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

UNIDENTIFIED: What do we have from Ricci?

UNIDENTIFIED: (Indiscernible).

COMMISSIONER PETRACCO: Do we have him, or --

UNIDENTIFIED: It's the mixed use --

UNIDENTIFIED: It's an (indiscernible).

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

MR. GENITEMPO: No, no, no, no. Just this is
public. This is public.

UNIDENTIFIED: Well, no, I'm --

(indiscernible) suggests that (indiscernible).

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

UNIDENTIFIED: That's what I said.

UNIDENTIFIED: Oh, okay. All right.

UNIDENTIFIED: That's what I just said.

UNIDENTIFIED: All right.

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

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

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

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

MR. RICCI: I can. I did leave my copy in my car, I just realized.
MR. RICCI: Thank you. I mean, just some 30-second background. There was a draft in place. I was asked to provide planning comments on the draft. My comments initially were meant, some of them, as -- some of them were just understanding and confirming some of the things in the ordinance and some were meant to raise discussion, I think, for the Board of Commissioners. And then at points, I was asked to provide specific recommendations in terms of how maybe the bulk chart would change, bulk chart being the schedule, regulations, the amount of building coverage, the amount of impervious coverage, essentially what are the -- we'll call the core requirements of a zoning ordinance.

I would state that Dave Berry and his predecessor historically relied on the bulk chart when they -- when they review the zoning ordinance. And for a period of time, there was a -- as this Board of Commissioners are aware, there was a mixed-use section and some of those sections were in conflict. And it was part of my goal, at least, to assist in clarifying. Whatever a standard is, it should be clear. And that in a lot of cases, the way that the ordinance was written in the bulk chart, it would have a different
setback if you were a mixed-use building versus another type of building. And in my opinion, that leaves issues and problems.

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

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

MAYOR SCARPELLI: I think focus on the chart.

MR. RICCI: The chart? Okay. Okay. One of the things right now, lot coverage in this context represents the building coverage. And you don't have an impervious coverage standard for that. One of the recommendations that came out from essentially, I guess, the work by the Planning Board and the like was to have an impervious coverage calculation. All the way in the back in red, I proposed some standards to consider.
I have to note that when I prepared this, we didn't study the entire corridor and -- but I did look at aerial photography, all the -- of all the districts. I have reviewed a lot of applications for the boards. So I have a decent feel for the existing conditions.

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

So what I did was I proposed standards that were, in the core downtown, at a hundred percent and then drew it back to probably something that would create some degree of non-conformity. But I think the goal would be to encourage some green space on these properties, particularly with the fact that if you allowed a hundred-percent impervious coverage that's out there, and most of these properties do border your R districts and you do have buffering standards that are required, that would encourage a buffer to be installed and for those properties to be marginally improved, become more compliant over time, while still
recognizing a standard that gives, I think, reasonable consideration to the character of the area that's out there, not just some hocus pocus number that doesn't reflect that -- you know, it's a very high impervious coverage number. So that's where I went there.

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

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

Regarding setbacks, you had standards in districts the downtown that required in some instances ten feet and -- six and ten feet. If that was the
case, you know, on Franklin next to Centre, you could not rebuild your downtown based on your current standards. So I try to recognize the existing condition, allow for a zero-foot side yard setback. And if you did have it, have between three and four feet so you could have windows on those buildings without like special needs of sprinklers and the like that you have to -- because if you don't have at least three feet, you can't have a window on a -- at a side yard unless you -- you know, you -- the building is treated in a special manner. So it was recognizing that you have a downtown, to recognize that -- you know, to allow buildings to go zero for side yard setback. And if someone wants to have a driveway going into the back, it doesn't prohibit that, but it recognizes the condition that's there. So again, trying to make your zoning more conforming with what is out there. So --

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

Paul, also, our discussion was to try to eliminate some of the text so there's no confusion between the written words and what's in the chart, to try to rely more on the chart than -- and eliminate some of the text language relative to what constitutes
mixed use and the numbers, correct? We had talked
about that also as --

    MR. RICCI: Yes.

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

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

    MAYOR SCARPELLI: I think your comments in
the bulk --

   MR. RICCI: Yeah.

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

   MR. RICCI: Okay.

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

   MR. RICCI: Okay.

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

We can just --

   MR. RICCI: Okay.

   MAYOR SCARPELLI: -- get their take.

Any questions, commissioners?

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

   MR. RICCI: Yeah.

   COMMISSIONER TUCCI: Does that mean on one side you
could have no setback and four feet on the other side?

Tell me what that means.

   MR. RICCI: That's in the one -- I think it's
in the one side yard setback. It's zero feet is
permitted --
COMMISSIONER TUCCI: I see both sides.

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

COMMISSIONER TUCCI: Both sides.

MR. RICCI: The intent is to be zero feet --

yeah, buildings can touch each other.

COMMISSIONER TUCCI: And can touch each other.

MR. RICCI: But if you do provide it, it

should be four feet. So it's not one-and-a-half feet

if you do provide a setback, so --

MAYORU SCARPELLI: Okay. So it's either zero or

four?

MR. RICCI: Four minimum.

COMMISSIONER EVANS: And just a -- excuse me,

Commissioner. Commercial school -- as you said,

commercial schools, you know, pretty much everything is

in the B-3.

MR. RICCI: Yeah.

COMMISSIONER EVANS: And it's three stories

because you said commercial schools two stories?

MR. RICCI: I retained the existing standard

for that. I didn't change that. But that could change

if you think it's fair. But --

COMMISSIONER TUCCI: Just to follow up on that,

too, the commercial school's maximum height, it was 50

percent. That has been struck and now it's 25. Is it
25 percent or 25 feet?

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

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

COMMISSIONER TUCI: Okay.

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

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

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

COMMISSIONER TUCI: Gotcha.

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

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

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

MR. RICCI: That's correct.

COMMISSIONER EVANS: Okay.

MAYOR SCARPELLI: Any other questions for Mr. Ricci?

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

UNIDENTIFIED: (Indiscernible).

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

MAYOR SCARPELLI: Thank you very much.

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

MAYOR SCARPELLI: Have a happy Thanksgiving.

MADAM CLERK: Thank you, Paul.

MR. RICCI: Bye.

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

MR. GENITEMPO: 7:37.

MAYOR SCARPELLI: All right. So let's go
out. Let's have our meeting and we'll come back into executive. We're going to have to come back into public and do the redevelopment agreement.

(End of recording)

* * * * *
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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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
Public Session

(Recording begins)

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

Everybody, please stand for the flag salute.

(Pledge of Allegiance)

MAYOR SCARPELLI: Madam Clerk.

THE CLERK: Thank you, Mayor.

Board of Commissioners Public Meeting, Tuesday, November 20, 2018. The time is now 7:40.

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

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Here.

THE CLERK: All present, Mayor.

MAYOR SCARPELLI: Minutes, Madam Clerk.

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

COMMISSIONER PETRACCO: Move it.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

THE CLERK: That's it for minutes.

MAYOR SCARPELLI: Communications?

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

THE CLERK: That's it for communications.

MAYOR SCARPELLI: Commissioner Evans, best practice inventory?

COMMISSIONER EVANS: Yes.

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

We've been able to complete the questionnaire again for this year. We achieved an 87 percent on the questionnaire which means we qualify for the full amount of aid that was approved for this year. So the
transitional aid of 4.1 million, we will get 100 percent of that in December of this year based upon the completion of this report.

Thank you, Mayor.

MAYOR SCARPELLI: Thank you, Commissioner.

Reports. Commissioner Evans.

COMMISSIONER EVANS: Thank you.

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

MAYOR SCARPELLI: Commissioner Petracco?

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

MAYOR SCARPELLI: Bills, Madam Clerk?

THE CLERK: Yes, Mayor.

Bill list for November 20, 2018.

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

COMMISSIONER EVANS: Move Bills.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?
Public Session

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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

MAYOR SCARPELLI: Public comment on agenda items only.

Madam Clerk.

THE CLERK: Yes, Mayor.

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

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

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

MR. MOORE: Rory Moore, 462 Chestnut Street.

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

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

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

MR. GENITEMPO: Thank you.

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

MS. HIRSCH: Yes. Good evening, Mr. Mayor.

Barbara Hirsch, 477 Washington Avenue. I come to
address the group this evening on Ordinance Number 3405
which I see is scheduled for its first reading this
evening.

I am president of the Friends of the Nutley
Library and I speak on behalf of that group. I have
some question relative to the ordinance and its
parallel to New Jersey state law, and I am quoting from
New Jersey Statutes, Title 40, Chapter 54. I have
particular questions relative to Section 1, Section 8,
Section 9, and Section 10, and how that the ordinance that is about to be introduced tonight coincides with this statute.

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

MAYOR SCARPELII: Thank you, Ms. Hirsch.

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

MS. RUBINO: Joan Rubino, 48 North Road.

This is not exactly agenda. I'm questioning whether you're going to use the same format you did at the last meeting.

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

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

MAYOR SCARPELII: You can come back up after
everybody else with a follow-up, but we're not going to
get into a back and forth. So you ask your questions
in your three to five minutes, sit down, that's where
the cooperation comes in, and allow the Commissioners
to answer those questions.

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

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

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

Thanks.

MAYOR SCARPELLI: Thank you, Mrs. Rubino.

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

MS. CELENTO: Amy Celento, 70 Newman Avenue.

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

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

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

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

MAYOR SCARPELLI: Thank you, Ms. Celento. We will look into that.
Anybody else wish to address the Board of Commissioners on agenda items only?

MS. TANGORRA: Good evening.

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

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

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

MAYOR SCARPELLI: Thank you.

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

MS. MCGOVERN: Yes. My name is Diana McGovern, 68 Edgewood Avenue, Nutley, New Jersey. I'm also an attorney for the Zoning Board of Nutley. And
this is with respect to Ordinance Number 3405.

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

And in terms of cases, there's historically been attempts to do term limits. In Bayonne, in 1974 -- I think it was '74 -- there was an attempt to do term limits, and the court, at that point, said no, you can't because it's already regulated by statute. Subsequently, in another case in 1990, Saverino vs. Zboyan, Z-B-O-Y-A-N, there was an attempt to limit -- to cap municipal expenses. The court said no. Like the MLUL and other statutes where the State has already taken that under their wing and issued and accepted and promulgated statues that are specific and all-encompassing, unless there is a specific permission given in those statutes to allow you to do a term limit or something to change the ordinance, you can't do it.
Then when you got -- then, even more recently, in the year -- it's 403 N.J. supra, and this was in the year 2008 -- there was another attempt at something similar. And the language in that case which was by the appellate division specifically spoke to, "when a state statute has preempted a field by supplying a complete system of law on a subject, an ordinance dealing with the same subject is void." And in that case, they specifically reference the fact that planning boards and zoning boards are regulated already and have prescribed measures for membership, terms of membership.

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

MAYOR SCARPELLI: Thank you, Ms. McGovern.

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

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

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

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

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

    Also, we have endowment funds in the library. These are things that were created by Tony. I've helped him. It took years, many years, to develop the contacts where we were able to get people to donate
MR. GREENFEDER: I've been on the library board for over 20 years, and I could tell you I'm very impressed by the people that sit on these boards. They've very dedicated. They put in a tremendous amount of time. And you have the power to get rid of the ones that don't do a good job. That is within your power. What this does is it takes away your power to keep someone on the board that you really want there. And there are a lot of boards that take years of experience to -- institutional memory to get on to different state boards.
money to set up endowments. You're not going to get that from -- if you take off people that have done this for years and put people who really don't know how to do it, don't have the contacts, won't be on the state board. You're going to give up an awful lot of institutional memory, and I think you're really going to hurt the library.

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

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

MR. ARCUTI: Good evening. Mark Arcuti, 126 Whitford Avenue. Regarding Ordinance 3405, I am opposed to it. I am opposed to the term limits. In the spirit of full disclosure, I am the vice-chairman
of the planning board. I've been on it for many years
and enjoyed serving. And I had some important things I
wanted to say, but some of my colleagues have said them
better than I can, so I'm not going to repeat those
different things.

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

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

MR. ARCUTI: Yeah.

MAYOR SCARPELLI: Thank you, Mr. Arcuti.

MR. ARCUTI: Thank you.

MAYOR SCARPELLI: You can answer the -- yeah,
answer his question. Answer Mr. Arcuti's -- no, wait
COMMISSIONER ROGERS: All right. I'm going to -- first of all, I want to thank all of you for coming tonight. It's good to see dialogue. It's good to see a lot of discussion over an issue that is very important to this community.

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

I think that in the Town of Nutley, we are moving into a new era, a new age. I believe that it is so very important to open up the doors and to open up the opportunities for people moving here and people who have a lot at stake in the future. And what term limits does, folks, in the opening of this ordinance, it says it increases and encourages democracy, democratic participatory government. People today are very, very unsure of what their government does. They're very skeptical about government. They're weary about government. They don't trust us. And that's not here in just in Nutley, it's all over the country. So
this is why many, many communities across the country are moving towards particular issues like this. Transparency is very important. Bringing fresh ideas is very important.

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

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

So, yes, Mark, I did the research. I did the work. As far as the statutes that were brought up, I'm
going to ask our town attorney, who I've had lengthy
discussions with about this. I was first going to
introduce this as a resolution, and he suggested,
you're better off doing this as an ordinance. But
there are some questions, I know, and there are some
questions that we need to answer. But this is why we
have an introduction, and then a public hearing, and at
the end of the day, a decision will be made based on
the totality of information and facts that we have.

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

But what I ask myself is what's wrong with
term limits? What's wrong with opening up doors and
the opportunities? And there is a provision -- if you
read the entire ordinance, there are provisions in
there where it gives the Board of Commissioners -- in
this case, it would be the mayor the appointing
authority to extend one's terms. If no one steps up,
if someone's unqualified who steps up, if someone has
corporate knowledge which was discussed here today --
and that's a very good point. You've got a lot of
corporate knowledge. You don't want to lose it all at
one time. Those are factors that would allow the Board
of Commissioners to say, you know what, we'll waiver
that because we need your corporate knowledge to move
forward. Everyone is protected. But what it does, it
opens up the doors for more participation of the
public.

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

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

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

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

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

MR. ALESSIO: Yeah, Carmine Alessio, 81 East Centre Street. I'm looking at Ordinance 3400.

Mr. Petracco. It's in reference to the parking, restricted parking, different parking in different areas.

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

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

It's an agenda item.

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

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

MAYOR SCARPELLI: Okay.

MR. ALESSIO: We're looking at the parking, restricted parking, this and that. Like, I keep coming to these meetings. My grandfather was one of the original settlers in this town, and East Centre Street happens to be a part of Nutley. East Centre Street has one-hour parking, which has never been enforced. You have somebody like me, I have property there, three homes my family own, including mine, and we're
speculators, just like everyone else. If someone wants to purchase the property, bring the money.

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

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

Every variance that has passed on East Centre Street, which is a part of Nutley, is in violation. Me as a homeowner, I don't want to be in violation. I came here last meeting discussing about the driveway that Mekaa had got to get to the building in the back,
and if my driveway's clear, they will actually come up my driveway like they're going into the back. I almost got hit by a car when the driveway was clear, so I leave the driveway loaded with cars and different things.

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

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

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

MAYOR SCARPELLI: Thank you, Mr. Alessio.

Thank you.

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

MAYOR SCARPELLI: During the public hearing.

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

MAYOR SCARPELLI: Little while?
MR. ALESSIO: When?

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

MR. ALESSIO: Tonight?

MAYOR SCARPELLI: Tonight, yes.

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

MAYOR SCARPELLI: Thank you, Mr. Alessio.

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

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

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

Secondly, while I might mention myself as an
example, it's not about me. I'm not in your hands, I'm
in God's hands. I'll be 88 years old next month. If I term
-- live out this term, I'll be 92, so I certainly won't
be taking another term. I've been trying to retire for
15 years, but people won't let me.

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

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

As for trusting government, they sure trust
the library as they walk out with armloads of books, records, movies, video games. They can -- they can do a Nook, a Kindle. We have everything; latest in new projection system.

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

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

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

And I'll tell you this, too, on your present ordinance in this form. I'm an expert drafter. I was considered the best draftsman in the (indiscernible)
law department. It just is going to drive you crazy. It doesn't provide what you do with existing trustees. Do they end retroactively they serve two terms? Do they get two more terms? None of these things are -- there are a lot of holes in it. It's going to give you a lot of trouble. And in closing, some of the commissioners might want to look up the psychological definition of motivational bias.

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

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

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

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

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

With the ordinance that's proposed, a functioning, experienced board member could be forced to leave without the guarantee that a competent or dedicated person is in the ranks to fill their place. I believe the petitioners had a good intent in wanting to keep corruption and inefficiency out of boards, but this random shake-up does not solve the problem. I have even tried to convey to the petitioning group that this ordinance may eventually get rid of a board member that they dislike, but it will force people out that they might feel are doing a good job and deserve to
The proposed system will be too random and solves nothing. If a member of any board is not competent to serve, then some kind of inner housekeeping method, which sounds like it's already in place, should be implemented to remove them from the board if such incompetency can be proven.

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

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

   MAYOR SCARPELLI:  Thank you, Mr. Demmer.

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

   MS. CELENTO:  Amy Celento, 70 Newman Avenue.
4  I do have a question in terms of tabled versus a second
5  reading coming up.  I don't actually understand the
6  process, but in response to Mr. Demmer when he asked
7  that this be tabled, so I don't know if this something
8  you can answer in terms of what would tabled mean
9  versus there would be a second reading.
10
   MAYOR SCARPELLI:  The --
11
   MS. CELENTO:  Okay.  Thank you.
12
   MAYOR SCARPELLI:  Ms. Celento, tabling would
13  just be putting it off and taking it off the agenda, or
14  moving it to a certain date.  This already has a public
15  hearing date on it, so it'll move forward unless
16  Commissioner Rogers decides to do something different.

   MS. CELENTO:  Okay.  Thank you.

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

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

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

MAYOR SCARPELLI: Thank you, Ms. Rossi. Anybody else wish to address the Board of Commissioners
on agenda items only?

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

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

I don't see that we are keeping anybody out of our groups. I don't believe I've got a multi-generational Nutleyite on my committee. We are people that have all come together with Nutley in mind. So I don't see that this ordinance does anything except force good people out. You guys have your -- in your power to reappoint me or not, or to reappoint any of
us. And as -- I would just end again by saying that we are looking for good people to keep things (indiscernible). I've had two people leave the committee in the past 18 months. They've done what they wanted to do with it, they moved on to other things in town, and we have seamlessly filled in their organization -- filled in their spot in the organization without anyone feeling like they've been forced out of it.

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

MAYOR SCARPELLI: Thank you, Mr. Simko.

MR. BUCCINO: Anthony Buccino, 116 Stanley Avenue. I think there's a lot of stuff that has to go into this term limit organization thing, and I think at the town is hurting going over that will hopefully a lot of the questions that a lot of the people have here. But in terms of a blanket elimination of anyone who's been on two terms, that this is just simply ridiculous. You definitely lose the institutional history. You also need -- you know, you probably want someone who's been going to planning board meetings for a year just to be familiar with what kind of
regulations and things that they're in for if they
decide that they want to volunteer. And all you have
to do is say, Mr. Mayor, I'd like to serve on the
planning board, which I'm not stating that. But it's
not like he's turning people away who want to volunteer
to do good things for the town. And I think the
ordinance really needs a whole lot of work and a whole
lot more thought. Thank you very much.

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

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

But then I sat on the board with people like
Doty Greengrove, Jeannie Van Steen, Sal Corvino, our
town historian John Demmer, and John Simko, who is just
overflowing with history knowledge. I can't even
I imagine losing those people from that board. When I sat on the board, I sat with them and I was just in awe. Just in awe of what they know, I mean, down to little parts of the historic buildings, everything. The things they knew, it's just amazing. I was just in awe.

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

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

MAYOR SCARPELLI: Thank you, Ms. Buset.

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

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

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

I would say that, yes, we need more open doors, more participation, but maybe not just a blanket statement -- I mean not just a blanket ordinance. I would say my encouragement would be to look specifically at the boards we have in town, look at their dynamics, look at how they operate, and think maybe a little more creatively, little more -- with a little more critical thinking, because, yes, I think boards do need to have more blood. But then people who
are on the boards should be honored for their service.

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

MAYOR SCARPELLI: Thank you, Mr. Gabriel.

Anybody else wish to address the Board of Commissioners
on agenda items only? Seeing none, do we have a motion
to close public comment?

COMMISSIONER PETRACCO: Motion.

COMMISSIONER ROGERS: Second

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

Board of Commissioner announcements,

Commissioners?

COMMISSIONER TUCCI: I have one announcement,

Mayor. On Thursday, the 29th of November, at 7:30, we
will have our opening performance of the Parks
Department Theater performance, the Wizard of Oz. That will start at 7:30. It will also run on Friday, the 30th, at 7:30, and on Saturday there will be two performances, one at 1:30 and one at 6:30. And there will be over 70 wonderful Nutley children participating in this. It's a great event. If you've never been there before, please come out, it will be the experience of your life. If you've been there, you know what to expect, so please come and enjoy it with us. Thank you, Mayor.

    MAYOR SCARPELLI: Thank you, Commissioner.

Anybody else?

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

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

THE CLERK: December 18.

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

COMMISSIONER ROGERS: second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?
COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli.

MAYOR SCARPELLI: Aye.

Commissioner Rogers?

COMMISSIONER ROGERS: Ordinance Number 3405.

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

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

Introduction of Ordinance 3405, an Ordinance of the Board of Commissioners of the Township of Nutley
in the County of Essex creating -- the chapter there is pending because we're not amending an ordinance, we're creating a new ordinance. And that's something else I will discuss with the town attorney. Establishing term limits for non-elected township boards. I move that this ordinance be passed to a second reading and advertised in the Nutley Sun together with the notice required by law, and that further consideration of said ordinance for final passage by the Board of Commissioners be held at a second reading on January 2nd, 2019. So moved.

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

MAYOR SCARPELLI: Just introduction.

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

MR. GENITEMPO: That's a very good question, Commissioner. I think there are lot of legal questions surrounding the ordinance, some that were brought here tonight also. The case law is complicated. There are
issues with the legality of at least portions of it.
There is no reference to term limits in any of the
state statutes. There may be reasons for that, and we
haven't even had a chance to look at legislative
history to dig into the -- you know, the MLUL or the
Library Act, the rent leveling board, all the boards
are being -- you know, being affected here. So you --
there's many options here.

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

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

COMMISSIONER PETRACCO: Well, my feelings on
this is that I think that moving it forward tonight, I
mean, and I will second it, but I will ask Commissioner Rogers, too, because of the public outpour that we are learning about. And I can tell you the way that Steve has explained these -- this ordinance to me, there is nobody getting thrown off these boards. There are clauses in this ordinance that allows us to -- if there is a good board member, that then the Board of Commissioners would be able to extend that person also. Is that true?

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

COMMISSIONER ROGERS: Yes.

COMMISSIONER PETRACCO: So, you know, I commend him on having the nerve to bring everybody out here tonight, I have to tell you, Steve, I really do. And I think, you know, Carol Tangorra, you -- actually, your sister at one of the meetings I was at, that's what Nutley is all about. We don't always all agree on everything here, and I think that the people still coming out is a sign of what a great town we still have in that people are willing to come to the mic in Nutley and say that, their peace.
But again, to me, to vote on this prematurely, Alan, if it's not a legal document and we're going to be changing it, I think that my questions for Commissioner Rogers have been about the Library Board, about, you know, the other boards. I think the hot topic here tonight is the Planning and Zoning Board. And I have to tell you, I've heard a lot of talk tonight about that. When I was the mayor, the hardest thing I ever did as Mayor -- well, there was a few things, but one of the hardest things I should say is taking somebody off a zoning or planning board. It's not easy. And, Diane, you could vouch for that because I remember when we worked together on some of that.

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

But with that being said, you know, again, if anybody else wants to comment, I'm willing to second
this tonight and put it to a vote, but I just think
that there is a lot of discussion on this, and I think
that me personally, before we vote, we should at least
make sure it's a legal document.

COMMISSIONER PETRACCO: I second.

MAYOR SCARPELLI: Is that a second?

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

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

COMMISSIONER PETRACCO: Yes.

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

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

COMMISSIONER TUCCI: -- by going against
existing law.

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

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

MR. GENITEMPO: Introduction, correct.

COMMISSIONER TUCCI: Not for final passage.

So even on introduction, would we be in conflict with existing law?

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

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

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

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

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

COMMISSIONER ROGERS: But it's an introduction.

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

COMMISSIONER ROGERS: Yeah, we're not voting on any passage. It's spurring public debate and
MR. GENITEMPO: Commissioner, I'm only answering Commissioner Tucci's question about the effect of it, if it was put into place. Is that what you really meant?

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

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

COMMISSIONER TUCCI: Okay. All right. I think part of the intention of Commissioner Rogers' ordinance, which started out as a resolution, has already been achieved, all right, just by the sheer number of people that are in the chambers this evening. We very rarely get this many folks here unless we're giving a team an award or it's some special occasion.
I think the dialogue is healthy. I think there are good points that have been made on both sides, all right? I don't have all of the answers. I don't know if as written, all right, this would even be enforceable, all right? But I will defer to Commissioner Rogers, all right, out of respect for the time and effort that he's put into this, and his belief, all right, which is a valid one. We all don't have to agree, but I think it's only right that we all listen to each other and at least debate the merits of what we're looking at here and what we may or may not be trying to accomplish.

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

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

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

COMMISSIONER ROGERS: Okay.

MR. GENITEMPO: It's not a law until there's
a public hearing and a vote after a public hearing.

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

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

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

MR. GENITEMPO: Right.

COMMISSIONER ROGERS: All right. So here's what I think we should do. First of all, I do not want to see this ordinance get killed, okay? That I don't want to see. But I also want to see an ordinance that is strong enough that meets the needs of our community. I am going to continue to support term limits, so I'm going to continue to bring my argument to everyone, but this is a healthy discussion tonight.
What I will do is table it. I will table it, but it is not going to die. I think what we need to do is to have further discussion, especially with regard to the legal aspects of it. And I think in the spirit of -- look, in the spirit of working together, it would be prudent to table it. And let's bring our best at another hearing and we'll move forward then. I table this.

MAYOR SCARPELLI: All right. Thank you, Commissioner.

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

I applaud you for recognizing that the legal research, which seems to be significant, is important because I believe that the integrity of this board, we don't want to introduce something that we know on the
surface is, in and of itself, would be something that we could never introduce. Because I -- you know, I don't like the optics of saying, well, it was a good thought, but the law is against us and we can't do this. I'd rather know that on the front end and actually have the conversation about what works and makes sense for Nutley.

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

COMMISSIONER ROGERS: Mr. Mayor, to Commissioner Evans' point, now you brought up something very interesting. We do tend to have these discussions after introduction, so can we set up a process where we invite the public to a meeting on a specific issue like
this so that this room could be filled and we don't have any doubts as to where we're headed? I mean, I think that's a good idea.

MR. EVANS: I vote yes.

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

COMMISSIONER ROGERS: Okay. So --

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

COMMISSIONER ROGERS: It was great. It was great.

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

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

MAYOR SCARPELLI: Sure.

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

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

MAYOR SCARPELLI: Thank you.

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

MAYOR SCARPELLI: Sure.

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

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

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

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

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

(Pause in proceedings)

MAYOR SCARPELLI: If everybody can make it
out, though, please don't stick around in chambers and talk. Happy Thanksgiving, everybody.

(Pause in proceedings)

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

THE CLERK: Yes, Mayor.

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. That's the ordinance I moved.

Public hearings. Commissioner Petracco?

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

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

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

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: I move the ordinance.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

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

I've had already people from Nutley Ave. come up to me, actually friends of my mom's, and with that being said, that, you know, they're worried that the problem is going to be pushed to another street, all
that stuff, so we're going to really be taking a close eye, you know, on this and seeing what exactly is going on and how to resolve any issues that may come up. But I could say that this was a very, very difficult ordinance to pass, to give some of the residents the relief that they need.

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

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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

COMMISSIONER TUCCI: Thank you, Mayor.

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

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

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

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

COMMISSIONER PETRACCO: Second.

THE CLERK: Commissioner Rogers?
COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

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

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

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

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

And, whereas, the Township has negotiated with Delta Dental of New Jersey, P.O. Box 369, Parsippany, and has retained a one-year renewal rate, with a 2 percent increase.
And, whereas, the anticipated cost for this service will not exceed $362,100.00 per year.

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

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

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

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?
MAYOR SCARPELLI: Aye.

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

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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

And, whereas, as a result of the excessive
amount of rainfall and strong winds from the last storm, water has begun leaking into the second floor of the Public Safety Building, that is touching electrical wires and endangering the safety and welfare of the employees in the building.

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

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

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

Now, therefore, be resolved that the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, authorizes that a contract be entered into on an emergency basis in accordance with Local Public Contracts Law 40A: 11-6, with Gabriele Roofing & Siding at a cost not to exceed $45,000 to repair the roof on the Public Safety
Building, 228 Chestnut Street, Nutley, New Jersey. I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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

MAYOR SCARPELLI: Commissioner Evans?

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

Whereas, the Township of Nutley, Department of Revenue and Finance, Code Enforcement Department entered into a contract with EIC Inspection Agency, Kennedy Boulevard in Jersey City, as a non-fair and non-open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 and 20.5 as appropriate, through Resolution Number 301-17 dated December 19, 2017.
Whereas, EIC Inspection Corporation suddenly and with short notice closed its business, and will no longer be available to inspect Nutley -- Township of Nutley elevators.

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

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

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

And, whereas, Suburban Inspection has completed and submitted a Business Entity Disclosure Certification which certifies that said LLC has not
made any reportable contributions to a political or
candidate committee in the Township of Nutley in the
previous one year, and that the contract will prohibit
Suburban/City Inspection's principal from making any
reportable contributions through the term of the
contract.

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

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.
THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye. Commissioner Petracco?

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

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

COMMISSIONER PETRACCO: On Resolution Number 270-18, whereas, the Township of Nutley has determined that certain property is no longer needed for public use.

Whereas, the Local Unit Technology Pilot Program and Study Act authorizes the sale of surplus
personal property no longer needed for public use through the use of an online auction. This is Resolution 270-18. I move the resolution.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
Whereas, raffle applications have been received from the list below. Whereas, the applications have been reviewed and approved by the Municipal Clerk and the Police Department.

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

THE CLERK: Need a second.

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

MAYOR SCARPELLI: That's all right.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
The Clerk: Commissioner Petracco?

Commissioner Petracco: Aye.

The Clerk: Mayor Scarpelli?

Mayor Scarpelli: Aye.

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

Mr. Tucci: Second.

The Clerk: Commissioner Rogers?

Commissioner Rogers: Aye.

The Clerk: Commissioner Tucci?

Commissioner Tucci: Aye.

The Clerk: Commissioner Evans?

Commissioner Evans: Aye.

The Clerk: Commissioner Petracco?

Commissioner Petracco: Aye.

The Clerk: Mayor Scarpelli?

Mayor Scarpelli: Aye.

Be it resolved, in accordance with the Open Public Meeting Law, Chapter 231, Public Law 1975 the public meetings of the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, are held on the first and third Tuesday of every month.
Please take further notice that the Board of
Commissioners of the Township will hold end of the year
meeting on Tuesday, December 31, 2019 at 9:00 A.M.,
Township of Nutley Municipal Building, Third Floor
Commission Chambers, One Kennedy Drive where formal
action will be taken, and the listed meetings are here.
I move the resolution.

MR. TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

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

    COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

    COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

    COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

    COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

    COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

    MAYOR SCARPELLI: Aye.

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

    THE CLERK: I need a motion.

    COMMISSIONER TUCCI: So moved.

    THE CLERK: All rise.

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

    THE CLERK: Okay.

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

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

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

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

I've known a lot of people who've moved into town with the hopes of contributing to boards and were never able to get there. But at least tonight you did
something that nobody else before you ever did, and
that was to open it. Now we're going to have a
dialogue. Nobody would be having this dialogue, or
even planning to have it, if you didn't introduce this
ordinance tonight.

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

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

    MAYOR SCARPELLI: Thank you, Mr. Moore.

    Anybody else? Commissioner.

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

MAYOR SCARPELLI: Thank you.

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

I'm not trying to minimize the time and
effort they put into serving on the boards, but their
strong opposition to term limits is illustrative of
almost a power struggle. They want to hold on to those
positions. And, you know, as I said earlier, this town
has over 28,000 citizens. We don't even post these
opportunities for people, so how are people even made
aware? Where are the criteria to serve on these boards
even posted?

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

Mr. Iannarone spoke about how they defer to
the professional staff at the library to make the
decisions. Well, then my question is what is the
criteria to serve on the library board if they leave
all of the decision making to the staff of the library?
You know, this is where we need clarity, and I ask you,
Mayor Scarpelli, next month there are term expirations
on the Planning Board. There is a term expiration on
the Library Board. There may be other term expirations
on other boards. People are sending their resumes in
to serve on these boards. How will you make that
determination of whether or not you will allow new
parties to serve on these boards?
MAYOR SCARPELLI: Ms. Rossi, I've received four resumes from people for various boards, and I intend to sit down with each of them and talk to them and explain what the criteria is and how much time is allotted for those boards.

MS. ROSSI: Great.

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

MS. ROSSI: Thank you very much.

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

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

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

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

Additionally, I wanted to say that in terms of what else is on the agenda tonight, the parking meters, I looked through the session listing from the New Jersey League of Municipalities. It doesn't look like there's anything addressing parking and parking fees and, you know, coming up to speed in terms of debit and credit card acceptance, but I wonder if the
League of Municipalities can provide some guidance as to what other municipalities are doing and/or if you can reach out to neighbors in Montclair as Commissioner Tucci suggested, that it was very easy to pay with a card.

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

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

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

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

MR. ODRIA: Michael Odria, 133 Hight St. I would just say publicly, it is of the utmost importance for our committee to have term limits on our boards, including on this board, too, because Tammy mentioned something we have
28,000 people who live in this town; 28,000 people is a lot for a small town. And I would like for our Planning and Zoning Board, and especially our Planning Board, what to do (indiscernible) the population of this town growing even larger. This town is supposed to be a small town of single-family homes, the majority, and I hate to see this town change into surrounding towns.

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

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

MAYOR SCARPELLI: Thank you, Mr. Odria.

Mr. Odria, just so you know, when I was growing up in the town, there were 33,000 people in Nutley.

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

MAYOR SCARPELLI: It was a long time ago.

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

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

What's going on is definitely not legit, okay? You have all of these multi-dwellings going up. People are investing in their homes. Their homes, they're sending their children to school, people in the homes. You've got people living in all of these multi-
dwellings. They're supposed to be one-bedroom; they're
two-bedrooms. And there's -- they're using our
schools. Our schools are small now, okay?

I'm from on East Centre Street over there,
and I watch my alma mater. My father went to
children went to Washington School. I'm looking at the
school and I'm saying, if I took a picture of the
front, it's like watching Annie Oakley over there,
right? You could put six classrooms without changing
the footprint, okay? And everybody's trying to make
Mr. Meka fall on his sworn, although I had my thing
with him about my trees that he built the wall right up
against, and the trees are going to fall down, and I
have a beef about that, which nothing is getting
accomplished. I've got two giant trees. There's 50
percent of the root system's like not there no more and
they're going to fall. You think maybe there's a thing
called impact fee where the man is supposed to service
the community a little bit and try to like square up
with some of the people that are affected by this? No.
Nobody seems to care. Nobody wants to do anything.
And it's the people like us that are getting hurt.
We're getting severely hurt by all of these multi-
dwellings.
Now, last week I was here. I see the agenda. It's like three inches thick -- well, maybe two inches, okay? I'm looking at my B-4 business zone, okay? I look at the zone and now there was an introduction to keep it B-4. Nobody could put any residences there or any kind of retail there. But yet Mr. Meka built a giant monstrosity building that I myself said it wasn't going to work out.

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

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

I came here numerous times telling you that
when you have an empty lot, there's supposed to be a site plan and some -- and that's what it's supposed to be, not to use a lot as an empty lot to run trucks off of, okay?

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

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

MAYOR SCARPELLI: Thank --

MR. ALESSIO: -- these people are appointed by the --
MAYOR SCARPELLI: Thank you, Mr. Alessio.

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

MAYOR SCARPELLI: Mr. Alessio, please.

That's enough.

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

MAYOR SCARPELLI: Thank you.

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

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

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

MAYOR SCARPELLI: Thank you, Mr. Alessio.

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

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

COMMISSIONER TUCCI: I can answer that. I find that very disturbing because our Shade Tree Department
is typically very diligent. Frank Demaio is here. He's the gentleman sitting at the end there. Give him your address, I'll make sure and he will make sure that John Linson, our town arborist, will be out there to check those trees again. And we do have an ordinance where we can force folks to take care of dangerous trees.

MS. O'MALLEY: Mm-hmm.

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

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

COMMISSIONER TUCCI: Right.

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

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

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

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

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

MS. O'MALLEY: Yeah. Okay.

COMMISSIONER TUCCI: Okay.

MS. O'MALLEY: Thank you.

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

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

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

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

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

MS. RUBINO: Joan Rubino, 48 North Road. I would like to address once again the format that you
had discussed about back and forth. These minutes are
transcribed, are they not, and put into a binder or
whatever in the library? Are they transcribed? They
used to be.

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

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

MAYOR SCARPELLI: Madam Clerk?

THE CLERK: It's on the website.

MAYOR SCARPELLI: They're on the website?

THE CLERK: Yes, they are.

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

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

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

MS. RUBINO: Okay.

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

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

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

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

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

COMMISSIONER TUCCI: So moved.
MAYOR SCARPELLI: -- to discuss,

Mr. Genitempo?

MR. GENITEMPO: Contract and potential litigation.

MAYOR SCARPELLI: Okay.

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

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

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

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

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

THE CLERK: Commissioner Rogers?

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

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

Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: I'm sorry. Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Aye.

THE CLERK: The time is 9:25.

(End of requested portion)

* * * * *

Rizman Rappaport (973)992-7650
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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 ***

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

Rizman Rappaport (973)992-7650
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Adjournment

(Recording begins)

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

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Aye.

THE CLERK: Mayor Scarpelli?


THE CLERK: We need a motion to adjourn.

COMMISSIONER EVANS: Happy Thanksgiving.

MAYOR SCARPELLI: I make a motion to adjourn.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers?
Adjournment

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.

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THE CLERK: Mayor Scarpelli?

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MAYOR SCARPELLI: Aye.

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THE CLERK: And the time is 10:32.

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(End of requested portion)

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"When every word counts"
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