

1 Nutley ordinance.

2 COMMISSIONER EVANS: It's a small trailer
3 that's housing basic landscaping equipment that's used
4 in a part of construction. It's been interpreted that
5 that is in compliance. As I said, if you --

6 MR. MOORE: Who interpreted that?

7 COMMISSIONER EVANS: The construction
8 official.

9 MR. GENITEMPO: Commissioner, not only the
10 construction official, but our office did an evaluation
11 of it, interpreted this ordinance along with state law,
12 and we determined that it was in compliance. So it
13 wasn't just Code Enforcement.

14 MR. MOORE: And I could ask -- it wasn't that
15 --

16 MR. GENITEMPO: It wasn't just a code
17 official, we also did a review, and we believe it's in
18 compliance with the variance that was granted some
19 years ago.

20 MR. MOORE: Well then I can OPRA that, and
21 you -- you'll send me that --

22 MR. GENITEMPO: You can do whatever you want,
23 Mr. Moore, I'm telling you what the legal decision was.

24 MR. MOORE: Because there's no written
25 documents --

1 MR. GENITEMPO: (Indiscernible) it was
2 providing an opinion to Code Enforcement about that
3 issue.

4 MR. MOORE: I guess I get confused when the
5 variance says no storage and --

6 MR. GENITEMPO: Well, that's your
7 interpretation of --

8 MR. MOORE: -- then obviously, it's storage.

9 MR. GENITEMPO: -- well, Mr. Moore, that's
10 your interpretation of what the word means, and maybe
11 not -- it's not an accurate interpretation. So you'll
12 have yours, and we've had ours. That's all I'm trying
13 to tell you.

14 MR. MOORE: Okay. And I can OPRA that,
15 because that is a conclusion that you --

16 MR. GENITEMPO: You can OPRA whatever you
17 want.

18 MR. MOORE: -- rendered?

19 MR. GENITEMPO: You OPRA every day. It's no
20 problem. What's --

21 MR. MOORE: In your day --

22 MR. GENITEMPO: -- one more, Mr. Moore? It's
23 no problem.

24 MR. MOORE: No, I just really wanted to --
25 when people read, it says, no storage by variance, and

1 then you say, oh, well, we interpreted it differently,
2 and then you want me to go back to the variance, but
3 the Variance Board said no storage, but yet he has a
4 box truck that --

5 MR. GENITEMPO: So in your opinion, if
6 someone has a truck, and stored something in the truck,
7 that's --

8 MR. MOORE: No.

9 MR. GENITEMPO: -- a violation of the
10 storage?

11 MR. MOORE: It's the back of the truck. It's
12 not a truck. It's the back of the truck. It's a
13 trailer, with wheels.

14 COMMISSIONER EVANS: It's a small -- it's
15 a -- let's just characterize it. It's a small storage
16 trailer that is on the site. It's been interpreted --
17 it's not big, it's not a tractor-trailer, it's not a
18 box, like a container box like you would find at
19 shipping on ships and things like that. We're talking
20 about a very small storage box that's on the site.
21 It's been interpreted, right, and as counsel has said,
22 with legal opinion, that it is in compliance with the
23 ordinance. It is not a matter to resolve that before
24 the Board of Commissioners, it's a matter to resolve
25 your interpretation before the Board of Adjustment.

1 Generally, when you go before the Board of Adjustment,
2 it -- residents within 200 feet, who live in that area,
3 who have a concern about that property, can go before
4 that board.

5 MR. MOORE: But I'll OPRA the opinion, and
6 we'll -- I can take it from there. And there's one
7 last -- one last issue, Mr. Scarpelli if I may. When
8 you had the caucus meeting in the back, you went around
9 the room and you had asked everybody, is there any
10 issues for executive session, and I believe
11 Mr. Genitempo said no, but towards the end, all of a
12 sudden, there was a case. What were the case and the
13 contracts that were discussed in the executive session?
14 I'm allowed the citations.

15 MR. GENITEMPO: No, you're not. If you have
16 the specific citations, you can ask what the topics
17 were, and we'll provide that. We provide them in the
18 minutes anyway, ultimately when you ask -- when you
19 OPRA the minutes, we give them to you from the
20 executive sessions. They may be redacted for these
21 particular --

22 MR. MOORE: I understand. I understand, I'm
23 asking for the (indiscernible).

24 MR. GENITEMPO: I'm trying to answer. One
25 was a litigation matter that I didn't realize initially

1 that I wanted to bring to their --

2 MR. MOORE: I'm sorry, I didn't hear you, I'm
3 sorry, I apologize.

4 MR. GENITEMPO: One was a litigation matter
5 that I didn't recall initially, it was just a minor
6 issue, but I wanted to report to the commissioners
7 regarding the litigation over at Hoffman/LaRoche, and
8 that's -- that -- and I can't tell you any more than
9 that.

10 MR. MOORE: I appreciate that.

11 MR. GENITEMPO: Okay, and the other is, the
12 commissioners, there are different contracts that we
13 talk about, there were several contracts, so that's a
14 constant discussion in executive, and I'm sure you know
15 that from getting your OPRA requests responded to, so.

16 MR. MOORE: Thank you.

17 MR. GENITEMPO: Thank you.

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

20 MS. RUBINO: Joan Rubino, 48 North Road.
21 Mr. Evans spoke of the state aid before. I would like
22 to know how the taxpayers will be affected if the
23 anticipated amount of state aid is not granted?

24 COMMISSIONER EVANS: There is a potential
25 that there could be an adjustment of the tax bill in