TOWNSHIP OF NUTLEY

BOARD OF COMMISSIONERS PUBLIC MEETING

MONDAY, NOVEMBER 23, 2015

8:05 P.M.

NUTLEY TOWN HALL - 3RD FLOOR COMMISSION CHAMBERS
1 KENNEDY DRIVE
NUTLEY, NEW JERSEY
PROCEDINGS

(**NOTE: Indiscernibles noted throughout this
transcript due to poor audio quality and microphones
constantly cutting in and out**)  

MAYOR PETRACCO: Madame Clerk --

THE CLERK: Yes, Mayor.

Board of Commissioners Public meeting, Monday,
November 23rd, 2015. The time is now 8:05.

Pursuant to the requirements of the Open Public
Meeting Act (Chapter 231, P.L. 1975), notice of this meeting
was published in the October 29, 2015 issues of The Nutley
Sun. 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 Scarpelli.

COMMISSIONER SCARPELLI: Here.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Here.

THE CLERK: All present, Mayor.
MAYOR PETRACCO: Move on to minutes, please.

THE CLERK: Yes. We have October 16, 2015 special meeting minutes; October 20th, 2015, regular meeting minutes, and October 27, 2015, special meeting minutes.

COMMISSIONER EVANS: Move the minutes.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers. Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

Also, we're going to skip one thing. We're going to move to the bills next, please.

THE CLERK: Yes, Mayor.

Public Affairs $315,350; revenue and finance $5,648,033.58; public safety $462,752.28; public works $656,098.86; parks and public property $151,119.54; total payroll $776,345.33 for a grand total of $8,789,816.24.

COMMISSIONER EVANS: Move the bills.

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 Scarpelli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

Thank you, Madame Clerk.

THE CLERK: You're welcome.

MAYOR PETRACCO: Before Commissioner Rogers --
we're going to take his proclamations for these Eagle Scouts
are here, and thank you for waiting patiently, I do -- would
just like everyone in attendance tonight to have a moment of
silence for what happened in Paris and just a moment of
silence for our troops that are serving overseas.

(A moment of silence was observed)

MAYOR PETRACCO: Thank you.

Okay. Commissioner Rogers, before you read your
proclamations to these honorable Eagle Scouts that we have
here this evening, I just wanted to congratulate you and say
a few words about Commissioner Rogers.

Last week we had Veteran's Day and I have to tell
you, I attended the school one at the high school and all of
us were at Vincent Methodist Church. And I have to tell you, Commissioner, you did a stellar job. It really, really made me feel patriotic that day, and I know all the veterans thank you. And from the bottom of my heart I thank you. Excellent job.

COMMISSIONER ROGERS: Thank you, Mayor. And I want to thank this board of commissioners because this entire board did something very extraordinary, and I've said this all over the place. In May of 2012 they established the first Military and Veteran's Affairs Bureau on a local (indiscernible) State of New Jersey. (Indiscernible) it fully. I mean, if a veteran needs something -- Mayor, you know this. You -- you and Commissioner Tucci, Commissioner Evans and Commissioner Scarpelli, (indiscernible) disabled or not, when they need something and I can't provide it, all I got to do is pick up the phone (indiscernible) fellows are right there, boy, ready, willing and able to help them.

So it's a team effort, but I thank you.

MAYOR PETRACCO: Thank you, Commissioner.

COMMISSIONER ROGERS: Ready?

MAYOR PETRACCO: We're ready.

COMMISSIONER ROGERS: Okay. Ladies and gentlemen, I'm going to present proclamations to two Boy Scouts who became Eagle Scouts.

I want you to know, also, that these proclamations
are really from the entire board of commissioners because the Board of Commissioners because the Board of Commissioners (indiscernible) outing in word, but in deed. And, again, I mentioned veterans about phone calls. You can't (indiscernible) gentlemen have done to advance scouting in this town. So it's with that spirit that I (indiscernible).

First, can we have Liam Sweeney come forward to the mic.

Liam -- whereas, Nutley resident Liam Sweeney is currently a member of BSA Troop 22 and whereas, in an effort to obtain Eagle Scout status, Liam has completed his project at Camp Glen Gray in Mahwah, where he installed a large cabin deck and removed boulders from the trail in front of the cabin creating easier and safer access to the cabin.

And whereas Liam is an active volunteer with the Nutley Emergency Rescue Squad and is currently taking his EMT training, now therefore be it proclaimed by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, joining Liam Sweeney's family and friends in recognizing and congratulating him on receiving Eagle Scout status with BHS Troop 22.

I congratulate you and I know my colleagues, I'm sure, are going to want to say something.

COMMISSIONER SCARPELLI: Liam, congratulations.
It's always amazing what these Eagle Scouts do. And should -- your family, I know, is proud of you and we're proud of you and the Township is proud of you.

COMMISSIONER EVANS: Congratulations. I frequently say this about scouting and especially at the Eagle level. It's -- only two percent of scouts actually achieve this level. It's something that is recognized at the (indiscernible) level when you're making applications. It makes you stand apart (indiscernible) leadership.

And so since you've put yourself on that path I encourage you (indiscernible) continue to develop your leadership (indiscernible) seek out opportunities (indiscernible) successful in your own career, but wherever you go and whatever community you (indiscernible).

Congratulations. It's a (indiscernible).

MAYOR PETRACCO: Commissioner Tucci.

COMMISSIONER TUCCI: I'll keep my remarks brief because three down the line there's not a lot left to say.

(Laughter)

COMMISSIONER TUCCI: But I do want to congratulate you. I know Evans has been giving this speech a long time. It's a monumental feat, alright, becoming an Eagle Scout and the qualities that are necessary to attain such a level, alright, are pretty much second to none. What you've
accomplished so far is the beginning of something fantastic. I know you're just going to continue to excel, and we're just proud. And I personally am proud to be able to sit here and congratulate you on everything (indiscernible). Keep up the good work and keep moving forward.

MAYOR PETRACCO: Okay. (Indiscernible). It's not easy, right?

First of all, smile. You did a great job. That's number one.

And where are your parents tonight? Let's give the parents a round of applause. I have to say having three boys that never made it out of the cub scouts I can't imagine how -- to be a parent and get an Eagle Scout out of them. So I know the parents always have a lot to do with it. Congratulations so much. You're always making our township proud. All of our commissioners recognized how hard it is to become an Eagle Scout and all the volunteer work that it takes.

Would you like to say a few words to the board tonight?

MR. SWEENEY: I would like to thank the whole board, especially Commissioner Rogers for the proclamation (indiscernible).

Thank you.

MAYOR PETRACCO: Thank you.
COMMISSIONER ROGERS: Don't go anywhere. Liam, don't go anywhere.

Matthew -- Gregory. Gregory Matthew. I'm sorry. (Indiscernible) Gregory, the Township of Nutley Board of Commissioners hereby issues this proclamation.

Whereas, Nutley resident Gregory Matthew Kueken, currently a member of BSA Troop 22 and whereas, in an effort to attain Eagle Scout status, Gregory has completed his project at Brookdale Reform Church in Montclair in which he cleaned up the church cemetery and installed landscaping on the property, and whereas Gregory is an active volunteer with the Nutley Emergency Rescue Squad, is currently taking his EMT training, now therefore it be it proclaimed by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey joining Gregory Matthew Kueken's family and friends in recognizing and congratulating him on receiving Eagle Scout status within BSA Troop 22.

Gregory, with you and Liam, I always say this is another reason why Nutley, New Jersey is one of the greatest places to live. And, Mayor, as I'm reading this I'm thinking, ain't it great to have young people in the EMT. I mean, at this age, that's really great.

Well --

MAYOR PETRACCO: I'll --

COMMISSIONER ROGERS: -- I'll hand it off to my
colleagues. I'm sure they're going to want to
(indiscernible).

MAYOR PETRACCO: Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Gregory, congratulations
again. We're very proud of you. Your family should be
proud of you. And like I said I'm always amazed at the work
that goes into becoming an Eagle Scout and you guys are a
credit to this town.

COMMISSIONER EVANS: Greg, I'll go. Congratulations
again. I'll echo my comments
(indiscernible) part of a very elite group. I encourage you
to be (indiscernible) success in (indiscernible).

MAYOR PETRACCO: Commissioner Tucci.

COMMISSIONER TUCCI: Well, like your counterpart
standing next to you, congratulations are in order. Again,
it's a great feat. You've accomplished much to this point.
I'm sure you have a long way to go and there are many other
great things that you're going to accomplish. And the mayor
was correct in thanking the families, the parents, because
the examples are set at the home. All right. You're taught
in school, but everything is reinforced back home.

So to the parents, to you gentlemen,
congratulations and, again, keep moving forward.

MAYOR PETRACCO: Gregory, where's your parents	onight? Wow. You took your father's head right off him,
didn't you?

(Laughter)

MAYOR PETRACCO: I kind of figured that. Let's give the parents another round of applause. Thank you for coming.

Like Commissioner Tucci said, it starts at home and we're blessed in Nutley to have so many strong families and a good foundation that starts there. So congratulations to you as well and I believe we're going to take a little picture now, Commissioner Rogers?

COMMISSIONER ROGERS: (Indiscernible), gentlemen. (Pause)

MAYOR PETRACCO: Okay. Before we get on with our meeting we're going to take just a short 30 second break. If any of the ladies and gentlemen here for the Eagle Scouts would like to leave, you're more than welcome to stay for our meeting, but if you were going to get up and leave this would be the time to do that. (Pause)

MAYOR PETRACCO: Thank you so much, guys. Happy Thanksgiving to you guys, too. (Pause)

UNIDENTIFIED SPEAKER: (Indiscernible) is it getting it now?

(Pause)
MAYOR PETRACCO: We had a couple of our commissioners that needed to use the boys room, so we're just waiting on them.

(Pause)

MAYOR PETRACCO: Okay. Now we are going to move onto ordinance introductions. Before I introduce Ordinance Number 3326, Counsel, would you just give a brief description exactly what this ordinance is.

Counsel.

MR. GENITEMPO: Yes, Mayor. Thank you. The first ordinance for introduction, 3326, is an ordinance to enter into a contract to purchase what's known as 537 Franklin Avenue, Block 3100, Lots 28, 29, 30, commonly known as the (indiscernible) property. This is the first reading of this ordinance and is (indiscernible). The ordinance is for a purchase price of $3,425,000. Commissioner Evans, I believe, will get into the ordinance regarding the bonding of those (indiscernible) along with I know the other public hearing we're having tonight.

So that -- this is the ordinance for introduction for tonight. The public hearing (indiscernible) at which point (indiscernible) hearing and public comment will be (indiscernible).

MAYOR PETRACCO: Thank you.

This is Ordinance Number 3326, an ordinance of the
Township of Nutley, County of Essex, State of New Jersey

authorizing the acquisition of land known as 537 Franklin Avenue and also known as Block 3100, Lots 28, 29 and 30, pursuant to local land and buildings law.

I move that this ordinance be passed to a second reading advertised in the Nutley Sun together with the notice required by law and that further consideration of said ordinance for final passage for the board of commissioners to be held at its second reading on December 15th, 2015. I move the ordinance.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

THE CLERK: Commissioner Tucci.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.


COMMISSIONER EVANS: Thank you, Mayor.

Tonight we have ordinance introductions of 3331 and 3332, these -- both of these ordinances authorize the
issuance of debt to support the purchase of both the -- what's commonly known as the Davis property on Franklin Avenue as well as the Ciccolini property on Franklin Avenue.

The underlying premise of the debt is that it will not increase our debt service over the future, so our debt service will remain flat primarily driven by the favorable interest rates and the terms of the notes.

Before (indiscernible) so in any -- any municipal environment you have what you call your capital budget and then you have (indiscernible) operating budget and you also have what you call your (indiscernible) how much money you can (indiscernible). And for Nutley the municipal debt limit is actually $130 million. Our current debt outstanding is roughly around ten, $11 million. And with the addition of this debt it would ultimately increase (indiscernible) to about 17 million or about 13 percent of what our authorized (indiscernible). That would be the worst case.

Given the nature of the way debt works and the payments against that over time, it will (indiscernible) that 13 percent, but it's well below (indiscernible) in terms of their debt service.

So what I also wanted to add is -- so to that point is understanding what we're allowed to borrow and what
we have outstanding, how does that affect our ability to
support our capital and needs for the town. So this is the
(indiscernible) every year capital for road improvements.
for building support and things like that, how does it
affect that. And at the end of the day how does it actually
affect the operating budget which that particular budget
directly affects our property taxes.

But with the nature of these -- the addition of
this debt and the timing of when the debt terminates on our
books this will not cause us, and I repeat, will not cause
us having (indiscernible) operating budget for debt service.
So we remain (indiscernible). It's not an increase in
spending. It's maintaining our spending level and that's
the opportunity that we (indiscernible) primarily driven by
the fact that historical interest rates are at very low
levels for borrowing today.

It's also supported by the fact that the
municipality, given what we've been managing, has been able
to maintain (indiscernible). And earlier, a few years
earlier, it was actually to increase our bond rating
(indiscernible) lowered our cost to borrow. So we get
better interest rates because of the fact that our bond
rating (indiscernible) AA2 on a standard scale, which for
municipalities is a very favorable bond rating.

So that's the technical side of that. But the
simple fact is it does not affect our debt service. I'm asked Ray Sarinelli to be here tonight. He is our outside auditor and reviews these in great detail, and before we proceed I would like to have Ray come up and comment.

MR. SARINELLI: Ray Sarinelli, Township auditor. Commissioner Evans contacted me a couple of months back relative to this potential acquisition that the (indiscernible) interested in two properties. And, you know, we discussed the current debt service in the (indiscernible) budget which is 2,225,000 each year. The way Nutley has structured the debt service in the past (indiscernible) try and phase in new debt as old debt starts to get paid off.

So about every three to five years there's a drop off in debt and then new debt replaces that, and the intention is to not have any big (indiscernible) debt service costs which would affect your tax rate.

So he asked given the current circumstance of what our existing debt service is for already existing bond sales, plus the debt that had been authorized through January 1st, 2015, (indiscernible) new debt authorized previous to these ordinances plus this ordinance, could we put that in a package and still allow the 1.5 million capital projects that are authorized each year to continue
for the next ten years or so.

So we prepared -- I prepared some calculations based on conservative estimates of what note and bond interest rates (indiscernible) and prepared a schedule which all the commissioners have which demonstrate that these ordinances, added to the existing rate -- the existing capital projects that have already been authorized along with the existing debt service could be put in a structure that would cause the debt service to be 2,225,000 or less for the next ten years or so.

And you have that schedule and it does demonstrate that. If you stay with this schedule, debt service would actually (indiscernible) slightly (indiscernible) have a slight increase, but it's always around that 2 million, five. So no real impact on the budget.

The interest rates that were used for these calculations (indiscernible) much higher than the current interest rate. Just to be conservative, the current rate for bonding is about (indiscernible) and (indiscernible) calculation just in case there is a change (indiscernible).

So you have the schedule. If there's any questions about it, but I think it's pretty clear given the current market condition (indiscernible) this in your capital program and still be able to maintain (indiscernible).
MAYOR PETRACCO: And what -- and what -- related to any type of (indiscernible) tax rate or (indiscernible) at now.

MR. Sarinelli: This would not have any increase. It would have no impact. It might be, in fact, just slightly lower (indiscernible) debt service.

MAYOR PETRACCO: Okay. Questions, Commissioners.

Thank you, Ray.

COMMISSIONER EVANS: So just to -- to add, you know, when you get into talking about bond rates and interest rates and it can get complicated, if -- in the simplest sense today Nutley's outstanding debt at the municipal level is roughly $11 million and change. It's on average nine to ten years and the average interest rate associated with that is 2.67 percent.

So if you put that in terms of a mortgage, we have a ten-year mortgage at $11 million at (indiscernible) percent. That's the simplest way to explain it. So if you -- if you purchased a house or you financed a car, those are things that I think it relates to the same level of how you would think about that. We think about it the same way.

It's also, as we discussed, for -- you know, for the last ten years we've been actively managing our debt service. We've been actively managing our -- our budget and our operating budget so that when we're in a position where
we need to act, we're able to -- to do that.

To a question that was raised earlier, just as a point of clarification, you know, are we paying too much, why these amounts, how did they come about, right? (Indiscernible) we did this, right? Tax assessed value is lower. These were all the questions that have come up.

The important part around that is before we agree to a purchase price, everybody has a desire to sell property for what they would like to sell it for. The municipality is guided by what's the fair value appraisal and it must be independently appraised in order for us to determine what our ability is to participate in any purchased transaction. So for both of these properties we have obtained independent appraisals. At the request of Commissioner Tucci as we were going through that negotiation we had individuals -- two separate individuals for each transaction review the appraisals and make sure that they did a review to say, is this right, is this another person's opinion, is this a fair appraisal. And we went through that step and we're -- we received favorable reviews based upon the independent review of the appraiser.

The appraiser that we used is highly competent, highly experienced in looking at commercial property. And so it wasn't our tax assessor. It wasn't the commissioners that looked at this. It was that we hired an independent
appraiser to do the evaluation.

The other question that was raised was that there was an earlier appraisal on the Davis property which we'll talk about earlier. And that we went through a process to evaluate why that appraisal was initially lower and whether or not appropriate for this transaction. And we did resolve that.

So we did, as a board of commissioners, kick the tires and do the tests to make sure that the prices that we are paying are fair in relation to the value that's associated with these properties.

Another point that I think is important is to recognize is that in both cases these properties were up for sale and were close to being sold. So if we were to be in a situation where we were going to have an opportunity to create an affordable solution to expand our schools, we needed to act.

The same thing occurs with the Ciccolini property. It was up for sale. It was about to be sold. And if we were to address from a municipal standpoint how do we address municipal parking and create opportunity, we --and we didn't act these would then be purchased by private buyers who would then use the property. And (indiscernible) Ciccolini's property is suited for 70 to 80 apartments which would then be built on Franklin Avenue. It would
cover all of the existing land there and the surrounding
businesses would not be able to avail themselves of any
parking in that area which would mean for them to be
successful their parking would encroach on residential
neighborhoods.

So it made sense for us to step in and act,
especially when the environment we're in where interest
rates are so favorable. So it's an opportunity for us to
address the needs of the municipality support the -- and
show cooperation and support with the school is they
evaluate what they need to do so that we can move forward.

The last question that was raised quite a bit was
how come the purchase prices then are different from what
the assessed values are. And the use of assess value on
commercial property in relation to what it should be sold
for is an irrelevant comparison. The assessed value is
determined by state statute, case law and regulations about
how you fairly distribute tax across businesses, not what
those businesses should be sold for in a fair market
environment.

Further, Nutley was subject to a revaluation in
the year 2005 and also by state constitutional law. The
base year for Nutley is 2005, so once that work is done it's
-- it's adjusted to be within the sort of time frame of
2005, not 2015. So your -- our very technical parameters
that go into determining how you calculate tax assessable
value versus the market value of a piece of property which
would be received during a fair and open sale process.

So they're very different. They aren't comparable
and they shouldn’t be compared for this purpose.

So with that I would -- by title I'll read the
ordinance (indiscernible) introduction.

Before I do that, Commissioners, any --

COMMISSIONER TUCCI: I would like to make a
comment. So for all of the above reasons that Commissioner
Evans has just stated, because of our excellent bond rating,
because of our low amount of debt that we carry, because of
the availability of the properties, the two properties in
question, and because of our needs, both from an educational
perspective and the possibilities that acquisition of the
Davis property first presents to us, and who knows, there
may even be some others in the future, all right, so that we
not only accommodate what our needs are today, but also
moving forward in the future. So we would never run into a
space problem that we're experiencing right now and we
hinder the educational process of our children, which
there's probably nothing more important than.

As far as the Ciccolini property is concerned, we
have an opportunity to enhance our business district and
provide the necessary parking that's been absent for so many
years. Ultimately, what the disposition of the entire property will be is undetermined. All right. But unless we control the property and unless we can -- we can do the necessary planning and have the foresight and the expertise of our professionals, all right, we're never going to move this township forward.

So these are not decisions that we as a board take lightly, and I'll take that -- that liberty of speaking for the entire board. These are bold moves. But, again, because of the climate that we're in, because of the interest rates, because of our bond rating, all right, and because of our -- our latitude in how much we can bond we're still at a very, very low percentage of debt for this township, not to act would be a remission of our responsibilities.

COMMISSIONER EVANS: Absolutely.

So and -- and just to add -- and, Commissioner Tucci, I think that was very well said. Two other things that I think are important.

One is on the Davis property -- and I know we're getting into the Davis property before we get to the Davis property, but at the Davis property, that building is currently occupied with tenants and a business that's operating.

Those tenants will continue to stay there. The
business will continue to operate, and we will be collecting
those rents. So it's not that it will become an idle piece
of property. We will be collecting the revenue flow
attached to those properties until such time as a
determination is made through the plans with the school that
something needs to be done with that property.

The second piece which is -- Mauro, you alluded to,
is the Ciccolini's is actually a two-step purchase. The
township has a primary need for that property to create
parking. We don't want to lose the retail space, but we have
the opportunity through redevelopment planning and declaring
it a revitalization planning that we, as a municipality, can
declare what's the right redevelopment of that particular
piece of property.

So it could be a continuation of the retail, maybe
a different form of retail or repurposing of that site with
a mixed use that's attached to it. So some apartments that
are there attached to it, that could be an outcome. But we
would do the work to determine what is the highest and best
use of that property.

If we don't act, then we are subject to the fact
that somebody else comes in to purchase it for three and a
half million dollars and basically says, I need to build 70,
80 apartments here in order for the -- to make the economics
work. We do not want to be subject to that. So it's an
opportunity for us to take control of the situation and
actually do -- do look at the future in a way that addresses
our municipal needs, but also gives us the opportunity to
take the building piece and flip that in a secondary
transaction for a use that best fits with the town. So it
just gives us a lot of great opportunity.

MAYOR PETRACCO: Thank you. Commissioners.

Commissioner Scarpelli.

COMMISSIONER SCARPELLI: I just want to add what
the -- Commissioner Evans said is that they could build
those 70 or 80 apartments without a variance.

COMMISSIONER EVANS: That's correct.

COMMISSIONER SCARPELLI: It's approved -- it's an
approved use. So this is an example of this government and
this -- this governing body being proactive and planning for
the future. Similar to those in the past who bought the
property behind the -- where Ginger is where we have parking
lot 2. If over time acquired that property and put a
parking lot there would help that part of the business
district.

This will help with our northern end in providing
much needed parking, parking that has been utilized by some
of the businesses in the past that if it was acquired it
would go away. So (indiscernible) we don't -- as
Commissioner Tucci said, it's a bold move. You know,
sometimes you have to not stick your finger in the air, see
which way the wind is blowing. Sometimes you have to act.
Sometimes you have to show leadership, and I think that's
what this board is doing.

MAYOR PETRACCO: Thank you.

Commissioner Rogers.

COMMISSIONER ROGERS: I would just state that I
support it 100 percent. It's a very prudent idea and now's
the time, as you said. Now's the time to do it.

MAYOR PETRACCO: I would just like to add that I
think that like Commissioner Scarpelli just said, it's -- if
we were to lose that parking down there it could be
devastating to all those businesses that are there. So I
think that when the -- these properties present themselves
we have to do what's right for the township.

I know we could go back and forth with the price
and debate that, but I think that by using our professionals
and, Commissioner Evans, how many appraisals did we have on
that building?

COMMISSIONER EVANS: I'm sorry.

MAYOR PETRACCO: How many appraisals did we have
on the building? On the building, the Ciccolini building? I
know we had an appraisal done and also --

COMMISSIONER EVANS: We had an appraisal done and
we also had an independent review.
MAYOR PETRACCO: An independent review. And I would just like to add one other comment, also. You know, it -- it's -- you know, we get a lot of opinions up here all the time and sometimes they're painful. But I would just like to say that 100 years ago when we were -- when our forefathers were here putting this park system in that we all love in this town, I'm sure that they got some, you know, negative feedback of that and why and how come and all that stuff.

So, you know, hopefully 50 years from now people will be saying thank God that we made these actions and we still have the Nutley that we know and love to walk through our parks and to support our businesses on Franklin Avenue.

Thank you, Commissioner.

COMMISSIONER EVANS: So with that I will read the ordinances by title.

"Bond ordinance 3331 providing for the acquisition of lands in and by the Township of Nutley, in the County of Essex, New Jersey, appropriating $900,000 therefore and authorizing the issuance of $855,900 in bonds or notes of the Township for financing part of the cost thereof."

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 its second reading on December 15th, 2015, so move.

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 Scarpelli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: "Bond Ordinance 3332 providing for the acquisition of lands in and by the Township of Nutley, in the County of Essex, State of New Jersey, appropriating $3.5 million, therefore and authorizing the issuance of $3,333,000 in bonds or notes for the Township for financing part of the cost thereof."

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 its second reading on December 15th, 2015, so move.
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 Scarpeli. Mayor Petracco.

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: I have -- my next public (indiscernible).

"This is a ordinance that will eliminate parking on -- at an undersized curb line on Franklin Avenue down by Harrison Street, an ordinance to amend the ordinance codified in the code of the Township of Nutley, Chapter 2228 entitled, Vehicles in Traffic, particularly Article 2, Section 10 entitled, stopping or standing prohibited during certain hours on certain streets to add the location set forth herein which is Franklin Avenue just north of Harrison Street."

I move that this ordinance be passed to a second reading and advertised in the Nutley Sun, together with notice required by law and that further consideration of said ordinance for a final passage by the Board of
Commissioners be held at its second reading on December 15th, 2015, so move.

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 Scarpelli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR PETRACCO: Commissioner Tucci.

COMMISSIONER TUCCI: Yes. This is actually an ordinance where we're selling a piece of property, not buying a piece of property.

These are -- we have several landlocked strips of property throughout the township that we presently own and we presently maintain. And by law we're able to offer them to adjacent property owners, which enhances the size of their properties while at the same time relieving the township of the burden of maintaining them and trying to find a use for these small strips.
So this is an ordinance authorizing the sale of property designated as Block 7801, Lot 26 on the tax map of the Township of Nutley, County of Essex, State of New Jersey. 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 to be held at its second reading on December 15th. I move the ordinance.

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 Scarpeli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

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

MAYOR PETRACCO: Thank you.

Okay. Now we're going to move into our public hearing on Ordinance Number 3325.
Counsel, I see that our superintendent of schools are here, Russ Lazovick, and thank you so much for coming, Russ.

Would it be okay if he came up to the mic and just gave us a little synopsis of what's going on at the schools and why we need some more space?

MR. GENITEMPO: Yes, Mayor. Your invitation (indiscernible).

MAYOR PETRACCO: Thank you.

MR. LAZOVICK: Good evening. This is my second meeting of the night. Thank you for having us. I did want to say thank you, again, for your cooperation. I'm here on behalf of the board. (Indiscernible) are here, but all nine members are appreciative of the cooperation that the five of you have shown throughout this process.

As you know we have a space issue. (Indiscernible) a secret at this (indiscernible).

Specifically, at the elementary level our K-6 buildings are beyond capacity (indiscernible). With your cooperation we've hired a (indiscernible). We had our engineer in (indiscernible) trying to find the most, the most fiscally responsible and efficient way of resolving this issue in line with what is educationally sound. We want to make sure (indiscernible) on the rich tradition that (indiscernible).

Because of that we're looking to bring our
(indiscernible) elementary schools (indiscernible) middle school for multiple reasons.

The first is it's the most efficient way to alleviate the space (indiscernible) buildings (indiscernible) drawing a great (indiscernible) out of all five of them at once.

More importantly, though, it's (indiscernible) more sound and more academically proven model where students actually receive high levels of academic instruction by content (indiscernible) and that other districts are moving their (indiscernible) model much earlier than we are (indiscernible). Our state data for decades at this point have shown that the dip in our performance as expected at the middle level happens a year (indiscernible) never fully recovered.

So if you combine both our facilities (indiscernible) with this (indiscernible) demonstrated academic need (indiscernible) that for once both problems kind of solve themselves together.

(Indiscernible) we needed your help. The (indiscernible) was prepared and (indiscernible) to move forward, but we did reach out and based on that I want to thank you for offering to (indiscernible) obtain the property necessary for (indiscernible) move forward in a more fiscally responsible and less burdensome way to the
taxpayers. At the end of the day we both draw from the same source. There are ways that we can work together to do that more responsibly and more economically (indiscernible) such as this (indiscernible) taxpayers (indiscernible) at this point in time.

Planning-wise we shared plans with the commissioners a number of years back. Those plans have been significantly modified. It's interesting for me to hear you address the Ciccolini parking as an issue because the number one thing after our academic piece happens to be parking. (Indiscernible) creating a parking lot.

We will be planning to expand the middle school onto that property, but in order to do that in a way that, number one, maximizes the space and cost does it in a way that's in line with code and the safety requirements. It appears that we have the highest level academic space (indiscernible). We absolutely do need that property.

So I appreciate the fact that, again, we're (indiscernible) the five of you (indiscernible) something that the district actually is determined to do and that we absolutely do need. We're prepared for public presentations on this. What we're looking for at the middle school, we have been wrapping that together with kind of what we're calling a one Nutley public schools' plan, looking at all of the needs together. There still are (indiscernible) high
school.

(Indiscernible) but this purchase of this property for this use (indiscernible) partnership with the Nutley public school board and board of commissioners (indiscernible) great things, as you talked about, 50 years from now. The school district has always been one of the jewels of this township and we want to make sure that the next chapter is just as (indiscernible) work that you've been doing.

MAYOR PETRACCO: Well, Mr. Lazovick, before we let you go home --

MR. LAZOVICK: Sure.

MAYOR PETRACCO: -- on another late night can you just explain to everyone of what's driving, you know, the space issues as far as when we met as far as the special ed because I am a graduate -- a proud graduate of the class of 1983 and I know our class sizes were much bigger --

MR. LAZOVICK: Yes.

MAYOR PETRACCO: -- then as we discussed. So just to get into a little bit of how the footprint has shrunk and the reasons why.

MR. LAZOVICK: There are a number of issues with people trying to pin it on one versus the other. But generally speaking -- or (indiscernible) and to kind of lay them all out generally.
First is that requirements have changed over time since you or I were in school and how we're allowed to use the space is different now by state law. We cannot put the same number of students into the same rooms as they were. As school districts, as school buildings age, they get smaller even though physically they don't change size. It happens.

The second piece is our special services. One of the most significant pieces of public education, you know, has been to support students with special needs. It's a fantastic thing. It's one of the things that make this -- makes this country unique when it comes to public education.

But in order to do that it takes more resources and more (indiscernible). It has set -- altered our budget as a school district and has altered the way we use space. (Indiscernible) classrooms where you would have 25 or 30 students. In a classroom now you can have nine or eleven. And we need two or three classrooms just to support the same number of students where we could have had one. So that has changed as well.

On top of it the academic program has changed. We offer more to students at every level. Specialized instruction in small groups as well as technology and radically different math and language arts. We have a rich program that goes beyond with music, art and everything you
need (indiscernible) to do that.

Right now we have a number of our elementary buildings sharing those rooms which is not ideal, especially when you want kids to be able to work and create that work and leave it there and come back the next day. Those things aren't happening. So that has happened as well.

On top of the fact that when we had a demographer in (indiscernible) to a time when the district had larger class sizes. Based on the way the town was laid out in 1983 --

MAYOR PETRACCO: Yes.

MR. LAZOVICK: -- those houses could produce a certain number of school age children. The township has changed dramatically since then. We have fewer kids than we did then and more space issues, number one, because of the changes I've mentioned.

My concern moving forward is that we know just based on experience that the existing -- in 1983 the existing layout of the town could produce more school-age students than we have now. Since that time the town has changed and there are more residences from which we can receive school-age students.

But if you couple the two of them together there is every possibility per the demographer that we could have -- gradually add more time which we're showing at the
elementary levels. Year after year not just two or three
sections of kindergarten, but four and sometimes five
sections of kindergarten. And it hasn't proven to be a
bubble at this point. We've maintained that for four years
in a row. And that's unheard of if you look at our past
demographics.

So those pieces certainly have added as well.

The other big piece at the elementary level
specifically, I think, was a decision by the board which
academically (indiscernible) unquestionably the right
decision. But you have to take into consideration budget
and space, plus moving from half-day to full-day
kindergarten.

(Indiscernible) same age, same number of
kindergarten age students would take up twice as many rooms
now (indiscernible) servicing them through the entire day.

I will say that feedback from the Nutley teachers
who have been here through that change, first grade teachers
specifically, they notice a dramatic difference of the
preparedness, and it may sound silly, but of kindergartners
who are aging up into first grade and it makes a difference.

I'm happy to report that we've been hopefully
transparent in our student performance data. The state
released the first round of elementary park data this
morning. I immediately turned it over and presented the
initial findings to the Board of Education across the street this evening. We're having a parent academy. We've invited the entire community to view that data more specifically tomorrow night at the high school, 7:00 in Room 100.

Just to touch base on that, if you look at our scores everyone in the entire state as we've moved from the (indiscernible) proficiency levels have gone down because it's a more rigorous test across the board.

My larger concern, though, was we've had two decades of data showing where our students performed against the other students in this city. So I was less concerned about initial proficiency scores as to how our proficiency scores (indiscernible) with everyone else across the state.

The good news is that at the elementary levels we've far outperformed (indiscernible) in the past ten years as far as student performance when you look (indiscernible).

MAYOR PETRACCO: (Indiscernible).

MR. LAZOVICK: So the academic program changes and the work that our teachers on the ground are doing, getting our parents involved in a strategic plan and the this board have made to direct finances into the classroom. (Indiscernible) showing impact and, again, we have four consecutive years at this point of increased advanced placement participation at the high school level and increased scores on those assessments. And now we're
showing the flip. You have a more rigorous test and the entire state moved down proficiency-wise, but where we were at average or below average we were (indiscernible) for the first time.

So I'm hopeful that on the academic side we're moving forward, but then continue to work with you to make sure that the facilities are the kinds of (indiscernible) that we provide an educational environment that's not just can hold our students, but provide the kind of environment our students are going to thrive on.

MAYOR PETRACCO: That news is wonderful to hear. We really appreciate you coming out this evening and explaining it all to us.

MR. LAZOVICK: Thank you for having me and, again, the board --

COMMISSIONER EVANS: May -- may I?

MAYOR PETRACCO: Sure.

COMMISSIONER EVANS: First off, Russ, thank you for sharing that news. It's actually good -- it's great to hear which means the academic changes that you made and the rigor that you've been putting into this system is actually starting to pay some dividends. It's really great to hear that.

Just for me because I've been quoted as commenting on what's driving the need for changes in our facilities and
I've summarized it in sort of -- sort of a very brief, maybe more cryptic way than you just walked us through. But I want to make sure it's fair and accurate because I don't want to misquote.


COMMISSIONER EVANS: Yeah. That's sort of, I guess, that -- that cryptic. 21st century educational needs based on 20th century infrastructure.

But the essence of that means that even if -- even if we were to take the current volume levels of schools, add to it the projected volume levels of schools, that would be less than the volumes that we had when I was in school and when Al was in school.

MR. LAZAVICK: Correct.

COMMISSIONER EVANS: So one would think on a volume basis what's the issue, right? And in that's -- volume is not the issue. In the reality of where we are today volume is an issue, but the reality by comparing it against history it's just not an issue.

MR. LAZAVICK: Right.

COMMISSIONER EVANS: That's what I've explained. The drivers for me have been there's a decision that says we've absorbed space differently. We're using (indiscernible). Full-day kindergarten uses more space
today than it used to because it was a half a day. We've had changes in classroom size requirements. Larger classroom size. I had some where I was in classes. There were 30 students in the class when I was in a -- when I was in high school. Today we're ideally looking to be somewhere around 18 students.

MR. LAZAVICK: Elementary, yes.

COMMISSIONER EVANS: Right. Right. Elementary class. Right. Exactly. And so, therefore, fewer -- same -- same number of classrooms, but fewer children in those -- occupying those classrooms.

The addition of the special ed requirements that says, I have a very small classroom size here, less than ten, somewhere around eight, plus the support space that goes around that to (indiscernible) utilizing that 20th century infrastructure basically to its maximum. In fact, we've now exceeded the maximum use of that space and, therefore, we have to look for a change.

The last thing that I've said is based upon academic changes and how our children are challenged and need to be challenged you have educated me well on the importance of teachers being certified in their subject matter and that you -- it's hard to press a sixth grade teacher to be knowledgeable across four certification levels and be able to have that children -- that child achieve that
(indiscernible) level of academic need that's required in order for them to compete.

By moving to the middle school concept we have a greater ability to provide a better academic experience for our (indiscernible).

MR. LAZOVICK: Exactly.

COMMISSIONER EVANS: I've -- that's what I've said. That -- it's good?

MR. LAZOVICK: I hope that's what I conveyed just before, but the idea that, yes, 21st century education in 20th century infrastructure, and it's -- we want to make sure that our students have every possible (indiscernible) to thrive.

COMMISSIONER EVANS: Appreciate that. Thank you.

COMMISSIONER TUCCI: I'm just very happy to hear that we're progressing and we continue to move forward. I mean, we hear a lot of reviews about the changes going on and the different schools and (indiscernible) they're great ideas and who doesn't think they're such great ideas. But as it's been for years and years, the proof is in the pudding. Right. When tested, when evaluated, if our children are doing better then we're doing our job. That's our responsibility. It's not something that (indiscernible) nice thing to do. It's something that we absolutely need to
I would like to congratulate you and your teams both on the high school level, the middle school level and obviously in our elementary schools for continuing to move the system along and move this district along.

(Indiscernible). We're off to a good start. We still have a way to go. All right. But hopefully together we're going to get there and our children are going to get the best education that money can buy.

MR. LAZOVICK: Well, it's a start. We're at the start, but the good news is it looks like we're moving in the right direction. And I know you do all the time, but the teachers have taken on a great deal (indiscernible). I think the proof of their work, the evidence of their work is just starting to come through.

COMMISSIONER TUCCI: Well, you're all to be commended.

MAYOR PETRACCO: Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Go home and get some rest.

MAYOR PETRACCO: Commissioner Rogers.

COMMISSIONER ROGERS: You and the school board you presently have as opposed to prior ones (indiscernible) have always, always kept the education of our children in this town a priority. You have been very
consistent and what you're doing now is just part and parcel
of what we've seen. So thank you for your hard work and
your efforts. And I'm sure things are going to work out
fine.

Thank you.

MAYOR PETRACCO: Russ, this is my final comment as
it comes to my head. You know, you and I have had many
conversations with the boards. And I have to say growing up
in Nutley, you know, it was always good that --and it was
always the perception that Nutley school systems were so
good. And obviously that drove our house market. And I've
learned a lot, you know, through (indiscernible) exiting and,
you know, who do we want to attract to Nutley and, you know,
how are we going to attract the millennials because they seem
to be the, you know, next generation.

And when we were kids growing up here and our
parents were buying homes here the one thing that our
parents did have in their hand was their iPhone. Now today,
you know, I hear it all the time. You know, people go right
on their phone and there's your test scores. There's your
ratings for the schools. And these are the things that I
really am passionate for and, you know, that we need to keep
investing in our education system here in Nutley and it has
to improve. It has to keep improving. And I think we're on
the right track because today it's not just word of mouth
that brings families from the surrounding communities into Nutley, you know, to want to live in our town. Now it's they go on their -- they don't call the Mayor's office or the board of ed. They go right on their phone and all the information is at its fingertips.

So I know that our board and myself are really committed to giving you the tools which you need to keep our school systems stellar and moving in the right direction.

And the residents' reward for that will be higher house values, you know, and a driving market because people want to live where the school systems are good.

MR. LAZOVICK: And the knowledge that you're providing the absolute best for (indiscernible). As much as a school district or as a community (indiscernible), the school district is a direct (indiscernible) community its in. Based on the heart of this community as I've got to know it in the past four years (indiscernible). That's here. I really think the sky is the limit and (indiscernible) we're looking for big things.

And, again, I and the board thank you very much for your cooperation and I look forward to more.

(Indiscernible).

MAYOR PETRACCO: Thank you so much for coming.

MR. LAZOVICK: Have a good night.

MAYOR PETRACCO: Have a great night, Russ.
Okay. With that being said, tonight’s public hearing, this is on behalf of the board of commissioners, Number 3325, an ordinance of the Township of Nutley, County of Essex, State of New Jersey authorizing the acquisition of land known as 307-309 Franklin Avenue and also known as Block 6001, Lot 10, pursuant to the local land and buildings law. I produce this ordinance.

I need a motion to open up the public portion of the meeting.

COMMISSIONER SCARPELLI: 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 Scarpelli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

Is there anyone here this evening that would like to comment on Ordinance 3325.

Please come to the mic. State your name and address for the record.
DR. PUNTARERO: Good evening. My name is Dr. Donna Puntarero (ph). I'm the property owner at 299 Franklin Avenue, three buildings down from the Davis building.

I don't have an issue or any concerns regarding the school (indiscernible). I think it's wonderful and I'm glad the superintendent spoke so well and enlightened us all of the need for the expansion (indiscernible).

My concern is the time frame and the deadline of actual construction of what is planned (indiscernible) that property, how long the board of ed is going to wait to do it, and how are they going to delineate the actual board of ed property versus the other properties that are adjoined to that parking lot.

Right now there is a big concern of the property owners there because of the high traffic area. Every single day there are cars in and out of the private property that we have already thinking that it's board of ed property. What's going to be done to distinguish that our private property versus the board of ed (indiscernible).

And in addition to that my other concern is this: That whole corner, that whole area is gridlock (indiscernible) starting at 2:30. If I don't get to my office at 2:30 to start at three I can't get through. With the increase in students there if you're moving sixth
graders there, what's the proposed pickup and drop-off
areas. Has that been -- has that been worked on, and will
these plans be available to the property owners and the
neighbors in that area?

MAYOR PETRACCO: I -- I think, Doctor, that this
is a work in progress. This is the first step in buying the
piece of property. We have looked at very preliminary
plans, but I think it would be a team effort, you know, on
our part, the board of ed's part and your part to get
together with these concerns and that when these blueprints
become official documents, that we could work together to
make sure that we don't impose on your practice and that,
you know, the best end result can be attained for all -- for
everyone.

DR. PUNTARERO: Well, I should hope that before
the blue prints become facts that --

MAYOR PETRACCO: No. No. No. No. No, not
before --

DR. PUNTARERO: -- that it would --

MAYOR PETRACCO: -- it. I'm saying if, you
know, if you give me what your concerns are as we go through
that process, you know, I would raise those questions or
even -- really, I mean, I would do that, but also it's
really the board of ed, too, and I know that you would want
to talk to them as the process is going on.
So it's not too late, you know, to (indiscernible) --

DR. PUNTARERO: All right. Fair --

MAYOR PETRACCO: -- to address it.

DR. PUNTARERO: -- fair enough. I mean, that's --

MR. GENITEMPO: May I -- may I answer the doctor once second? I'll call her Donna because --

DR. PUNTARERO: Go ahead. That's fine.

MR. GENITEMPO: Donna, the other thing is it (indiscernible) approved (indiscernible) fire department (indiscernible) review (indiscernible).

DR. PUNTARERO: Okay. That's -- I wasn't aware of that because there's been an -- and that's why I'm here tonight because (indiscernible) I don't really go by rumor. I go by fact.

MR. GENITEMPO: It's all rumors because we would know.

DR. PUNTARERO: Exactly. So that's why I'm asking what -- you know, if there, in fact, is a plan. I know I would and I know (indiscernible) would as well. I don't know who else is here, but I think that would just be right that we do know what's going on and what the intentions are and what will happen with respect to that property.

MR. GENITEMPO: I --

MR. GENITEMPO: If I could --
MR. GENITEMPO: There will be a referendum, too, and that will (indiscernible).

MR. GENITEMPO: I think there will be many, many (indiscernible) public input (indiscernible).

DR. PUNTARERO: Okay. Fair enough.

COMMISSIONER TUCCI: Donna, this is just the very, very first step. There is no plan that's cast in concrete at this point. The demographer has provided the board and they've shared that with us as to what they (indiscernible).

DR. PUNTARERO: And that's --

COMMISSIONER TUCCI: But ultimately what the solution (indiscernible) address that need, we're nowhere near there.

DR. PUNTARERO: Okay. That's -- you know --

COMMISSIONER TUCCI: All right. There are a lot of concepts --

DR. PUNTARERO: -- it's the first step, but I want to be part of that first step because --

COMMISSIONER TUCCI: You absolutely need to be part of that process --

DR. PUNTARERO: -- I'm within --

COMMISSIONER TUCCI: -- as well as everyone else. This will be a transparent process, all right.

Everyone will be informed every step of the way and we will
DR. PUNTARERO: Absolutely.

COMMISSIONER TUCCI: -- make this decision together.

COMMISSIONER EVANS: And, Donna, just so, you know, I wrote down your concerns. It's delineating private for -- versus school -- private property versus school property, how do you determine right of way and access, right (indiscernible). Also, the nature of drop -- pickup and drop off areas designated because of the (indiscernible). I heard all of those. And you being a property being on the end of Church Street and the right of way that goes across the back, I appreciate your concern about the heavy flow of traffic.

I also think also as well is that you've been very patient and you're tolerant of the fact that, you know, the kids like to sit on your steps. They like to sit in your yard. They -- sometimes they don't clean up and I appreciate your patience and understanding.

But I think all of your points are really important for the board to understand and for the planners to understand, and what we are -- and where we are at (indiscernible) we're just on a very early stage. But we'll make sure that your voice is heard as well as other -- the other owners that are -- that are there as well --
DR. PUNTARERO: Okay.

COMMISSIONER EVANS: -- need to be heard.

DR. PUNTARERO: That's fine. Thank you for your time.

MAYOR PETRACCO: Thank you so much, Donna.

Is there anyone else here that would like to comment on Ordinance Number 3325?

MS. LANDRY: Pennie Landry, 135 Lakeside Drive. I was at a board of ed meeting where there was actually DeCaro (ph) I believe is the board of ed's architect and they do have three building plan schemes that have been looked at by a committee that were discussed at a board of ed meeting.

So maybe, Donna, you could ask one of the board of ed members if they could let you look at the plans that have been prepared. And there was a committee that has been reviewing those three architectural renderings that do consist of 21 classrooms and a walkway. So there are three different plans that have been prepared for the school board that you may want to look at as well. Okay.

It was referenced that there were two individuals who reviewed the appraisals. Is it public knowledge who those two individuals who reviewed the appraisals?

MAYOR PETRACCO: Counsel, do we have their names?

MR. GENITEMPO: Yes. Now that the need for
MS. LANDRY: Okay. And who are they?

MR. GENITEMPO: (Indiscernible). I apologize, but that (indiscernible).

MS. LANDRY: So Ray McCarthy was one of the reviewers and someone else who we don't know their name. And who was the appraiser?

MR. GENITEMPO: Mark Hendricks (ph).

UNIDENTIFIED SPEAKER: Mark Hendricks, the --

MS. LANDRY: Mark Hendricks, the same Mark Hendricks who does the appraisals in town for assisting Mr. Lebreezie (ph), our contract appraiser, correct?

MR. GENITEMPO: Correct.

MS. LANDRY: Okay. So (indiscernible). And what was the appraisal?

UNIDENTIFIED SPEAKER: (Indiscernible).

MS. LANDRY: At or above?

UNIDENTIFIED SPEAKER: (Indiscernible).

MS. LANDRY: So what was the appraisal price?

UNIDENTIFIED SPEAKER: (Indiscernible).

MS. LANDRY: Oh, we're just on the Davis property. Isn't this the --

MR. GENITEMPO: I believe it was 925.

MS. LANDRY: Is this the Davis property public hearing?
MR. GENITEMPO: Yes.

COMMISSIONER EVANS: 905. I'm sorry. 905.

MS. LANDRY: So it appraised for 905?

COMMISSIONER EVANS: Yes.

MS. LANDRY: And what is our purchase price?

COMMISSIONER EVANS: 900 less what they call a related transfer fee. We're still going to fine tune it, but right now the number is 891,000 and change.

MS. LANDRY: 891. And who is the broker?

UNIDENTIFIED SPEAKER: (Indiscernible).

MS. LANDRY: No broker so there will be no broker fees, no commissions. This is direct with --

COMMISSIONER EVANS: Correct.

MS. LANDRY: -- the owner and the owner of the property is?

UNIDENTIFIED SPEAKER: (Indiscernible).

MS. LANDRY: Oh, okay, because there was another name in the records, some kind of LLC. Okay. So it is a business entity. Okay. All right. Thanks.

And the other thing is the tenants that are currently there, what is the total monthly rent that will be collected by the Township of Nutley from both the residential and the retail tenants?

MR. GENITEMPO: (Indiscernible) total for the site exclusive (indiscernible) a year.
MS. LANDRY: $84,000 a year and that's for how many apartments?

COMMISSIONER EVANS: Two apartments and one commercial unit.

MS. LANDRY: Two apartment and the bike -- two apartments and one commercial unit is going to generate $84,000 a year?

COMMISSIONER EVANS: I'm sorry. Four apartments.

MR. GENITEMPO: Four apartments.

MS. LANDRY: Okay. Four apartments, one commercial unit, $84,000. And who will get the rent from the bike shop?

UNIDENTIFIED SPEAKER: (Indiscernible).

MS. LANDRY: (Indiscernible) Mr. Davis owns the bike shop?

COMMISSIONER EVANS: Yes, he does. But we --

MS. LANDRY: Okay. And so part of --

COMMISSIONER EVANS: -- the town will purchase it and then the revenues -- those revenues will transition and be paid to the township --

MS. LANDRY: Okay.

COMMISSIONER EVANS: -- and go in the general revenue fund.

MS. LANDRY: Okay. So we're purchasing a building
for $891,000 that's going to generate $84,000 a year in revenue.

Thank you.

MAYOR PETRACCO: Is there anyone else this evening that would like to comment on Ordinance Number 3325?

Seeing no one I need a motion to close the public hearing.

COMMISSIONER SCARPELLI: I move.

THE CLERK: I need a second.

MAYOR PETRACCO: Oh, I'm -- excuse me, sir.

THE CLERK: Oh, I'm --

MAYOR PETRACCO: Please state your name and address for the record.

MR. HENNING: Neal Henning (ph), 31 Terrace Avenue, Nutley.

First I want to congratulate the commissioners on the managing of the town's debt. It's very low and obviously we like that because it gives us flexibility should there be any type of emergency.

Like you said opportunities come up. You take advantage of them. There was an opportunity though before on 184 Franklin Avenue. Was that something that we ever looked at?

COMMISSIONER EVANS: The 184, what's 184?

MR. HENNING: That is the new Mecca building that
used to be the -- next to the pizzeria there.

COMMISSIONER EVANS: We did not look at that property. It was presold.

MR. HENNING: What do you mean presold? It was up for sale for longer than these two properties.

UNIDENTIFIED SPEAKER: Yes. And we didn't look at it at that time and when we had --

MR. HENNING: Doesn't that side of town need more parking than the side --

COMMISSIONER EVANS: Yes, it does.

MR. HENNING: -- that we're looking at?

COMMISSIONER EVANS: Yes, it does.

MR. HENNING: Okay. So that's a property that we never -- what was the impetus to look at these properties as opposed to not looking at that one?

COMMISSIONER EVANS: The first stage was the -- for us to be involved was actually working with the school board to look at the necessary expansion of the infrastructure. So that actually started that. And then the next step happened to be becoming aware of the immediate sale, the imminent sale of the Ciccolini property.

MR. HENNING: The addition that's going to be going on to this Davis property, does the board -- do the commissioners have any idea what the referendum amount will be for that?
COMMISSIONER EVANS: Not yet.

COMMISSIONER TUCCI: The plans aren't even finalized yet. So the board -- the board wouldn't -- let me -- let me just finish my sentence. The board wouldn't be able to move forward with any plans, all right, until they control the property. So we're just at the very early stages of purchasing the property, but the township is purchasing the property. So obviously there would have to be an agreement between the township and the board as to control of the property and, obviously, there needs to be a lot of discussion going on, all right, despite what plans may be available now and what has been discussed to date.

That plan may be enlarged. It may encompass more properties, all right, because the one thing we don't want to do is make mistakes that have been made in the past. And I'll give you a prime example, Montclair Radiology, wonderful business. All right. But if that was still a train station, all right, our property values would be even better than what they are today. Look at some of the more successful townships and there's a rail line there.

So what we don't want to do is miss an opportunity and be short-sighted. All right. So that's why we're taking the actions that we are now.

And, again, these are not actions that are taken lightly. I mean, we've thought about this. We've
deliberated over this for many, many months. All right. And what ultimately goes there is not only going to meet the needs of today, but the needs moving into the future because, again, we don't want to be short-sighted and just satisfy today's needs.

MR. HENNING: Understood.

So with that being said, then, is it fair to say that the board of ed will have the full support of all the commissioners for the referendum and will -- all the commissioners will --

MAYOR PETRACCO: I think that --

MR. HENNING: -- hope to work to get that passed?

MAYOR PETRACCO: I think that depends on what exactly it is and what they're putting out. What it encompasses, how it helps us, how it helps our students and what it looks like for the future of Nutley before we could just say yes or no to anything. I mean, once we get plans and see what the whole package is trying to deliver, it's hard to make a decision on what we're going to do.

MR. HENNING: Well, what are we buying the building for then?

MAYOR PETRACCO: We're buying the building for an opportunity to correct the problems that are in the school system.

MR. HENNING: So we're letting the school -- we
are working -- the school is working with that and they're putting together the project. So I'm missing the part where they would -- that you would have the -- that you would be giving them the support. If you're supporting them by buying the property, why wouldn't you support them to pass the referendum?

COMMISSIONER EVANS: The only way I would characterize it, right, and I don't want to speak for the board. But it would be my position is we are purchasing this with the intent that once they complete their planning process, once they sit down and go through that planning process with the board of commissioners we will achieve a point where we will all stand together and support the need for the expansion of schools.

It's absolutely necessary that we come up with the right plan to expand the schools. It's necessary. So the simple fact is let's get to the right plan and if we -- once we do that, this board, I believe, will stand together. I know I will and I will commit to that. But my expectation is that I want to see that plan and I want to go over it and I want to understand it fully.

And as Commissioner Tucci said, we're on the early side of that. So you're asking an end game question and I'm not there yet, but --

MR. HENNING: Yeah. I mean, it just seems kind of
COMMISSIONER EVANS: -- that's the intent.

MR. HENNING: It just seems kind of strange that we're -- you said this end game, but we're buying a piece of land that is part of that first step. So it's not really the end game if you're already purchasing it for that purpose.

COMMISSIONER EVANS: The purpose right now is that we could -- we could have sat back as a board and simply said, guys, figure it out. Buy the property you need to buy. And that would be a missed opportunity and we didn't want that to happen.

MR. HENNING: When is the -- since when does the -- when does the town get into the landlord business? That's not what we're -- that's not why we bought the property. We didn't buy it for the $84,000 --

COMMISSIONER EVANS: Absolutely. We're not in the landlord --

MR. HENNING: -- worth of revenue.

COMMISSIONER EVANS: -- business. We're not going to -- but we're not going to lose the revenue and we're -- and build the plan --

MR. HENNING: I understand. But I'm saying, like it's --

COMMISSIONER EVANS: Then why say that?
MR. HENNING: It was for the -- because you're saying we're kind of getting -- giving the horse before and that's not the case.

COMMISSIONER EVANS: It's step one. We're not getting before anything. It's --

MR. HENNING: Step one to get the --

COMMISSIONER EVANS: -- just step one.

MR. HENNING: -- get the addition on the middle school.

UNIDENTIFIED SPEAKER: Yeah.

MR. HENNING: Right. So that's why I don't understand why -- what the hesitation would be on the referendum piece.

COMMISSIONER SCARPELLI: The hesitation --

MR. HENNING: A referendum is going to be going out.

COMMISSIONER SCARPELLI: Right. The hesitation, I think, is pretty obvious. Okay. Number one, we need to assess what the physical impact will be on that area and everyone in that area, and we also need to assess what the financial impact will be depending on what the tax climate is and what the climate in the economy is --

MR. HENNING: Okay.

COMMISSIONER SCARPELLI: -- and how well the economy is or isn't doing.
MR. HENNING: Fine. So --

COMMISSIONER SCARPELLI: And we don't know what that referendum is going to encompass. Is it going to encompass the middle school; is it going to encompass some of the elementary schools and the high school. We have no idea what it's going to encompass. To ask us to -- are you going to support the referendum? No. In concept, we support buying the property to address the problems that the elementary school and to bring the sixth grade to the middle school. That's the concept.

COMMISSIONER SCARPELLI: Now if the question is do we support education in Nutley, the answer is absolutely.

MR. HENNING: Obviously.

COMMISSIONER SCARPELLI: All right. But not having all that other information it would be premature and, quite frankly, irresponsible for us to say whether or not we support something that we don't know what the elements of it are.

MR. HENNING: So where we're going with this is at -- we're just going to be landlords picking up the 84 grand until such time as they come up with something that everybody agrees with.

MAYOR PETRACCO: Oh, we're looking to --

COMMISSIONER SCARPELLI: It could be two years, five years, ten years, twenty years from now.
MAYOR PETRACCO: We're -- you know, Neal, I think it's like the chicken and the egg. It's like what comes first, right? So if we missed the opportunity to buy the property and that property, I believe, had interesting parties on it, Commissioner Evans?

MR. HENNING: I get it. I get it.

MAYOR PETRACCO: So it's -- at a certain point you have to jump.

MR. HENNING: I get it. And it -- and getting the 84 --

MAYOR PETRACCO: But let me just --

MR. HENNING: -- grand, it covers --

MAYOR PETRACCO: But let me just say my part, Neal. My -- excuse me, Commissioner Evans. My part is, is this. We are going to take a look at what the board of education comes back with us, you know, and hopefully we're going to get together.

But like any real estate investment, we have something solid. It's not like we're going down to Atlantic City with money and throwing it on black. We could always regroup -- if we -- for some reason we can't get together with the board of education, which I know that we will, what -- we still have a valuable piece of property that if we would have to sell it, we can.

MR. HENNING: And whose department is going to be
in charge of that maintenance on that property now?

MAYOR PETRACCO: Oh, parks and rec will be in charge of maintenance.

MR. HENNING: Parks and rec?

MAYOR PETRACCO: Actually, parks and public property. Yes.

MR. HENNING: Parks and public property.

COMMISSIONER TUCCI: And in the interim the 84,000 that will be revenue coming into the town will help offset --

MR. HENNING: Of course.

COMMISSIONER TUCCI: -- the debt service. So it's pretty much a no-brainer. I mean, it's not -- it's not that we're getting into the real estate business or we're going to be buying up properties all around town just to collect --

MR. HENNING: That's what I'm trying --

COMMISSIONER TUCCI: -- rents. That's not our function.

MR. HENNING: That's what I'm trying to understand because that's what it's starting to sound like. So that's why I wanted to see --

COMMISSIONER TUCCI: No.

COMMISSIONER TUCCI: No. No. No.

MR. HENNING: -- if we actually have --
COMMISSIONER TUCCI: And, Neal, you're a smart guy --

-- MR. HENNING: I'm trying to understand which one

COMMISSIONER TUCCI: -- and that's a legitimate question. All right.

MR. HENNING: I'm trying to understand which properties are viable and which ones aren't. And where --

COMMISSIONER EVANS: Yeah. So --

MR. HENNING: -- are other --

COMMISSIONER EVANS: Neal, to your point, that's what I said. It's a -- simply it's a first step. The -- I'm not aware of any intention on the part of the school board to wait five, ten years to figure out what they want to do. They're actively working on plans. We have to sit down and go through those as the next step.

We've purchased a valuable asset. The asset has a revenue stream associated with that. Commissioner Tucci's department will maintain the asset. My department will collect the money on the asset. All right. And we'll make sure that it's available for the benefit of the town.

We do expect that whatever they're going to come forth in a referendum will be a referendum that addresses the needs of our schools and that for -- I would like to achieve a point (indiscernible) finally we stop talking
about the needs of our schools.

We just heard tonight academically we're on the right path. We're now going to address the infrastructure and I would like to get to a point where we've said, we've done the right things. We can look back on it and say we've done the right things. Our children are excelling. Our values of our homes are going up. People still think Nutley is a desirable place. That's the direction where we want to go.

MR. HENNING: I would like to see us get that direction as well.

Thank you.

MAYOR PETRACCO: Thank you.

Is there anyone else this evening -- oh, okay.

Yes, sir, your name and address for the record.

MR. LACURSHIO: Vince Lacurshio (ph), 14 Coeyman Avenue. Sorry. I just want to take the moment to encourage you guys to keep looking forward, keep planning for the forward. To me, this is an investment in our community. To me, the board of ed, the commissioners, we're all on the same team. Okay. We're in this together. Keep doing the job you're doing. It's great. I encourage -- I would have paid more money for that property, but that's me. So keep -- I just want to thank you for your work and just keep looking forward. Let's not be reactive like a lot of times
we are in the past. Let's keep being proactive. That's what I have to say.

MAYOR PETRACCO: Thank you.

COMMISSIONER ROGERS: Vinny, Vinny, before you go, I like to seize opportunities. I want to thank you for something. I may have mentioned this to you before, but it's something that I know (indiscernible) all of us --

MR. LACURSHIO: Free turkey?

COMMISSIONER ROGERS: No. No. Not a free turkey.

(Laughter)

COMMISSIONER ROGERS: You've got -- you've got --

MR. LACURSHIO: I need a 23 pounder.

(Applause)

COMMISSIONER ROGERS: You've got a sign that's been there a long time. People take note of it. The neighborhood (indiscernible). You've kept the flavor of Nutley, the character of Nutley and done it in word and deed, but I just want you to know how much that sign means to a lot of people in this town because I do hear about it. And I'm sure, fellows, you've heard from time to time that they've really kept the character of this community as a -- a neighborhood town. So I just want to take this time to thank you.

Thank you very much.
MR. LACURSHIO: My pleasure. Thank you for that.

MAYOR PETRACCO: Thank you.

And I would just like to comment and say one more comment before we close the public portion of the meeting.

We are very committed, this board of commissioners, and also the board of ed is that over the years we've had the perception of the school system isn't what it used to be and they're slipping and, you know, people don’t want to move into the town.

We are very committed, and I know I am, that we're not going to watch the game get away from us. We are going to swing the bat up here and hopefully 50 years from now when our kids are having their kids and our grandkids are here we're going to have a town that everyone could be proud of. And we're going to have an education system that is second to none.

However, we don't have a crystal ball up here. But we're not going to say 50 years from now this body, this governing body that's before us, you know what, they didn't do anything. They didn't take any chances. All they did was aye and nay and no and yes.

So I just want everybody to know that we are very committed to swinging the bat here and to make sure that our grandkids and our children and yours have the same opportunity that we all here in Nutley that are from here
had the same chance to achieve our dreams and our goals.

Any other commissioners? Any other comments, Commissioners, I meant to say?

COMMISSIONER ROGERS: I don’t think we need any more commissioners.

MAYOR PETRACCO: Thank you.

I move to close the public portion of the meeting.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

I move the ordinance.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.
COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

Thank you.

Okay. Ordinance Number 3327, we are going to defer this to our next meeting, correct, Counsel?

MR. GENITEMPO: Yes, Mayor. We are going to defer it. We're still in negotiations on some items in it, so (indiscernible) right -- right time to just defer to the next meeting.

MAYOR PETRACCO: Thank you.

Commissioner Tucci, we'll move on to the resolutions.

COMMISSIONER TUCCI: Thank you, Mayor.

Whereas the Township of Nutley has a need to acquire specialized professional services as a fair and open contract pursuant to the provision of NJSA 19:44A-20.5 and whereas the Department of Parks and Public Property has determined that there is a need to acquire specialized professional services for air conditioning, plumbing, heating, and refrigeration service and purchase of equipment and supplies, and whereas the municipal clerk is hereby authorized and directed to advertise for sealed bids for air
conditioning, plumbing, heating and refrigeration service and purchase of equipment and supplies now, therefore, be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey that sealed bids shall be due on Wednesday, December 16th, 2015 at 3 p.m. addressed to the Municipal Clerk, Nutley Township Hall, 1 Kennedy Drive, Nutley, New Jersey at which time they will be publicly opened and read.

I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

COMMISSIONER TUCCI: Whereas the Township of Nutley has the need to acquire specialized professional services as a fair and open contract pursuant to the provision of NJSA 19:44A-20.5 and whereas requests for qualifications for Township Forester were received and
opened on September 23rd, 2015 by the township clerk, and
whereas the most responsible and responsive requests for
qualifications was from Shade Tree Department, LLC, John
Linson, P.O. Box 6089, West Orange, New Jersey, and whereas
the Shade Tree Department, LLC, John Linson, New Jersey
certified tree expert Number 9198 has provided these
services in the past to the Township of Nutley and is
particularly suited to provide continued service, and
whereas the term of this contract is for a one year period
commencing on September 1, 2015 and continue through August
31st, 2016, and whereas the contract is not to exceed
$22,000 and funds are available from Account 5-01-512-200 in
the amount of 5,000, in 6-01-512-200 in the amount of 17,000
funds having been certified by the chief financial officer,
said certification being attached to this resolution, now,
therefore, be it resolved by the Board of Commissioners,
Township of Nutley, County of Essex, State of New Jersey
that a contract be awarded to Shade Tree Department, LLC,
John Linson as described herein, the response to requests
for qualification be placed on file with this resolution and
notice of this action shall be printed once in the Nutley
Sun in accordance with local public contracts law.

I move the resolution.

COMMISSIONER EVANS: Second.

THE CLERK: Commissioner Rogers.
COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

COMMISSIONER TUCCI: The Township of Nutley has a need to acquire specialized professional services as a fair and open contract pursuant to the provision of NJSA 19:44A-20.5 and whereas the request for qualifications for insurance action and safety review board meetings were received and opened on February 11th, 2015 by the township clerk, and whereas resolution number 6615 stipulates that a contract shall be for one year, 12 months, January 1, 2015 through December 31st, 2015 with an option for the township to extend for one year, and whereas resolution 6615 has provided the one-year extension option and the Board of Commissioners for the Township of Nutley would like to utilize the one-year option of said contract, and whereas C. Walter Searle Insurance Agency, 410 Franklin Avenue, Nutley, New Jersey has provided these services in the past to the Township of Nutley and is particularly suited to provide
continued service, and whereas the term of this contract is for a one-year period commencing on January 1, 2016 and continuing through December 31st, 2016, whereas funds are available from Account 6-516245 in the amount of $10,000 and have been certified by the chief financial officer, said certification being attached to this resolution now, therefore, be it resolved by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey that a contract be awarded to C. Walter Searle Insurance Agency, LLC as described herein, that the response to the request for qualifications shall be placed on file with this resolution, and a notice of this action shall be printed once in the Nutley Sun in accordance with local public contracts law.

I move the resolution.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpeli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.
MAYOR PETRACCO: I will abstain. I do some business with Searle.

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

MAYOR PETRACCO: Thank you.

Commissioner Evans.

COMMISSIONER EVANS: Thank you, Mayor.

Whereas the local capital budget for the year 2015 was adopted on the 2nd day of June, 2015, and whereas it is desired to amend said approved capital budget for the purchase of property as noted as the Davis property for $900,000 and the Chickolini property for $3,500,000, these are the gross amounts for bonding purposes. The actual purchases as we discussed are less than this.

Now, therefore, be it resolved by the Board of Commissioners for the Township of Nutley that the following amendments to the approved budget section be made and as stated to include the 900,000 and 3.5 million.

So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.
COMMISSIONER EVANS: Whereas local government units must prepare and submit a corrective action plan as part of the annual audit process in accordance with OMB Circular 133 -- A133 and 9801 now, therefore, be it resolved by the Board of Commissioners for the Township of Nutley that the attached corrective action plan for the audit for the year 2014 is hereby approved. Be it further resolved that a copy of this correction -- corrective action plan is to be kept on file in the township clerk's office and one certified copy is to be submitted to the director of the Division of Local Governmental Services.

So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Aye.
THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: Be it resolved by the Board of Commissioners for the Township of Nutley, County of Essex, State of New Jersey that the treasurer be and she is hereby authorized to refund overpayments of tax charges for Block 9701-95-C1308 for $825.44 for the year 2013; for Block 300, Lot 1 for $470,287.57; for Block 501-27 for $1,680.10; Block 400, Lot 9 for $16,739.20 for a total refund of $489,532.31.

So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: The -- let's see. Be it resolved by the Board of Commissioners for the Township of Nutley in the County of Essex that the treasurer be and she
is hereby authorized to cancel water charges in the amount
of $129,298.97 for the following reasons:

For each of the accounts in five of the areas an
error in reading the meter. In one area it's a billing
error and the other is it's a duplicate billing.

So move.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: Be it resolved by the Board
of Commissioners for the Township of Nutley, County of
Essex, State of New Jersey that in accordance with the
provision of RSA 40A:4-58 the following transfers of
appropriations in the 2015 be and the same are hereby
authorized and approved:

From tax assessor salary and wage 10,000; tax
collector salary and wage 30,000; municipal election 60,000;
social security 40,000; unemployment comp 49,000 to tax assessor O&E for 10,000; tax collector O&E for 10,000; clerk's salary and wage for 8,000; DCRP 1,000 pers. Those are both in pension accounts for 10,000; and the capital improvement fund for 150,000 for a total transfers of 189,000.

So move.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpeli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: Thank you, Mayor.

MAYOR PETRACCO: Commissioner Scarpeli.

COMMISSIONER SCARPELLI: Whereas bids for the 2014-2015 acceptance of recycling vegetative waste to include leaf and grass clippings were received and opened on November 12th, 2014, and whereas S. Rotondi & Sons, P.O. Box 1407, Summit, New Jersey was awarded a contract for the
removal and recycling of Class B clean wood brush in the
amount of $6 per cubic yard, for the removal and recycle of
a Class C leaves in the amount of $7.95 per cubic yard, and
for the removal of recycling of Class C grass clippings in
the amount of $13.95 per cubic yard, whereas the terms of
the contract shall be extended for an additional year from
the extension award date November 25th, 2014 with the same
price option subject to availability of the funds and the
subsequent annual budget, and whereas the funds are
available in the Account Number 501-422209 in the amount of
$6,000 and from Account Number 601-422209 in the amount of
$55,000, and have been certified by the chief financial
officer, said certification being attached to this
resolution now, therefore, it be resolved by the Board of
Commissioners for the Township of Nutley, County of Essex,
State of New Jersey that a contract be awarded to S. Rotondi
& Sons not to exceed $61,000 and that the Mayor and township
clerk are hereby authorized to enter into and sign said
contract for the Township of Nutley.

So move the resolution.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.
COMMISSIONER SCARPELLI: Be it resolved by the Board of Commissioners for the Township of Nutley, County of Essex, State of New Jersey that the township clerk is hereby authorized to advertise for sealed bids for the Park Avenue monopole co-location lease. The Township of Nutley received on behalf of the Board of Commissioners in the commission chambers, Township Hall, 1 Kennedy Drive, Nutley, New Jersey on Wednesday, December 16, 2015 at 3 p.m. prevailing time which they will be opened and read.

I move the resolution.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER Tucci: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpeli.

COMMISSIONER SCARPELLI: Aye.
THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

COMMISSIONER SCARPELLI: Be it resolved by the Board of Commissioners for the Township of Nutley, County of Essex, State of New Jersey that in accordance with Revision RSA 40A4-58 the following transfers appropriations of 2015 budget be and the same were hereby authorized and approved: (Indiscernible) salary and wage 10,000; to road repair and maintenance and other expenses $10,000; from sewer, other expenses $7,000; to parking lot salary and wages 7,000 for a grand total of $17,000.

I move the resolution.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER Tucci: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpeli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

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

MAYOR PETRACCO: Thank you.
Commissioner Rogers, do you -- you don't have anything this evening?

COMMISSIONER ROGERS: Nothing, Mayor. Thank you.

MAYOR PETRACCO: Thank you.

I have one resolution.

Whereas NJSA 48:4-87 provides for the director of the Division of Local Services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by the law and the amount thereof was not determined at the time of the adoption of the budget, whereas said director may also approve the insertion of the item of appropriation for equal amount now, therefore be it resolved by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey hereby request that the director of Division of Local Government Services to approve the insertion of an item of revenue in the budget of year 2015 in the sum of $31,000 which is now available from the FEMA staffing for adequate fire and emergency response, the SAFER grant, in the amount of $31,000.

Be it further resolved that the like sum of 50,000 be made -- be and the same is hereby appropriate under the caption of general appropriations, appropriations excluded from five percent caps, FEMA SAFER grant $31,000, be it further resolved that the above is the result of funds...
from the FEMA staffing for adequate fire and emergency
response SAFER grant in the amount of 31,000, be it further
resolved that the township clerk will forward two certified
copies of this resolution to the director of local services.

I move resolution.

COMMISSIONER TUCCI: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpelli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

That concludes our business portion of the
meeting. Is there anyone here that would like to address
the board of commissioners?

MS. LANDRY: Pennie Landry, 135 Lakeside Drive. I
-- at the last meeting Commissioner Evans was not here and,
Mayor, you asked me to wait and ask the question when Mr.
Evans was here.

MAYOR PETRACCO: Sure.

MS. LANDRY: Has Tax Assessor Labrizzi resigned
or has he given the township his intention to resign?

COMMISSIONER EVANS: Mr. Labrizzi has actually resigned and he is employed in another municipality. He is no longer with the township.

MS. LANDRY: And who is acting as our tax assessor?

COMMISSIONER EVANS: I'm sorry.

MS. LANDRY: Who is our acting tax assessor?

COMMISSIONER EVANS: George is covering until we actually appoint a new tax assessor, which we're (indiscernible).

MS. LANDRY: And will this be a full-time or a part-time tax assessor?

COMMISSIONER EVANS: You know, it's an interesting question. I'm -- given the size of the township and the number of line items the (indiscernible), we could justify going full-time. But I actually am working on a part-time solution. I think it's time to give it a try.

MS. LANDRY: And this part-time solution, has this position been advertised or is this --

COMMISSIONER EVANS: Yes.

MS. LANDRY: It has.

COMMISSIONER EVANS: Yes.

MS. LANDRY: And what is the salary range?

COMMISSIONER EVANS: Expected to be between 80 and
$90,000.

MS. LANDRY: 80 and 90. And what was the full-time salary range for Mr. Lebreezie?

COMMISSIONER EVANS: It was currently $132,000. It would have risen to (indiscernible) and change.

MS. LANDRY: 134. Okay. And 80 to 90 for part-time.

COMMISSIONER EVANS: Correct. And we would also experience savings as well because we would be subject to paying 60 percent pension and in healthcare where today we're paying (indiscernible).

MS. LANDRY: Okay. Great. Thank you. So he's no longer here, but he's being paid on an hourly basis or --

COMMISSIONER EVANS: Right now he's not being paid at all. He -- we were just getting the coverages (indiscernible) part of the agreement.

MS. LANDRY: Okay. Great. Thank you.

Second question, someone asked me to ask this who could not be here tonight. The transporting of PCBs and undisclosed cargo through Nutley residential neighborhoods resulted in four cubic yards of PCBs and lead being dumped in the residential area on the track as a result of a derailment this weekend due to potentially unsafe tracks.

How does the township intend to respond to Roche regarding this and also the citizens of
Nutley?

MAYOR PETRACCO: We're going to hold everybody accountable, and Roche told us tonight that they were not going to be shipping any dirt through the train at all from this point on.

MS. LANDRY: And how will the dirt be shipped because --

MAYOR PETRACCO: By truck.

MS. LANDRY: By truck. So they're going to take it on our roads instead of on the railroad?

MAYOR PETRACCO: I think they're going to go through the Clifton side so it won't be on the Nutley side at all.

MS. LANDRY: Okay. So why wasn't that the plan in the beginning?

MAYOR PETRACCO: I guess it was more affordable to do it by rail because of the volume of dirt, but that's a Roche question.

MS. LANDRY: And given this railroad is being used commercially, is -- how is the township being compensated, if at all? Do we receive tax revenue or something for this railroad or this railroad just is used? Obviously this line makes money from Roche for transporting --

MAYOR PETRACCO: The right of way.

MS. LANDRY: -- contaminated soil. Is there --
MAYOR PETRACCO: The track.

MS. LANDRY: Huh?

COMMISSIONER TUCCI: It's owned by Northfork Southern. It's a spur of Northfolk Southern. It was there to transport, I guess, medicines and different --

MS. LANDRY: So that actual property is not Nutley property. It's --

COMMISSIONER TUCCI: No. That's owned by Northfolk Southern. If it was Nutley property we would try to reestablish the train station that we spoke about earlier.

MS. LANDRY: Okay. All right.

(Laughter)

MS. LANDRY: Can we buy it from them? We seem to be --

COMMISSIONER TUCCI: We would love to.

MS. LANDRY: -- buying property.

While we're on the subject of buying things, it was two years ago next month that I first spoke at this microphone and I've been attending lots of meetings. And I made the request several times that our mic system be improved. Tonight, there was a lot of in and out on the mic which does not pick up when the minutes are being done. And, also, we have a recording system that records these meetings. However, we have planning board meetings. We
have zoning board meetings that are not recorded and
attending those meetings you cannot hear the people speaking
on the mics, particularly the planning board members.

So I would like to see maybe everybody needs to go
to a public speaking course or that we need to get the mics
improved so that the minutes do not contain inaudibles which
they do and so that people who are watching --

MAYOR PETRACCO: I think I would note it --are we
working on anything, Commissioner Tucci?

COMMISSIONER TUCCI: Yes. Actually, we've
contacted Franklin Central Communications who manages our
sound system here now to give us a price on a state of the
art sound system and also bring in an acoustical company,
all right. Because of the shape of this room and the
rounded ceiling the sound just bounces. So it's not always
picked up correctly.

So we are, in fact, in the process of doing that.
We're doing that in conjunction with the filming. As we
mentioned I believe going back when we first started filming
that we would be doing this. But we are following through
on it. We're waiting for the quotes to come back and come
budget time we'll also be speaking about filming and
broadcasting some of the other meetings.

MS. LANDRY: Great. Thank you very much.
I hear the timer.
MAYOR PETRACCO: Yeah.

MS. LANDRY: Does that mean I'm done even though it's another topic?

MAYOR PETRACCO: (Indiscernible) really this is a public comment session, but what's your question?

MS. LANDRY: Okay. Well, this is the only time we have to ask questions.

MAYOR PETRACCO: No. It's not the only time you have. You could always feel --

MS. LANDRY: Okay. I just have a quick question --

MAYOR PETRACCO: -- free to call a commissioner up.

MS. LANDRY: -- a quick question. I met with Jason about the news website which is coming along great even though we're closing in on two years, so I'm hoping soon. And I asked about minutes for the economic development advisory committee being available on the nutleynewjersey.org website and I was told it was being considered.

Has a decision been made as to if those minutes will be available for the citizens --

MAYOR PETRACCO: Commissioner Evans?

MS. LANDRY: -- of Nutley?

COMMISSIONER EVANS: No.
MS. LANDRY: No, the decision has not been made --
COMMISSIONER EVANS: Correct.
MS. LANDRY: -- or, no, there will be no minutes?
COMMISSIONER EVANS: Yes to the decision has been
made and the answer is no.
MS. LANDRY: No decision has been made? Thank
you.
COMMISSIONER EVANS: Correct.
MS. LANDRY: Would you -- I would like to
respectfully ask that you consider making economic
development advisory committee meeting minutes available to
the public and that they also be open to the public.
Thank you.
MAYOR PETRACCO: Is there anyone else this evening
that would like to address the Board of Commissioners?
Seeing no one, on behalf of the Board of
Commissioners and my colleagues I would like to wish
everyone a very healthy and happy holiday season, a
wonderful and happy Thanksgiving. I know we have some
events coming up in Nutley. I believe Santa Claus's arrival
is this Friday at 2:00 at the oval and we will be kicking
off Sunday night our annual tree lighting on behalf of the
Board of Commissioners.
So if you're in town please stop by.
Commissioner Scarpeli.
COMMISSIONER SCARPELLI: Move to adjourn.

COMMISSIONER ROGERS: Second.

THE CLERK: Commissioner Rogers.

COMMISSIONER ROGERS: Aye.

COMMISSIONER EVANS: Commissioner Tucci.

COMMISSIONER TUCCI: Aye.

THE CLERK: Commissioner Evans.

COMMISSIONER EVANS: Aye.

THE CLERK: Commissioner Scarpeli.

COMMISSIONER SCARPELLI: Aye.

THE CLERK: Mayor Petracco.

MAYOR PETRACCO: Aye.

THE CLERK: And the time is now 9:46.

(Whereupon, at approximately 9:46 p.m. the meeting concluded.)
CERTIFICATION

I, Sherri L. Breach, certify that the foregoing transcript is a true and accurate record of the proceedings.

____________________________________
Sherri L. Breach

____________________________________
Sherri L. Breach
AAERT Certified Electronic Reporter & Transcriber

DATE: December 15, 2015
AGENDA
TOWNSHIP OF NUTLEY
BOARD OF COMMISSIONERS
PUBLIC MEETING
MONDAY, NOVEMBER 23, 2015/7:00P.M.

PLEDGE OF ALLEGIANCE:

SUNSHINE NOTICE:
Pursuant to the requirements of the Open Public Meeting Act (Chapter 231, P.L.1975), notice of this meeting was published in the October 29, 2015 issues of The Nutley Sun. 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.

ROLL CALL:
Commissioner Rogers
Commissioner Tucci
Commissioner Evans
Commissioner Scarpelli
Mayor Petracco

MINUTES:
October 16, 2015 (Special Meeting)
October 20, 2015
October 27, 2015 (Special Meeting)

COMMUNICATIONS/CORRESPONDENCE:

PROCLAMATION:
Commissioner Rogers/In Honor of Eagle Scout Gregory Matthew Kueken
Commissioner Rogers/In Honor of Eagle Scout Liam Sweeney

REPORTS:

BILLS:

ORDINANCE INTRODUCTIONS (5):

BOARD OF COMMISSIONERS/ORDINANCE NO. 3326
“AN ORDINANCE OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF LAND KNOWN AS 537 FRANKLIN AVENUE (AND ALSO KNOWN AS (BLOCK 3100, LOTS 28,29,30) PURSUANT TO THE LOCAL LAND AND BUILDINGS LAW” (PUBLIC HEARING ON DECEMBER 15, 2015)

COMMISSIONER EVANS/BOND ORDINANCE NO. 3331
“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING $900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
$855,900 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF.” (PUBLIC HEARING ON DECEMBER 15, 2015)

COMMISSIONER EVANS/BOND ORDINANCE NO. 3332
“BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING $3,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $3,333,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF.” (PUBLIC HEARING ON DECEMBER 15, 2015)

COMMISSIONER THOMAS J. EVANS/ORDINANCE NO. 3333
“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 10 ENTITLED STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS TO ADD THE LOCATION SET FORTH THEREIN.” (PUBLIC HEARING ON DECEMBER 15, 2015)

COMMISSIONER MAURO G. TUCCI/ORDINANCE NO. 3334
“AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY DESIGNATED AS BLOCK 7801, LOT 26, ON THE TAX MAP OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY” (PUBLIC HEARING ON DECEMBER 15, 2015)

ORDINANCE PUBLIC HEARINGS (2):

BOARD OF COMMISSIONERS/ORDINANCE NO. 3325
“AN ORDINANCE OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF LAND KNOWN AS 307-309 FRANKLIN AVENUE (AND ALSO KNOWN AS (BLOCK 6001, LOT 10) PURSUANT TO THE LOCAL LAND AND BUILDINGS LAW” (INTRODUCED ON OCTOBER 20, 2015)

BOARD OF COMMISSIONERS/ORDINANCE NO. 3327
“AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY IN THE COUNTY OF ESSEX ADOPTING THE HOFFMAN-LAROCHE REDEVELOPMENT PLAN FOR PHASE ONE” (INTRODUCED ON OCTOBER 16, 2015)

RESOLUTIONS:

Commissioner Rogers:

Commissioner Tucci:
No. 331-15/Authorize Advertisement for Sealed Bids/Air Conditioning, Plumbing, Heating, and Refrigeration Services, and Purchase of Equipment and Supplies/To be Received December 16, 2015
No. 333-15/Award Contract for Township Forester/John Linson, P.O. Box 6089 – WOB, West Orange, New Jersey/Period of September 1, 2015 to August 31, 2015/Not to Exceed $22,000.00
No. 335-15/Authorize One-Year Extension for Contract for Insurance Accident and Safety Review Board Meetings/C. Walter Searle Agency LLC, 410 Franklin Avenue, Nutley, New Jersey/Period of January 1, 2016 to December 31, 2016

Commissioner Evans:
No. 330-15/Amend Approved Capital Budget for year 2015
No. 332-15/Authorize Corrective Action Plan for Audit Year 2014
No. 336-15/Refund Overpayments of Tax Charges/Various Block and Lots/Total Amount of $489,532.31
No. 337-15/Cancel Water Charges/Various Block and Lots
No. 340-15/Authorize Transfers of Appropriations in 2015 Budget/Total Amount of $189,000.00

Commissioner Scarpelli:
No. 334-15/Authorize One-Year Extension for Contract for Recycling Vegetative Waste/S. Rotondi & Sons, Inc., P.O. Box 1407, Summit, New Jersey/Not to Exceed $61,000.00
No. 339-15/Authorize Advertisement for Sealed Bids/Park Avenue Monopole Co-Location Lease/To be Received December 16, 2015
No. 341-15/Authorize Transfers of Appropriations in 2015 Budget/Total Amount of $17,000.00

Mayor Petracco:
No. 338-15/Authorize Appropriations for FEMA SAFER Grant/Amount of $31,000.00

MEETING OPEN TO THE PUBLIC:

ADJOURNMENT:

REMINDER:
The next Board of Commissioners meeting is scheduled for Tuesday, December 1, 2015 at 7:00 P.M., Nutley Town Hall, 3rd Floor Commission Chambers.

HAPPY THANKSGIVING!
ORDINANCE NO. 3326
INTRODUCED BY: THE BOARD OF COMMISSIONERS
INTRODUCED ON: NOVEMBER 23, 2015
PUBLISHED: DECEMBER 3, 2015
PUBLIC HEARING: DECEMBER 15, 2015
PUBLISHED:

ORDINANCE NO. 3326
AN ORDINANCE OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF LAND KNOWN AS 537 FRANKLIN AVENUE (AND ALSO KNOWN AS (BLOCK 3100, LOTS 28,29,30) PURSUANT TO THE LOCAL LAND AND BUILDINGS LAW

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township of has the power to acquire any real property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

WHEREAS, the owner of certain real property located in the Township of NUTLEY, County of ESSEX, State of New Jersey, known as 537 Franklin Avenue and shown on the official tax map of the Township of NUTLEY as Block 3100, Lots 28, 29 and 30 and containing approximately 1.52 acres (the “Property”), desires to sell same to the Township for a purchase price of approximately Three Million Four Hundred Twenty-Five Thousand United States Dollars (US$3,425,000.00), which purchase price shall include the land, buildings and agreed-upon personal property and artifacts located thereon, for the preservation of public health, education, safety and welfare of the residents; and

WHEREAS, the Township Commissioners are committed to the preservation of open space within the Township and it has determined that acquisition of the Property would serve a public purpose and benefit the downtown business district.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the Township of NUTLEY, County of ESSEX, State of New Jersey, as follows.

SECTION 1. That each and every one of the foregoing recitals be and hereby are incorporated as if set forth at length herein; and

SECTION 2. That the Mayor be and hereby is authorized to negotiate and execute, and the Township Clerk be and hereby is authorized to witness, a contract or contracts for the acquisition of an approximately 1.52 acre portion of land known as 537 Franklin Avenue shown as Block 3100 Lot 28, 29 and 30 on the official tax map of the Township of NUTLEY from the owner, 8 CB REALTY, LLC. for the purchase price of Three Million, Four Hundred Twenty-Five Thousand United States Dollars (US$3,425,000.00), subject to customary contractual provisions and adjustments; and

[1-131/00296852-]
SECTION 3. That the aforementioned contract or contracts be in a form and contain substantive provisions in accordance with the requirements of this Ordinance and acceptable to the Township Attorney; and

SECTION 4. That the property shall be conveyed to the Township by Deed with covenants as to Grantor’s acts, and other customary conveyance documents to be reviewed and approved by the Township Attorney; and

SECTION 5. That the Mayor and Township Clerk are hereby authorized to execute and deliver any document as would be necessary to effectuate said conveyance; and

SECTION 6. That should any section, paragraph, subsection, clause, or provision of this Ordinance be adjudicated invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall survive and be deemed valid and effective; and

SECTION 7. That any Ordinance or parts thereof in conflict with the provisions of this Ordinance be and hereby are repealed to the extent of such conflict; and

SECTION 8. That this Ordinance shall take effect upon the passage and publication in accordance with the applicable law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Commissioners of the Township of NUTLEY at a duly convened meeting held on October 20, 2015, and adopted on ____________, 2015.
ORDINANCE NO. 3331
INTRODUCED BY: COMMISSIONER THOMAS J. EVANS
INTRODUCED ON: NOVEMBER 23, 2015
PUBLISHED: DECEMBER 3, 2015
PUBLIC HEARING: DECEMBER 15, 2015
PUBLISHED:

ORDINANCE NO. 3331
BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY
THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY,
APPROPRIATING $900,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF
$855,900 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE
COST THEREOF.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE
TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY
(not less than
two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is
hereby authorized as a general improvement to be made or acquired by the Township of Nutley,
New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby
appropriated the sum of $900,000, said sum being inclusive of all appropriations heretofore made
therefor and including the sum of $44,100 as the down payment for said improvement or purpose
required by law and now available therefor by virtue of provision in a previously adopted budget
or budgets of the Township for down payment or for capital improvement purposes.

Section 2. For the financing of said improvement or purpose and to meet the
part of said $900,000 appropriation not provided for by application hereunder of said down
payment, negotiable bonds of the Township are hereby authorized to be issued in the principal
amount of $855,900 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance
of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the
Township in a principal amount not exceeding $855,900 are hereby authorized to be issued
pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the
financing of which said obligations are to be issued is the acquisition, by purchase, of lands and
buildings thereon in and by the Township for public purposes, said lands consisting of
approximately .50 acres and located at 307 - 309 Franklin Avenue and identified as Lot 10 in Block
6001 on the Official Tax Map of the Township, all in accordance with the proposed contract
therefor on file or to be filed in the office of the Township Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said
purpose is $855,900.

(c) The estimated cost of said purpose is $900,000, the excess thereof over the
said estimated maximum amount of bonds or notes to be issued therefor being the amount of the
said $44,100 down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared,
recited and stated:

(a) The said purpose described in Section 3 of this bond ordinance is not a
current expense and is a property or improvement which the Township may lawfully acquire or
make as a general improvement, and no part of the cost thereof has been or shall be specially assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local Bond Law, according to the reasonable life thereof computed from the date of the said bonds authorized by this bond ordinance, is forty (40) years.

(c) The supplemental debt statement required by said Local Bond Law has been duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof has been filed in the office of the Director of the Division of Local Government Services in the Department of Community Affairs of the State of New Jersey, and such statement shows that the gross debt of the Township as defined in said Local Bond Law is increased by the authorization of the bonds and notes provided for in this bond ordinance by $855,900, and the said obligations authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond Law.

(d) An aggregate amount not exceeding $8,000 for interest on said obligations, costs of issuing said obligations and other items of expense listed in and permitted under section 40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such times as may be determined by the Chief Financial Officer, provided that no note shall mature later than one year from its date. The notes shall bear interest at such rate or rates and be in such form as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief Financial Officer’s signature upon the notes shall be conclusive evidence as to all such determinations. All notes issued hereunder may be renewed from time to time subject to the provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or all of the notes from time to time at public or private sale and to deliver them to the purchasers thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the governing body of the Township at the meeting next succeeding the date when any sale or delivery of the notes pursuant to this bond ordinance is made. Such report must include the principal amount, interest rate and maturities of the notes sold, the price obtained and the name of the purchaser.

Section 6. The full faith and credit of the Township are hereby pledged to the punctual payment of the principal of and interest on the said obligations authorized by this bond ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the Township shall be obligated to levy ad valorem taxes upon all the taxable property within the Township for the payment of said obligations and interest thereon without limitation of rate or amount.

Section 7. The capital budget or temporary capital budget of the Township is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith and the resolutions promulgated by the Local Finance Board showing all detail of the amended capital budget or temporary capital budget and capital program as approved by the Director, Division of Local Government Services, are on file with the Township Clerk and are available for public inspection.

Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.
ORDINANCE NO. 3332
BOND ORDINANCE PROVIDING FOR THE ACQUISITION OF LANDS IN AND BY THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, APPROPRIATING $3,500,000 THEREFOR AND AUTHORIZING THE ISSUANCE OF $3,333,000 BONDS OR NOTES OF THE TOWNSHIP FOR FINANCING PART OF THE COST THEREOF.

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY (not less than two-thirds of all the members thereof affirmatively concurring), AS FOLLOWS:

Section 1. The improvement described in Section 3 of this bond ordinance is hereby authorized as a general improvement to be made or acquired by the Township of Nutley, New Jersey. For the said improvement or purpose stated in said Section 3, there is hereby appropriated the sum of $3,500,000, said sum being inclusive of all appropriations heretofore made therefor and including the sum of $167,000 as the down payment for said improvement or purpose required by law and now available therefor by virtue of provision in a previously adopted budget or budgets of the Township for down payment or for capital improvement purposes and to the extent of $4,263.72 from the Capital Improvement Fund and to the extent of $161,736.28 from the Down Payment for Improvements Fund.

Section 2. For the financing of said improvement or purpose and to meet the part of said $3,500,000 appropriation not provided for by application hereunder of said down payment, negotiable bonds of the Township are hereby authorized to be issued in the principal amount of $3,333,000 pursuant to the Local Bond Law of New Jersey. In anticipation of the issuance of said bonds and to temporarily finance said improvement or purpose, negotiable notes of the Township in a principal amount not exceeding $3,333,000 are hereby authorized to be issued pursuant to and within the limitations prescribed by said Local Bond Law.

Section 3. (a) The improvement hereby authorized and purpose for the financing of which said obligations are to be issued is the acquisition, by purchase, of lands and buildings thereon in and by the Township for public purposes, said lands consisting of approximately 1.52 acres and located at 537 Franklin Avenue and identified as Lots 28, 29 and 30 in Block 3100 on the Official Tax Map of the Township, all in accordance with the proposed contract therefor on file or to be filed in the office of the Township Clerk and hereby approved.

(b) The estimated maximum amount of bonds or notes to be issued for said purpose is $3,333,000.

(c) The estimated cost of said purpose is $3,500,000, the excess thereof over the said estimated maximum amount of bonds or notes to be issued therefor being the amount of the said $167,000 down payment for said purpose.

Section 4. The following additional matters are hereby determined, declared, recited and stated:
(a) The said purpose described in Section 3 of this bond ordinance is not a
current expense and is a property or improvement which the Township may lawfully acquire or
make as a general improvement, and no part of the cost thereof has been or shall be specially
assessed on property specially benefitted thereby.

(b) The period of usefulness of said purpose within the limitations of said Local
Bond Law, according to the reasonable life thereof computed from the date of the said bonds
authorized by this bond ordinance, is forty (40) years.

(c) The supplemental debt statement required by said Local Bond Law has been
duly made and filed in the office of the Township Clerk and a complete executed duplicate thereof
has been filed in the office of the Director of the Division of Local Government Services in the
Department of Community Affairs of the State of New Jersey, and such statement shows that the
gross debt of the Township as defined in said Local Bond Law is increased by the authorization of
the bonds and notes provided for in this bond ordinance by $3,333,000, and the said obligations
authorized by this bond ordinance will be within all debt limitations prescribed by said Local Bond
Law.

(d) An aggregate amount not exceeding $75,000 for interest on said obligations,
costs of issuing said obligations and other items of expense listed in and permitted under section
40A:2-20 of said Local Bond Law may be included as part of the cost of said improvement and is
included in the foregoing estimate thereof.

Section 5. All bond anticipation notes issued hereunder shall mature at such
times as may be determined by the Chief Financial Officer, provided that no note shall mature later
than one year from its date. The notes shall bear interest at such rate or rates and be in such form
as may be determined by the Chief Financial Officer. The Chief Financial Officer shall determine
all matters in connection with the notes issued pursuant to this bond ordinance, and the Chief
Financial Officer’s signature upon the notes shall be conclusive evidence as to all such
determinations. All notes issued hereunder may be renewed from time to time subject to the
provisions of N.J.S.A. §40A:2-8. The Chief Financial Officer is hereby authorized to sell part or
all of the notes from time to time at public or private sale and to deliver them to the purchasers
thereof upon receipt of payment of the purchase price plus accrued interest from their dates to the
dates of delivery thereof. The Chief Financial Officer is directed to report in writing to the
governing body of the Township at the meeting next succeeding the date when any sale or delivery
of the notes pursuant to this bond ordinance is made. Such report must include the principal
amount, interest rate and maturities of the notes sold, the price obtained and the name of the
purchaser.

Section 6. The full faith and credit of the Township are hereby pledged to the
punctual payment of the principal of and interest on the said obligations authorized by this bond
ordinance. Said obligations shall be direct, unlimited obligations of the Township, and the
Township shall be obligated to levy ad valorem taxes upon all the taxable property within the
Township for the payment of said obligations and interest thereon without limitation of rate or
amount.

Section 7. The capital budget or temporary capital budget of the Township is
hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency
herewith and the resolutions promulgated by the Local Finance Board showing all detail of the
amended capital budget or temporary capital budget and capital program as approved by the
Director, Division of Local Government Services, are on file with the Township Clerk and are
available for public inspection.
Section 8. This bond ordinance shall take effect twenty (20) days after the first publication thereof after final adoption, as provided by said Local Bond Law.
ORDINANCE NO. 3333
INTRODUCED BY: COMMISSIONER THOMAS J. EVANS
INTRODUCED ON: NOVEMBER 23, 2015
PUBLISHED: DECEMBER 3, 2015
PUBLIC HEARING: DECEMBER 15, 2015
PUBLISHED:

ORDINANCE NO. 3333
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 10 ENTITLED STOPPING OR STANDING PROHIBITED DURING CERTAIN HOURS ON CERTAIN STREETS TO ADD THE LOCATION SET FORTH THEREIN.

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Section 10 of Chapter 228 of the Code of the Township of Nutley, entitled Stopping or Standing Prohibited During Certain Hours On Certain Streets, is hereby amended to set forth the ADDITION of the following location:

No person shall stop or stand a vehicle between the hours specified on any day upon any of the streets or parts of streets described:

Add

<table>
<thead>
<tr>
<th>Name of Street</th>
<th>Side</th>
<th>Hours</th>
<th>Location</th>
</tr>
</thead>
<tbody>
<tr>
<td>Franklin Avenue</td>
<td>East</td>
<td>All</td>
<td>From a point 128 feet north of the northern curbline of Harrison Street, north for a distance of 45 feet</td>
</tr>
</tbody>
</table>

BE IT FURTHER ENACTED that all other terms and conditions and locations in Section 10 and Chapter 228 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

BE IT FURTHER ENACTED that the within ordinance shall become effective after passage and publication, pursuant to law.
ORDINANCE NO. 3334

AN ORDINANCE AUTHORIZING THE SALE OF PROPERTY DESIGNATED AS BLOCK 7801, LOT 26, ON THE TAX MAP OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY

WHEREAS, the Township of Nutley property known as Lot 26 in Block 7801 as shown on the official Tax Map of the Township of Nutley; and

WHEREAS, the Board of Commissioners has determined that the lot designated as Block 7801, Lot 26 is unimproved, landlocked, undersized and not needed for public use; and

WHEREAS, N.J.S.A 40A: 12-13 permits a municipality to sell public property not needed for public use;

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

1. Pursuant to N.J.S.A. 40A: 12-13, the Board of Commissioners authorize the public sale of Lot 26 in Block 7801 on the Tax Map at the Township of Nutley.

2. The sale shall be conducted pursuant to the requirements of law.

3. The Board of Commissioners reserves the right to accept the highest qualified bid or reject all bidders.
ORDINANCE NO. 3325
AN ORDINANCE OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY AUTHORIZING THE ACQUISITION OF LAND KNOWN AS 307-309 FRANKLIN AVENUE (AND ALSO KNOWN AS (BLOCK 6001, LOT 10) PURSUANT TO THE LOCAL LAND AND BUILDINGS LAW

WHEREAS, pursuant to N.J.S.A. 40A:12-5, the Township of Nutley has the power to acquire any real property for a public purpose through negotiated agreement or by the exercise of its powers of eminent domain; and

WHEREAS, the owner of certain real property located in the Township of NUTLEY, County of ESSEX, State of New Jersey, known as 307-309 Franklin Avenue and shown on the official tax map of the Township of NUTLEY as Block 6001, Lot 10 and containing approximately .50 acres (the “Property”), desires to sell same to the Township for a purchase price of approximately Nine Hundred Thousand United States Dollars (US$900,000.00), which purchase price shall include the land, buildings and agreed-upon personal property and artifacts located thereon, for the preservation of public health, education, safety and welfare of the residents as well as for Open Space preservation purposes; and

WHEREAS, the Township Commissioners are committed to the preservation of open space within the Township and it has determined that acquisition of the Property would serve a public purpose.

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of the Township of NUTLEY, County of ESSEX, State of New Jersey, as follows.

SECTION 1. That each and every one of the foregoing recitals be and hereby are incorporated as if set forth at length herein; and

SECTION 2. That the Mayor be and hereby is authorized to negotiate and execute, and the Township Clerk be and hereby is authorized to witness, a contract or contracts for the acquisition of an approximately .50 acre portion of land known as 307-309 Franklin Avenue shown as Block 6001 Lot 10 on the official tax map of the Township of NUTLEY from the owner, ROBERT E. DAVIS AND MARTHA DAVIS CORPORATION for the purchase price of Nine Hundred Thousand United States Dollars (US$900,000.00), subject to customary contractual provisions and adjustments; and
SECTION 3. That the aforementioned contract or contracts be in a form and contain substantive provisions in accordance with the requirements of this Ordinance and acceptable to the Township Attorney; and

SECTION 4. That the property shall be conveyed to the Township by Deed with covenants as to Grantor’s acts, and other customary conveyance documents to be reviewed and approved by the Township Attorney; and

SECTION 5. That the Mayor and Township Clerk are hereby authorized to execute and deliver any document as would be necessary to effectuate said conveyance; and

SECTION 6. That should any section, paragraph, subsection, clause, or provision of this Ordinance be adjudicated invalid by a court of competent jurisdiction, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudicated, and the remainder of the Ordinance shall survive and be deemed valid and effective; and

SECTION 7. That any Ordinance or parts thereof in conflict with the provisions of this Ordinance be and hereby are repealed to the extent of such conflict; and

SECTION 8. That this Ordinance shall take effect upon the passage and publication in accordance with the applicable law.

I HEREBY CERTIFY the above to be a true copy of an Ordinance introduced by the Commissioners of the Township of NUTLEY at a duly convened meeting held on October 20, 2015, and adopted on November 23, 2015.
ORDINANCE # 3327
INTRODUCED BY: BOARD OF COMMISSIONERS
INTRODUCED ON: OCTOBER 16, 2015
PUBLISHED: OCTOBER 19, 2015
VOTE/AMENDMENTS AS PER PLANNING BOARD: OCTOBER 27, 2015
PUBLISHED: OCTOBER 29, 2015
PUBLIC HEARING & ADOPTION: NOVEMBER 23, 2015
PUBLISHED: DECEMBER 3, 2015

ORDINANCE # 3327
AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY IN THE COUNTY OF ESSEX ADOPTING THE HOFFMAN-LAROCHE REDEVELOPMENT PLAN FOR PHASE ONE

WHEREAS, the Board of Commissioners of the Township of Nutley (the “Board of Commissioners”) identified the certain properties in the Township of Nutley (the “Township”) designated as follows on the official Tax Map of the Township of Nutley (collectively, the “Study Area”):

Block 102, Lots 2 and 9; Block 200, Lots 1, 2, 3, 4, 5, 6 and 24; Block 201, Lot 1; Block 300, Lots 1 and 20; Block 2000, Lots 1, 4 and 5; Block 2100, Lot 9 C0101, Lot 9 C0102, Lot 9 C0103, Lot 9 C0104, Lot 9 C0105, Lot 9 C0106, Lot 9 C0107, Lot 9 C0108, Lot 9 C0109, Lot 9 C0110, Lot 9 C0111, Lot 9 C0208, Lot 9 C0209, Lot 9 C0210, Lot 9 C0211, Lot 9 C0212, Lot 9 C0214, Lot 9 C0215, Lot 9 C0216 and Lot 9 C0217; Block 2101, Lot 1; and Block 2304, Lot 17, Lot 18 C0001, Lot 18 C0002, Lot 18 C0003 and Lot 18 C0203,

also known as the former Hoffmann LaRoche corporate campus site, to be considered for designation as a condemnation “area in need of redevelopment” under the Local Redevelopment and Housing Law, N.J.S.A. 40A:12A-1 et seq. (the “LRHL”); and

WHEREAS, on February 24, 2015, the Planning Board adopted a Resolution recommending that Block 102, Lot 2; Block 200, Lots 1, 2, 3, 4, 5, 6 and 24; Block 201, Lot 1; Block 300, Lots 1 and 20; Block 2000, Lots 1, 4 and 5; Block 2101, Lot 1, and Block 2304, Lot 17, as shown on the official Tax Map of the Township of Nutley (the “Redevelopment Area”) be determined by the Board of Commissioners to be a condemnation “area in need of redevelopment” under the LRHL; and

WHEREAS, the Board of Commissioners concurred and agreed with Planning Board’s recommendation, as supported by the reasons stated in the Preliminary Investigation, that the Redevelopment Area constitutes and meets the criteria under the LRHL and that the Redevelopment Area should be determined and declared a condemnation “area in need of redevelopment”, which determination shall, among other things, authorize the Township to exercise the power of eminent domain to acquire all or any portion of such Redevelopment Area; and

WHEREAS, on March 3, 2015, the Board of Commissioners adopted Resolution No. 74-15 declaring the Redevelopment Area a condemnation “area in need of redevelopment” under the LRHL; and

WHEREAS, in furtherance of the redevelopment of the Redevelopment Area, the Board of Commissioners directed Maser Consulting, P.A. to prepare a redevelopment plan, entitled “Hoffmann-LaRoche Redevelopment Plan – Phase 1,” (the “Redevelopment Plan”), which contains a detailed development program and design criteria for an approximately 10.9 acre portion of the Redevelopment Area located within portions of Block 201, Lot 1 and Block 300, Lot 1 (which is indicated in the Redevelopment Plan as possibly being subdivided into up to four (4) smaller separate lots), while
maintaining existing zoning for the remainder of the larger Redevelopment Area, with an understanding that the Redevelopment Plan will be amended in the future to encourage and permit uses in the Redevelopment Area complimentary to and consistent with the Redevelopment Plan; and

WHEREAS, pursuant to N.J.S.A. 40A:12A-7(d)-(e), upon introduction of this Ordinance, the Redevelopment Plan shall be referred to the Nutley Planning Board for review and issuance of a report containing its recommendations, if any, concerning the Redevelopment Plan and its consistency with the Nutley Township Master Plan within forty five (45) days of referral.

NOW, THEREFORE, BE IT ORDAINED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, being the governing body thereof, that pursuant to N.J.S.A. 40A:12A-7 the Board of Commissioners hereby accept and approve the Redevelopment Plan, and hereby adopts said Redevelopment Plan; and

BE IT FURTHER ORDAINED, if any section, paragraph, subsection, clause, or provision of this Ordinance shall be adjudged by the courts to be invalid, such adjudication shall apply only to the section, paragraph, subsection, clause, or provision so adjudicated, and the remainder of the Ordinance shall be deemed valid and effective; and

BE IT FURTHER ORDAINED, any ordinances or parts thereof in conflict with the provisions of this Ordinance are repealed to the extent of such conflict; and

BE IT FURTHER ORDAINED, to the extent that any portion of the Redevelopment Plan conflicts with or amends or modifies any provision of any other of the Township’s development regulations, the Redevelopment Plan shall supersede or amend or modify, as applicable, such development regulations and the zoning district map included in the Township’s zoning ordinance shall be deemed amended accordingly; and

BE IT FURTHER ORDAINED, this Ordinance shall take effect upon passage and publication in accordance with applicable law.
Township of Nutley
Board of Commissioners

Hereby Issues This Proclamation

WHEREAS, Nutley resident, Gregory Matthew Kueken, is currently a member of B.S.A. Troop 22; and

WHEREAS, in an effort to attain Eagle Scout status Gregory has completed his project at Brookdale Reform Church in Montclair, in which he cleaned up the church cemetery and installed landscaping on the property; and

WHEREAS, Gregory is an active volunteer with the Nutley Emergency Rescue Squad and is currently taking his EMT training;

NOW, THEREFORE BE IT PROCLAIMED, by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, join Gregory’s Matthew Kueken’s family and friends in recognizing and congratulating him on receiving EAGLE SCOUT status within B.S.A. Troop 22.
Township of Nutley
Board of Commissioners

Hereby Issues This Proclamation

WHEREAS, Nutley resident, Liam Sweeney, is currently a member of B.S.A. Troop 22; and

WHEREAS, in an effort to attain Eagle Scout status Liam has completed his project at Camp Glen Gray in Mahwah, where he installed a large cabin deck and removed boulders from the trail in front of the cabin creating easier and safer access to the cabin; and

WHEREAS, Liam is an active volunteer with the Nutley Emergency Rescue Squad and is currently taking his EMT training;

NOW, THEREFORE BE IT PROCLAIMED, by the Board of Commissioners, Township of Nutley, County of Essex, State of New Jersey, join Liam Sweeney’s family and friends in recognizing and congratulating him on receiving EAGLE SCOUT status within B.S.A. Troop 22.
Resolution

Introduced by: Mayor Alphonse Petracco
Seconded by: Commissioner Joseph P. Scarpelli
Date: November 23, 2015
No. 329-15

WHEREAS, Section 8 of the Open Public Meetings Act, Chapter 231, P.L. 1975, permits the exclusion of the public from a meeting in certain circumstances; and

WHEREAS, the public body is of the opinion that such circumstance exists; and

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

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley move into closed executive session to discuss:

1. Litigation
2. Potential Contract Negotiation

BE IT FURTHER RESOLVED, that the time when such discussions 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.

[Signature]

Eleni Pettas
Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 23, 2015

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Steven L. Rogers</th>
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Resolution

WHEREAS, the local capital budget for the year 2015 was adopted on the 2nd day of June, 2015; and

WHEREAS, it is desired to amend said approved capital budget section;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, that the following amendments to the approved capital budget section be made:

TO
CAPITAL BUDGET (CURRENT YEAR ACTION)
PLANNED FUNDING SERVICES FOR CURRENT YEAR-2013

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Total Cost</th>
<th>Capital Improvement Fund</th>
<th>Down Payment For Improvement Fund</th>
<th>Debt Authorization</th>
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<tr>
<td>Purchase of Property</td>
<td>$900,000.00</td>
<td>$44,100.00</td>
<td>$0.00</td>
<td>$855,900.00</td>
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<tr>
<td>Purchase of Property</td>
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<td>$4,263.72</td>
<td>$161,736.28</td>
<td>$3,333,000.00</td>
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</table>

6-YEAR CAPITAL PROGRAM 2015-2020
Anticipated Project Schedule and Funding Requirements

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Total Cost</th>
<th>Estimated Completion Time</th>
<th>Funding Amounts Per Year</th>
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</thead>
<tbody>
<tr>
<td>Purchase of Property</td>
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<td>1 Year</td>
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<td>1 Year</td>
<td>$3,500,000.00</td>
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</table>

YEAR CAPITAL PROGRAM 2015-2020
PLANNED FUNDING SOURCES FOR CURRENT YEAR AND AMOUNTS

<table>
<thead>
<tr>
<th>Project</th>
<th>Estimated Total Cost</th>
<th>Capital Improvement Fund</th>
<th>Down Payment For Improvement Fund</th>
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BE IT FURTHER RESOLVED, that two certified copies of this resolution be filed forthwith in the Office of the Director of Local Government Services.

APPROVED
Director, Division of Local Government Serv.

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 23, 2015.
WHEREAS, the Township of Nutley has a need to acquire specialized professional services as a fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.5; and

WHEREAS, the Department of Parks and Public Property has determined that there is a need to acquire specialized professional services for AIR CONDITIONING, PLUMBING, HEATING AND REFRIGERATION SERVICE AND PURCHASE OF EQUIPMENT AND SUPPLIES; and

WHEREAS, The Municipal Clerk is hereby authorized and directed to advertise for SEALED BIDS for AIR CONDITIONING, PLUMBING, HEATING AND REFRIGERATION SERVICE AND PURCHASE OF EQUIPMENT AND SUPPLIES; and

NOW THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the SEALED BIDS shall be due on Wednesday, December 16, 2015 at 3:00 P.M. addressed to Municipal Clerk, Nutley Township Hall, One Kennedy Drive, Nutley N.J. 07110, at which time they will be publicly opened and read.

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 23, 2015

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WHEREAS, all local government units must prepare and submit a Corrective Action Plan as part of the annual audit process in accordance with OMB A-133 and 98-01;

NOW, THEREFORE, BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the attached Corrective Action Plan for the audit year 2014 is hereby approved.

BE IT FURTHER RESOLVED that a copy of this Corrective Action Plan is to be kept on file in the Township Clerk’s Office and one certified copy is to be submitted to Director of the Division of Local Government Services.

[Signature]

Eleni Pettas, RMC
Municipal Clerk

Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 23, 2015

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Attached is a copy of the 2014 Corrective Action Plan that will be filed with the Township Clerk as required. It will be on the agenda for the November 23, 2015 meeting. A copy of which will be distributed to each commissioner.
The Township’s prior year finding regarding segregation of duties was not resolved in 2014 and is included in the audit for the year ended December 31, 2014.
Finding #1a:

A number of tickets and special complaints were assigned over six months ago.

Recommendation:

The process of reviewing all assigned but not issued tickets and special complaints over six months old be continued so that they are collected from the respective officers and voided.

Explanation & Corrective Action:

The Chief of Police will continue to review a report of all assigned but not issued tickets and special complaints received from the Court Administrator on a monthly basis. As part of this procedure change, the Police Chief will then direct the respective police officers to address these open items with the Court Administrator for final disposition.

Implementation Date:

Effective: July 1, 2015

Finding #2b:

The Municipal Court bail account bank reconciliation includes bank fees from the current and prior years.

Recommendation:

The Municipal Court bail account includes bank fees from the current and prior years be reviewed for proper disposition.

Explanation & Corrective Action:

Bank fees from the current and prior years will be properly disposed of during 2015 and accounted for going forward.

Implementation Date:

Effective: July 1, 2015.
Finding #2a:
Various older improvement authorizations have unexpended balances.

Recommendation:
It is recommended that all older improvement authorization balances be reviewed for possible cancellation.

Explanation & Corrective Action:
A review of improvement authorizations is made annually. Unspent balances which are deemed to be no longer needed will be cancelled. Funded cancelled balances which lapse to capital surplus will be used to fund future ordinances.

Implementation Date:
Effective: July 1, 2015.

Finding #3a:
Water billing adjustments were not always approved by an employee independent of the water rents billing and adjustment process.

Recommendation:
It is recommended that a Water Utility Collector be appointed and all water billing adjustments be approved by an employee or official independent of the water rents billing and adjustment process.

Explanation & Corrective Action:
As part of our cost containment efforts, the water rent billing process and the duties of utility collection have been consolidated under the Tax Collector’s Office. We continue to make every effort to leverage existing staff as the most efficient use of resources for our township which is well within the span of control of the Tax Collector’s Office.

Implementation Date:
Effective: July 1, 2015.

Finding #4a:
The collections activity for recreation is recorded in a general ledger account titled “reserve for recreation expenditures” rather than being allocated to the specific general ledger recreation activity accounts for which the collection is related.
Recommendation:
Collection activity for the recreation be allocated to the specific general ledger recreation activity accounts for which the collection is related.

Explanation & Corrective Action:
The Township will allocate collections activity for recreation to the specific general ledger recreation activity accounts the collections relate to. The Township continues to utilize new computer software better suited for this purpose.

Implementation Date:
Effective: July 1, 2015.

Finding #5a:
The Township does not maintain an adequate segregation of duties with respect to the payroll function due to the position of Payroll Clerk currently being vacant.

Recommendation:
It is recommended that consideration be given to providing for a more adequate segregation of duties with respect to the payroll function.

Explanation & Corrective Action:
In order to fulfill our need to maintain affordable cost efficient operations, certain job functions remain consolidated as it is economically necessary to do so. We fully recognize in the ideal state, full segregation of duties is appropriate for any finance organization. We have given this due consideration and have separated critical tasks among current staff members to provide adequate segregation of these responsibilities and are confident that this has been achieved. When circumstances change, we will revisit this position and add in further safeguards as necessary.

Implementation Date:
Effective: July 1, 2015.

Finding #6a:
The semi-annual SF-425 fiscal report was not filed in a timely manner and the grant reimbursement request for the grant period was not in agreement with the Township’s financial records.
**Recommendation:**

It is recommended that the SF-425 reports be filed on a timely basis and that expenditure requests filed be in agreement with the Township's financial records.

**Explanation & Corrective Action:**

The necessary steps will be taken to ensure that the required SAFER grant reports are filed in a timely manner and expenditures reported on grant reimbursement requests are in agreement with the Township's financial records.

**Implementation Date:**

Effective: July 1, 2015.
WHEREAS, the Township of Nutley has a need to acquire specialized professional services as a fair and open contract pursuant to the provision of N.J.S.A. 19:44 A-20.5; and

WHEREAS, The Requests for Qualification for Township Forester were received and opened on September 23rd, 2015 by the Township Clerk and,

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

WHEREAS, The Shade Tree Department LLC, John Linson, NJ Certified Tree Expert #198 has provided these services in the past to the Township of Nutley and is particularly suited to provide continued service; and

WHEREAS, the term of this contract is for a one year period commencing on September 1, 2015 and continue through August 31, 2016; and

WHEREAS, the contract is not to exceed $22,000.00 and funds are available from account 5-01-512-200 in the amount of $5,000.00 and 6-01-512-200 in the amount of $17,000.00 fund have been certified by the Chief Financial Officer, said certification being attached to this resolution;

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

I, .........................., Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held October 23, 2015.
AFFIDAVIT

The Local Finance Board is authorized by N.J.S.A. 52: 27BB-10 to adopt standard rules for municipal financial administration and N.J.S.A. 40A: 4-57 prohibits the expending of money, incurring of liability or the entering into; of any contract which by its terms involves the expenditure of money for any purpose for which no appropriation is provided, or in excess of the amount appropriated for such purpose. By virtue of the powers vested in the Local Finance Board by N.J.S.A. 52: 27BB-10 on October 20, 1975, the Local Finance Board adopted a procedure for the expenditure of public moneys by a municipality. This procedure became effective January 1, 1976.

In accordance with the rules and regulations adopted by the Local Finance Board with respect to the awarding of Contracts by the Municipal Governing Body, I do hereby certify that funds are available for the following purpose and this contract may be adopted.

Purpose: Professional Services-Forester

Account: 5-01-512-200; 6-01-512-200

Fund: Current Fund

Amount: $22,000.00 ($5,000; $17,000-Subject to the Adoption of 2016 Budget

Date: November 23, 2015

Rosemary Costa
Treasurer, C.F.O.
WHEREAS, Bids for 2014-2015 Acceptance of Recycling Vegetative Waste to include Leaf and Grass Clippings were received and opened on November 12, 2014; and

WHEREAS, S. Rotondi & Sons, Inc., P.O. Box 1407, Summit, New Jersey 07902 was awarded a contract for the removal and recycling of Class B Clean Wood/Brush in the amount of $6.00/per cubic yard, for the removal and recycling of Class C Leaves in the amount of $7.95/per cubic yard and for the removal and recycling of Class C Grass Clippings in the amount of $13.95/per cubic yard; and

WHEREAS, the term of the contract shall be extended for an additional year from the extension award date, November 25, 2014, with the same price option subject to availability of funds in the subsequent annual budget; and

WHEREAS, the funds are available from Account# 5-01-422-209 in the amount of $6,000.00 and from Account# 6-01-422-209 in the amount of $55,000.00 and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to S. Rotondi & Sons, Inc., not to exceed $61,000.00 and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley.

Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 23, 2015.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Steven L. Rogers</th>
<th>Commissioner Mauro G. Tucci</th>
<th>Commissioner Thomas J. Evans</th>
<th>Commissioner Joseph P. Scarpelli</th>
<th>Mayor Alphonse Petracco</th>
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<tr>
<td>Yes</td>
<td>X</td>
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In accordance with the rules and regulations adopted by the Local Finance Board with respect to the awarding of Contracts by the Municipal Governing Body, I do hereby certify that funds are available for the following purpose and this contract may be adopted.

Purpose: Recycling Vegetative Waste
Account: 5-01-422-200; 6-01-522-200
Fund: Current Fund
Amount: $61,000.00 ($6,000.00; $55,000.00-Subject to Adoption of 2016 Budget)
Date: November 23, 2015

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

WHEREAS, the Requests for Qualification for Insurance Accident and Safety Review Board Meetings were received and opened on February 11, 2015, by the Township Clerk; and

WHEREAS, resolution #66-15 stipulates that the contract shall be for 1 year (12) months, January 1, 2015 through December 31, 2015 with an option for the Township to extend for 1 year (12) months; and

WHEREAS, resolution #66-15 has provided the one year extension option and The Board of Commissioners of the Township of Nutley would like to utilize the one year option of said contract,

WHEREAS, C. Walter Searle Insurance Agency LLC, 410 Franklin Avenue, Nutley, NJ 07110 has provided these services in the past to the Township of Nutley and is particularly suited to provide continued service; and

WHEREAS, the term of this contract is for a one year period commencing on January 1, 2016 and continuing through December 31, 2016, and

WHEREAS, funds are available from account 6-516-245 in the amount of $10,000.00, and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

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

I, [Signature], Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 23, 2015.

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<tr>
<th>Record of Vote</th>
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<th>Mayor</th>
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<td>Steven L. Rogers</td>
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<td>Alphonse Petracco</td>
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In accordance with the rules and regulations adopted by the Local Finance Board with respect to the awarding of Contracts by the Municipal Governing Body, I do hereby certify that funds are available for the following purpose and this contract may be adopted.

**Purpose:** Professional Services-Accident and Safety Review Board Meetings

**Account:** 6-01-516-245

**Fund:** Current Fund

**Amount:** $10,000.00-Subject to Adoption of 2016 Budget

**Date:** November 23, 2015

Rosemary Costa  
Treasurer, C.F.O.
BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of the tax charges in the amount of $489,532.31 for the following accounts.

<table>
<thead>
<tr>
<th>Block &amp; Lot/Qual.</th>
<th>Address</th>
<th>Amount/Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>9701 - 95 - C1308</td>
<td>113 River Rd. Apt B2</td>
<td>825.44/2013</td>
</tr>
<tr>
<td>300 - 1</td>
<td>340 Kingsland St. (Hoffmann-La Roche, Inc.)</td>
<td>$470,287.57/2015</td>
</tr>
<tr>
<td>501 - 27</td>
<td>26 Glendale Street</td>
<td>$1,680.10/2015</td>
</tr>
<tr>
<td>400 - 9</td>
<td>142 Glendale Street</td>
<td>$16,739.20/2015</td>
</tr>
</tbody>
</table>

I, [Signature], Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 23, 2015.

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<td>Yes</td>
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</table>
BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to cancel water charges in the amount of $129,298.97 for the following accounts:

<table>
<thead>
<tr>
<th>Block &amp; Lot/Qual.</th>
<th>Address</th>
<th>Reason for Action</th>
<th>Cancel Charges</th>
<th>Refund Overpayment</th>
<th>Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>2300-1</td>
<td>250 High Street</td>
<td>Billing Error</td>
<td>$5,108.33</td>
<td>0.00</td>
<td>2014/2015</td>
</tr>
<tr>
<td>3001-11</td>
<td>57 High Street</td>
<td>Duplicate Billing</td>
<td>275.26</td>
<td>0.00</td>
<td>2015</td>
</tr>
<tr>
<td>1089-0</td>
<td>Winthrop Dr. Pit</td>
<td>Pit Read Error</td>
<td>14,597.09</td>
<td>14,597.09</td>
<td>2014/2015</td>
</tr>
<tr>
<td>1090-0</td>
<td>105 Wilshire Dr. Pit</td>
<td>Pit Read Error</td>
<td>33,298.85</td>
<td>33,298.85</td>
<td>2014/2015</td>
</tr>
<tr>
<td>1091-0</td>
<td>Manchester Dr. Pit</td>
<td>Pit Read Error</td>
<td>14,985.70</td>
<td>14,985.70</td>
<td>2014/2015</td>
</tr>
<tr>
<td>1093-0</td>
<td>591 Hartford Dr. Pit</td>
<td>Pit Read Error</td>
<td>39,941.61</td>
<td>39,941.61</td>
<td>2014/2015</td>
</tr>
<tr>
<td>1094-0</td>
<td>Coventry Dr. Pit</td>
<td>Pit Read Error</td>
<td>21,092.13</td>
<td>21,092.13</td>
<td>2014/2015</td>
</tr>
<tr>
<td><strong>Totals</strong></td>
<td></td>
<td></td>
<td>$129,298.97</td>
<td>$123,915.38</td>
<td></td>
</tr>
</tbody>
</table>

I, Eleni Pettas, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 23, 2015.

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<tr>
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</table>
WHEREAS, N.J.S.A. 40A:4-87 provides that the Director of the Division of Local Government Services may approve the insertion of any special item in the budget of any county or municipality when such item shall have been made available by law and the amount thereof was not determined at the time of the adoption of the budget; and

WHEREAS, said Director may also approve the insertion of any item of appropriation for equal amount;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey, hereby requests the Director of the Division of Local Government Services to approve the insertion of an item of revenue in the budget of the year 2015 in the sum of $31,000.00, which is now available from the FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of $31,000.00;

BE IT FURTHER RESOLVED, that a like sum of $50,000.00 be and same is hereby appropriated under the caption of:

General Appropriations
(A) Operations-Excluded from 5% CAPS
FEMA SAFER Grant............$ 31,000.00

BE IT FURTHER RESOLVED, that the above is the result of funds from the FEMA Staffing for Adequate Fire and Emergency Response (SAFER) Grant in the amount of $31,000.00;

BE IT FURTHER RESOLVED, that the Township Clerk forward two (2) certified copies of this resolution to the Director of Local Government Services
BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Township Clerk is hereby authorized to advertise for sealed bids for the Park Avenue Monopole Co-Location Lease, in the Township of Nutley, to be received on behalf of the Board of Commissioners, in the Commission Chambers, Township Hall, 1 Kennedy Drive, Nutley, NJ, 07110, on Wednesday, December 16, 2015 at 3:00P.M. prevailing time, at which time they will be opened and read.
BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-58, the following transfer(s) of appropriations in the 2015 Budget be and the same are hereby authorized and approved:

**DEPARTMENT OF REVENUE & FINANCE**

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TO:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Tax Assessor S/W</td>
<td>Tax Assessor O/E</td>
</tr>
<tr>
<td>5-01-204-100</td>
<td>5-01-204-200</td>
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<tr>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Tax Collector S/W</td>
<td>Tax Collector O/E</td>
</tr>
<tr>
<td>5-01-206-100</td>
<td>5-01-206-200</td>
</tr>
<tr>
<td>30,000.00</td>
<td>10,000.00</td>
</tr>
<tr>
<td>Municipal Election</td>
<td>Clerk S/W</td>
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<tr>
<td>5-01-213-200</td>
<td>5-01-210-100</td>
</tr>
<tr>
<td>60,000.00</td>
<td>8,000.00</td>
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<tr>
<td>Social Security</td>
<td>D.C.R.P.</td>
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<tr>
<td>5-01-242-200</td>
<td>5-01-247-200</td>
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<tr>
<td>40,000.00</td>
<td>1,000.00</td>
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<tr>
<td>Unemployment Comp</td>
<td>P.E.R.S.</td>
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<td>5-01-248-200</td>
<td>5-01-241-200</td>
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<td>49,000.00</td>
<td>10,000.00</td>
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<td>Capital Improvement Fund</td>
<td>5-01-802-200</td>
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<td>150,000.00</td>
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<td><strong>Total</strong></td>
<td><strong>Total</strong></td>
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<tr>
<td><strong>$189,000.00</strong></td>
<td><strong>$189,000.00</strong></td>
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I, Eleni Petta, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held November 23, 2015.
Resolution

Introduced by: Commissioner Joseph P. Scarpelli  Date: November 23, 2015
Seconded by: Commissioner Steven L. Rogers  No. 341-15

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that in accordance with the provision of R.S. 40A: 4-58, the following transfer(s) of appropriations in the 2015 Budget be and the same are hereby authorized and approved:

DEPARTMENT OF PUBLIC WORKS & WATER

<table>
<thead>
<tr>
<th>FROM:</th>
<th>TO:</th>
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<tbody>
<tr>
<td>Sewer S/W</td>
<td>Road Repair &amp; Maint. O/E</td>
</tr>
<tr>
<td>5-01-420-100</td>
<td>5-01-408-200</td>
</tr>
<tr>
<td>$10,000.00</td>
<td>$10,000.00</td>
</tr>
<tr>
<td>Sewer O/E</td>
<td>Parking Lot S/W</td>
</tr>
<tr>
<td>5-01-420-200</td>
<td>5-01-426-100</td>
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<tr>
<td>7,000.00</td>
<td>7,000.00</td>
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<tr>
<td>Total</td>
<td>Total</td>
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<tr>
<td>$17,000.00</td>
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<td>P.O.</td>
<td>VENDOR</td>
<td>PUBLIC AFFAIRS</td>
<td>REVENUE &amp; FINANCE</td>
<td>PUBLIC SAFETY</td>
<td>PUBLIC WORKS</td>
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# TOWNSHIP OF NUTLEY

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**MONDAY NOVEMBER 23, 2015**

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<td>15-04084</td>
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TOWNSHIP OF NUTLEY
BILL LIST
MONDAY NOVEMBER 23, 2015
<table>
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<tr>
<th>P.O.</th>
<th>VENDOR</th>
<th>PUBLIC AFFAIRS</th>
<th>REVENUE &amp; FINANCE</th>
<th>PUBLIC SAFETY</th>
<th>PUBLIC WORKS</th>
<th>PARKS &amp; PUBLIC PROPERTY</th>
<th>TOTALS</th>
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<tr>
<td>15-04082</td>
<td>AMERICAN PARTY DJ</td>
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<td>15-04085</td>
<td>SUB.JR. WRESTLING LEAGUE</td>
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<td>15-04149</td>
<td>MICHELE KANE</td>
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<td>15-04159</td>
<td>NUTLEY PARK SHOPRITE</td>
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<td>462,752.28</td>
<td>656,098.86</td>
<td>151,119.54</td>
<td>7,233,354.26</td>
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PAYROLL SHEET  
MONDAY NOVEMBER 23, 2015

List of payroll submitted for approval by the Board of Commissioners at their regular meeting of NOVEMBER 23, 2015:

<table>
<thead>
<tr>
<th>PAYROLL-REGULAR-NOVEMBER 6, 2015:</th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Public Affairs</td>
<td>19,273.59</td>
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<tr>
<td>Department of Revenue &amp; Finance</td>
<td>53,394.61</td>
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<tr>
<td>Department of Public Safety</td>
<td>445,947.96</td>
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<td>Department of Public Works</td>
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<tr>
<td>Department of Parks &amp; Public Properties</td>
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<tr>
<td>Department of Recreation Commission</td>
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<tr>
<td>Water Operations</td>
<td>43,915.82</td>
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<tr>
<td>Due To From General Capital</td>
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<tr>
<td>600 Series</td>
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<td>Police Outside Duties</td>
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<tr>
<td>C.E.H.A.</td>
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</tr>
<tr>
<td>P.O.A.A.</td>
<td>0.00</td>
</tr>
<tr>
<td>ACC-U-VAC</td>
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</table>

Sub Total                        741,664.06

<table>
<thead>
<tr>
<th>PAYROLL-OVERTIME-NOVEMBER 6, 2015:</th>
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<tbody>
<tr>
<td>Department of Public Affairs</td>
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<tr>
<td>Department of Revenue &amp; Finance</td>
<td>695.07</td>
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<tr>
<td>Department of Public Safety</td>
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<td>Department of Public Works</td>
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<td>Department of Parks &amp; Public Properties</td>
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<tr>
<td>Water Operations</td>
<td>13,341.15</td>
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<tr>
<td>600 Series</td>
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</table>

Sub Total                        38,452.59

TOTAL PAYROLL:                    780,116.65

The Payroll list in the foregoing schedule includes amounts to be deducted for:

- Federal Withholding Tax: $94,473.08
- Social Security: $23,221.32
- N.J. State Tax: $28,729.17
- Medicare: $1,112.22
- Wage Execution: $3,854.00
- Deferred Compensation: $23,519.06
- Employee Disability Ins.: $4,876.18
List of payroll submitted for approval by the Board of Commissioners at their regular meeting of NOVEMBER 23, 2015:

<table>
<thead>
<tr>
<th>PAYROLL-REGULAR-NOVEMBER 20, 2015:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Department of Public Affairs</td>
</tr>
<tr>
<td>Department of Revenue &amp; Finance</td>
</tr>
<tr>
<td>Department of Public Safety</td>
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<tr>
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<td>Water Operations</td>
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<tr>
<td>Police Outside Duties</td>
</tr>
<tr>
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<tr>
<td>ACC-U-VAC</td>
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<tr>
<td>Sub Total</td>
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</tbody>
</table>

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<tr>
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<tr>
<td>Department of Public Works</td>
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<tr>
<td>Department of Parks &amp; Public Properties</td>
</tr>
<tr>
<td>Water Operations</td>
</tr>
<tr>
<td>600 Series</td>
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<tr>
<td>Sub Total</td>
</tr>
</tbody>
</table>

TOTAL PAYROLL: 776,345.33

GRAND TOTAL: 8,789,816.24

The Payroll list in the foregoing schedule includes amounts to be deducted for:

Federal Withholding Tax                        93,935.97
Social Security                                22,941.71
N.J. State Tax                                 28,614.13
Medicare                                       11,062.05
Wage Execution                                 3,854.00
Deferred Compensation                          23,919.06
Employee Disability Ins.                      4,876.18