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TOWNSHIP OF NUTLEY, NEW JERSEY  
BOARD OF COMMISSIONERS

)  
CONFERENCE SESSION ) TRANSCRIPT OF  
) PROCEEDINGS:  
)

April 17, 2018  
7:10 p.m.

BEFORE:

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

ALSO PRESENT:

- Alan Genitempo, Esq., Township Attorney

Job No. NJ2885298

Transcribed by: Nicole Yawn

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MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Yes, Mayor.

Board of Commissioners public meeting Tuesday,  
April 17, 2018. The time is 7:10 p.m.

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

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commission Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor.

MAYOR SCARPELLI: Commissioner Petracco, what do you have on the agenda tonight?

1           COMMISSIONER PETRACCO: I have a proclamation  
2 tonight to commend the Nutley High School's TV III Class for  
3 bringing awareness to driver and pedestrian safety. I have  
4 a public safety report, and I have a reappointment of our  
5 Judge Joanne Cocchiola for a three-year term. And that's  
6 all I have, I believe.

7           MAYOR SCARPELLI: Commissioner Evans?

8           COMMISSIONER EVANS: Thank you, Mayor.

9           I have the public hearing on the budget tonight.  
10 We will hear your comments on the budget. We will close the  
11 public hearing, but we won't adopt until we can get  
12 notification from the state regarding our state aid.

13           I was in Trenton today and still in good standing.  
14 So the budget's not adopted, and it's still going through  
15 the negotiations. But I want to confirm that I understand  
16 where Nutley is and they appreciate our request, and they  
17 acknowledge the value of our request and that it's valid.

18           UNIDENTIFIED SPEAKER: That's nice.

19           COMMISSIONER EVANS: So we'll see where it goes.  
20 We'll see where it goes. So it's still early, because we  
21 won't adopt the budget probably -- the state budget -- until  
22 the end of May, the June timeframe, before they get closure  
23 on it.

24           I also have a public hearing on our ordinance on  
25 the Cap Bank that we do every year.

1           And then I have resolutions -- appointing  
2     Rosemarie Berry to the official position of tax collector.

3           I wanted to also acknowledge that we were able to  
4     help Rosie get ready, because we were able to leverage  
5     Ro Costa's experience and her license to do that.  
6     So we have a thank you to Ro for being willing to do that. I  
7     also have some -- a refund of overpayment tax  
8     charges and just an amendment to a resolution that we had in  
9     January. I forgot to put in a cap amount, a ceiling on it.  
10    Just to correct that.

11           That's all I have.

12           MAYOR SCARPELLI: Thank you, Commissioner.

13           Commissioner Rogers?

14           COMMISSIONER ROGERS: I have a resolution for  
15     National Immunization Awareness Week. That's it.

16           MAYOR SCARPELLI: Commissioner Tucci?

17           COMMISSIONER TUCCI: I have a shade tree report  
18     for the month of March.

19           I also have a resolution rescinding a resolution  
20     that was previously past that the state of New Jersey did  
21     not agree with.

22           And I have the resolution authorizing the  
23     agreement with the state on the returving of Glotzbach Park.  
24     And that's it.

25

1           MAYOR SCARPELLI: Thank you, Commissioner Tucci.  
2           I have a report for the month of March for public  
3 works.

4           And I have three resolutions. One is a person-to-  
5 person transfer of a retail consumption license, and that's  
6 for the former Park Pub to our new people that are buying  
7 it, going under trading as Crimson95 Spirits.

8           And I have an authorize and approve a raffle for  
9 the Nutley Family Service Bureau and designate Sal Ferraro  
10 as the recycling coordinator.

11           Also, we have Arterial Landscape Architects here  
12 to present, but they're not here yet.

13           So, Madam Clerk, what do you have?

14           MADAM CLERK: Mayor, we have minutes for regular  
15 minutes, executive session minutes, and we have one  
16 application for Commissioner Tucci to do an outdoor concert  
17 on June 14th and rain date of June 15th from 6:00 p.m. And  
18 that's it.

19           MAYOR SCARPELLI: That's it.

20           Counselor?

21           MR. GENITEMPO: We need an executive  
22 session for litigation --

23           COMMISSIONER PETRACCO: Is that black, Steve?

24           MAYOR SCARPELLI: All right. Do you think we  
25 should do that now since we're waiting for Arterial? Well,

1 you know, we may have to go in and have them come at the  
2 end. And if we have to continue our executive at the end,  
3 we'll do that, too.

4 So can I have a motion to go into executive to  
5 discuss --

6 MR. GENITEMPO: Litigation. Pending litigation  
7 and the contract negotiations.

8 COMMISSIONER TUCCI: And personnel.

9 MAYOR SCARPELLI: And personnel.

10 COMMISSIONER TUCCI: I'll move it.

11 COMMISSIONER PETRACCO: Second.

12 Excuse me.

13 MR. GENITEMPO: Excuse me.

14 MADAM CLERK: Whereas, Section 8 of the Open  
15 Public Meeting Act, Chapter 239, Public Law 1975, permits the  
16 the exclusion of the public from a meeting in certain circumstances;  
17 And whereas, the public body is of the opinion that such  
18 circumstances exists; Whereas, the Board of Commissioners of the  
19 Township of Nutley in the county of Essex, in the state of  
20 New Jersey, desires to proceed to closed executive session. Now,  
21 --therefore, be it resolved, by the board of commissioners of the  
22 Township of Nutley to move into closed session to discuss  
23 litigation, contracts negotiations, and personnel. Be it further  
24 resolved that the time when such discussions may be disclosed to  
25 the public shall be when and as such disclosure may be made

1 without adversely affecting the Township of Nutley and/or  
2 anticipated legal, personnel, contractual matters, and other  
3 matters within the exceptions provided for by statute.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 (Adjourned to executive session)

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TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

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PUBLIC MEETING ) TRANSCRIPT OF  
) PROCEEDINGS:  
)

April 17, 2018

8:27 p.m.

BEFORE:

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

ALSO PRESENT:

Alan Genitempo, Esq., Township Attorney

Transcribed by: Nicole Yawn

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MAYOR SCARPELLI: Madam Clerk?

MADAM CLERK: Thank you, Mayor.

Board of Commissioners public meeting, Tuesday, April 17th, 2018. The time is 8:27.

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

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Petracco?

COMMISSIONER PETRACCO: Here.

MADAM CLERK: Mayor Scarpelli?

MAYOR SCARPELLI: Here.

MADAM CLERK: All present, Mayor.

MAYOR SCARPELLI: We're going to -- we apologize, first of all, for coming out so late. We had some executive

1 matters that we needed to discuss before the meeting. And  
2 we're going to kind of go around the agenda a little bit,  
3 but we're going to start with proclamations.

4 So, Commissioner Petracco?

5 COMMISSIONER PETRACCO: Thank you.

6 Again, we're sorry to keep everybody waiting.

7 Before I read the proclamation, I do have to give kudos to  
8 my friend, Mr. Kelly, over there for all the work you do  
9 with all the students at Nutley High School. It's fabulous.

10 The proclamation reads, "WHEREAS, for the fifth  
11 consecutive year, Nutley High School's TV III students have  
12 taken the challenge to be part of the U Got Brains Champion  
13 Schools program, which is sponsored by the Brain Injury  
14 Alliance of New Jersey; and

15 WHEREAS, each year students develop a video that  
16 showcases a topic emphasizing the safety issues that need to  
17 be addressed by teenage drivers; and

18 WHEREAS, last year Nutley High School students  
19 were awarded the grand prize for the top media campaign in  
20 New Jersey and were honored at the Champion Schools Program  
21 showcase at Great Adventure; and

22 WHEREAS, this year the students, co-producers  
23 Elena Navarra and Nicolette Padilla, as well as Cara J.  
24 Abaya Campos, Joseph D'Alessio, Sean Devine, Erica Dinardo,  
25 Anthony Fabiano, Ryan Loch, Laura O'Keefe, and Shane

1 Sullivan chose to address driver and pedestrian safety and  
2 set forth to determine the needs of the community at large  
3 and then formulated a plan to utilize social media and  
4 creative concepts; and

5 WHEREAS, through collaboration with township  
6 government, the Nutley High School TV III worked diligently  
7 to bring to the forefront this important issue by using  
8 social media platforms such as Twitter, Facebook, Nutley  
9 High School TV's YouTube page, as well helping to get 25  
10 mile-an-hour speed zone signs in the school safety zones on  
11 Franklin Avenue; and

12 NOW, THEREFORE, BE IT RESOLVED by the Board of  
13 Commissioners of the Township of Nutley, County of Essex,  
14 State of New Jersey that the Nutley High School's TV III  
15 class be commended for their dedication and commitment to a  
16 project that has brought awareness to the important issues  
17 of driver and pedestrian safety, not only for teenage  
18 drivers but for the entire community. These students  
19 continue to make us proud.

20 So we don't have to vote on a proclamation  
21 obviously, but I'd just like to have our mayor and our  
22 fellow commissioners comment. Because again, I've been to  
23 the classes at the school.

24 You know, all the students, you do a great job. I  
25 hope it's really helping Nutley and teaching the classmates,

1 some of our middle-aged driver or elder drivers to really  
2 respect, you know, the pedestrians and not texting and all  
3 the distractions that you could be found. So I really  
4 commend all of you.

5 Mayor?

6 MAYOR SCARPELLI: Yeah, I would like to add  
7 congratulations to Mr. Kelly's class. You know, you guys  
8 really are bringing attention to a thing that's very  
9 powerful. We have, not only people who do not pay attention  
10 to people in the crosswalks, but we also have students who  
11 don't look up from their cell phones. So it goes both ways.

12 So what I could ask the students to do is, one,  
13 when you're in the crosswalk, please make eye contact with  
14 the driver to make sure they're going to stop. Because if  
15 you don't make eye contact with them, they may not stop.  
16 You're walking, and we don't want to see anybody get hurt.  
17 So I think that's one thing you guys can go, besides also  
18 promoting what you're also promoting and some of the changes  
19 that we've initiated as a township to make more pedestrian-  
20 friendly in the center of town. So congratulations again.

21 COMMISSIONER ROGERS: You know, many years from  
22 now, you may pick up a newspaper, if we still have them, or  
23 you might read on social media about an accident that took  
24 place somewhere, but more so that a life was saved because  
25 of the work you did today. What you've done is very

1 significant. I mean, really significant, to create a public  
2 awareness that we're not getting as often as we should. So  
3 I congratulate you on that.

4 But just remember on this day what I tell you.  
5 Good work that people do always, always comes back in big  
6 dividends many years to come. So thank you so much for the  
7 work you did.

8 COMMISSIONER TUCCI: At the risk of being  
9 redundant, I'd like to congratulate everyone, all right, on  
10 receiving this grand prize, I mean, throughout the state of  
11 New Jersey. I mean, does it get much better than this? I  
12 mean, to be recognized for all your hard work is something  
13 that we, on this board of commissioners, have known for  
14 years. All right? And I'll refer to him as I know him.

15 Coach Kelly has been doing wonderful work, all  
16 right, in this area for years. And I know for as long as he  
17 decides he wants to continue doing it, that we're going to  
18 have groups of students just like we have here this evening  
19 excelling. So congratulations.

20 And once again, Coach, you and your team make us  
21 very proud.

22 MAYOR SCARPELLI: Commissioner?

23 COMMISSIONER EVANS: So much has been said, and I  
24 won't repeat that. I will offer my congratulations.

25 Coach Kelly, absolutely echo Commissioner Tucci's

1 comments on your leadership and demonstrating leadership to  
2 young people, which is so vital today.

3 And so, I want to congratulate all of you. Please  
4 look for other areas where you can engage and have a voice  
5 and influence the way we go forward.

6 I want to -- in the name of my children and  
7 especially my grandson, you know, thank you, because it's  
8 getting -- you know, with the speeds you see and people  
9 driving today, especially when you see someone driving --  
10 and I was coming home from Trenton this afternoon, and sure  
11 enough, there's somebody in the middle lane. They're in and  
12 out of the lane a little bit. And when I drive past,  
13 they're actually looking at their cell phone. So it's so  
14 important today that you reinforce those messages and  
15 continue to do that. So congratulations, all of you.

16 MAYOR SCARPELLI: Before we take a picture,  
17 Mr. Kelly, do you want to say a couple words?

18 MR. KELLY: Oftentimes, the (indiscernible) is  
19 where I come to the microphone. So I'm usually behind the  
20 scenes. But again, I want to thank Mayor Scarpelli and  
21 Commissioner Petracco and all the commissioners for  
22 their support on our endeavor. And it's kind of ironic,  
23 because it's the media and the government working together.  
24 And I figure that's something that's sometimes missed. But  
25 that's been a great learning experience for our students

1 here, that we're able to work with, you know, our commission  
2 board here together to make a difference.

3 And I really would like to applaud also the  
4 parents that are here, because the parents are part of the  
5 protocol and the process here, encouraging our students to  
6 get involved with our local government, with our local  
7 commissioners and the board. So this is something that it's  
8 a message that's here tonight, but we want to sustain it,  
9 like Commissioner Rogers said and for it to go on.

10 And I thank Commissioner Petracco for also your  
11 proclamation for our students. I'd like to bring up our co-  
12 -producer Nicolette Padilla to say a few words before we  
13 take a picture. I appreciate it.

14 (Applause)

15 MS. PADILLA: Hi. Hi. On behalf of the NHS TV  
16 Raiders Ride Safe Program, we would like to thank our town  
17 government. This being our fifth year in the campaign, we  
18 learned from you that media and government can work together  
19 to make a difference in our town. Visiting with Mayor  
20 Scarpelli, Commissioner Petracco and the Public Affairs  
21 Department, we realized that there was a common thread that  
22 drives the strength of our town. Being grand prize winners  
23 in the state last year, our goal is to educate and  
24 articulate our message from our student body to the  
25 community stakeholders.

1           We would also like to thank the Municipal Alliance  
2           for organizing an assembly that is planned to make an impact  
3           on our student body. Our program will be featured in the  
4           Nutley Neighbors Magazine and will also add to our ability  
5           to sustain our message.

6           Again, we would like to thank our town government  
7           officials for opening a dialogue with county government to  
8           make it possible for speed limit signs to be placed on  
9           Franklin Ave. This has been a great learning experience.

10          Thank you again, Raiders Ride Safe.

11          (Applause)

12          MAYOR SCARPELLI: Thank you. I'd just like to  
13          point out that pedestrian safety -- Mr. Kelly and I have  
14          been pedestrian safety advocates for a long time. We were  
15          safety patrols in fifth and sixth grade together.

16          (Laughter)

17          MAYOR SCARPELLI: So -- but come on up for a  
18          picture.

19          (Pause)

20          (Applause)

21          COMMISSIONER ROGERS: Congratulations, guys.

22          (Pause)

23          MAYOR SCARPELLI: We'll give them a couple  
24          seconds, all right, Madam Clerk?

25          MADAM CLERK: Oh.

1 (Pause)

2 MAYOR SCARPELLI: Madam Clerk, we do the minutes  
3 first, right?

4 MADAM CLERK: Yes.

5 MAYOR SCARPELLI: All right. Minutes, Madam  
6 Clerk?

7 MADAM CLERK: Yes, Mayor. We have regular meeting  
8 minutes from March 6th, 2018.

9 I need a motion, please.

10 COMMISSIONER ROGERS: Move it.

11 COMMISSIONER EVANS: Second.

12 MADAM CLERK: Commissioner Rogers?

13 COMMISSIONER ROGERS: Aye.

14 MADAM CLERK: Commissioner Tucci?

15 COMMISSIONER TUCCI: Aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: Aye.

18 MADAM CLERK: Commissioner Petracco?

19 COMMISSIONER PETRACCO: Aye.

20 MADAM CLERK: Mayor Scarpelli?

21 MAYOR SCARPELLI: Aye.

22 MADAM CLERK: We have executive session minutes  
23 for march 20th, 2018.

24 I need a motion.

25 COMMISSIONER EVANS: Move it.

1 COMMISSIONER ROGERS: Second.

2 MADAM CLERK: Commissioner Rogers?

3 COMMISSIONER ROGERS: Aye.

4 MADAM CLERK: Commissioner Tucci?

5 COMMISSIONER TUCCI: Aye.

6 MADAM CLERK: Commissioner Evans?

7 COMMISSIONER EVANS: Aye.

8 MADAM CLERK: Commissioner Petracco?

9 COMMISSIONER PETRACCO: Aye.

10 MADAM CLERK: Mayor Scarpelli?

11 MAYOR SCARPELLI: Aye.

12 MADAM CLERK: And that's it for minutes.

13 MAYOR SCARPELLI: Again, we're going to switch it  
14 around again.

15 Resolution -- one resolution for Commissioner  
16 Evans.

17 COMMISSIONER EVANS: Thank you, Mayor.

18 Tonight I want to read a resolution. Tonight  
19 we're appointing Rosemarie Berry as our certified tax  
20 collector.

21 Before I do that, I want to take a moment to thank  
22 Ro Costa , who's sitting to my right. With her many  
23 years of experience and her multiple licenses, we have been  
24 able to work through a period where we haven't had a  
25 certified tax collector, which is required by statute. What

1 we've been able to do is we have been able to send Rosemarie  
2 to school and make sure she has the necessary and requisite  
3 experience to be able to step into this role. So I Just  
4 want to take a moment and say, Ro, thank you for everything  
5 you did to help get us to this point tonight.

6 I'll read the resolution. And Rosemarie -- she's  
7 in the back of the room tonight.

8 WHEREAS, Chapter 384, PL 1979 requires that a  
9 person who is a certified tax collector be appointed as tax  
10 collector of the municipality; and

11 WHEREAS, Rosemarie Berry, CTC, has been a  
12 certified tax collector since April 13, 2015, and meets all  
13 of the requirements of said law; and

14 WHEREAS, Rosemarie Berry has earned 27 continuing  
15 education credits and as such she has maintained her license  
16 in good standing; and

17 WHEREAS, Rosemarie Berry is a person of good  
18 character who has now gained the valuable and necessary  
19 experience to assume all of the duties of the tax collector  
20 for the Township of Nutley;

21 WHEREAS, the Township of Nutley wishes to appoint  
22 Rosemarie Berry to the statutorily required position of tax  
23 collector of the township for the initial term of 4 years  
24 beginning May 1st, 2018 through April 30th, 2022, pursuant  
25 to N.J.S.A . 404: 9-142;

1           NOW, THEREFORE, BE IT RESOLVED by the Board of  
2 Commissioners of the Township of Nutley, County of Essex,  
3 State of New Jersey, that Rosemarie Berry is hereby  
4 appointed to the position of tax collector for the initial  
5 4-year term beginning May 1st, 2018 through April 30th,  
6 2022;

7           BE IT FURTHER RESOLVED, that Rosemarie Berry will  
8 continue to earn all the necessary continuing education  
9 credits needed to maintain her license in good standing,  
10 pursuant to Chapter 384, P.L. 1979.

11           So move.

12           COMMISSIONER ROGERS: Second.

13           COMMISSIONER EVANS: So is --

14           COMMISSIONER ROGERS: I'm sorry.

15           COMMISSIONER EVANS: Go ahead.

16           Congratulations, Laura.

17           COMMISSIONER EVANS: Second?

18           COMMISSIONER TUCCI: Second.

19           (Applause)

20           MADAM CLERK: Commissioner Tucci, you seconded,  
21 correct?

22           COMMISSIONER TUCCI: Yes.

23           MADAM CLERK: Commissioner Rogers?

24           COMMISSIONER ROGERS: Before I vote, I certainly  
25 congratulate you. And I wish you all of God's blessings.

1           And a little thing about you, Ro Costa, sitting  
2 way across there. You know, in a day and age when public  
3 employees really don't get the credit that they should get,  
4 for you to step up and doing the things that you have done,  
5 thank you very much and God bless you.

6           And I vote yes.

7           MADAM CLERK: Commissioner Tucci?

8           COMMISSIONER TUCCI: Yes, before I vote, I'd like  
9 to congratulate Rosemarie on a job well done. We have the  
10 benefit of having two members of the Berry family serving  
11 this township. Dave, her husband, who is our zoning  
12 officer, sitting right next to her. So we are very  
13 fortunate to have another part of our family working with us  
14 every day.

15           And, Ro, thank you for all that you've done to  
16 bring Rosemarie along. I'm sure she's going to have a long  
17 and glorious career here.

18           Congratulations.

19           I vote aye.

20           MADAM CLERK: Commissioner Evans?

21           COMMISSIONER EVANS: Aye.

22           MADAM CLERK: Commissioner Petracco?

23           COMMISSIONER PETRACCO: Aye.

24           MADAM CLERK: Mayor Scarpelli?

25           MAYOR SCARPELLI: Aye.

1                   Congratulations.

2                   And, Ro, you get to take that hat and give it to  
3 her.

4                   COMMISSIONER TUCCI: What are you down to now?  
5 Six?

6                   (Laughter)

7                   UNIDENTIFIED SPEAKER: Thank you

8                   MAYOR SCARPELLI: Let's go to communications.

9                   MADAM CLERK: Yes, we have -- Commissioner Tucci  
10 has submitted an event application for an outdoor concert on  
11 Franklin Avenue between New Street and Harrison Street on  
12 Thursday, June 14th, 2018, between 6:00 p.m. and 10:00 p.m.,  
13 with a rain date of Friday, June 15th, 2018.

14                   Motion, please?

15                   COMMISSIONER PETRACCO: Move it.

16                   COMMISSIONER ROGERS: Second.

17                   MADAM CLERK: Commissioner Rogers?

18                   COMMISSIONER ROGERS: Aye.

19                   MADAM CLERK: Commissioner Tucci?

20                   COMMISSIONER TUCCI: Aye.

21                   MADAM CLERK: Commissioner Evans?

22                   COMMISSIONER EVANS: Aye.

23                   MADAM CLERK: Commissioner Petracco?

24                   COMMISSIONER PETRACCO: Aye.

25                   MADAM CLERK: Mayor Scarpelli?

1           MAYOR SCARPELLI: Aye.

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

4           MAYOR SCARPELLI: Reports?  
5 Commissioner Tucci?

6           COMMISSIONER TUCCI: Yes, I have a shade tree  
7 report for the month of March 2018.

8           MAYOR SCARPELLI: Commissioner Petracco?

9           COMMISSIONER PETRACCO: I have a Department of  
10 Public Safety report for March 2018 as well.

11          MAYOR SCARPELLI: And I have reports for March of  
12 2018.

13          Bills?

14          MADAM CLERK: Bill list for April 17th, 2018 --  
15 Public Affairs, \$107,129.82; Revenue and Finance,  
16 \$13,194,370.50; Public Safety, \$46,085.36; Public Works,  
17 \$424,109.00; Parks and Public Property, \$24,972.52; Water  
18 Utility, \$15,217.06; Total payroll, \$841,957.72, for a grand  
19 total of \$14,653,841.98.

20          COMMISSIONER EVANS: Move the bills.

21          COMMISSIONER ROGERS: Second.

22          MADAM CLERK: Commissioner Rogers?

23          COMMISSIONER ROGERS: Aye.

24          MADAM CLERK: Commissioner Tucci?

25          COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

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

8 MAYOR SCARPELLI: Public comment on agenda items  
9 only?

10 Madam Clerk?

11 MADAM CLERK: All persons addressing the Board of  
12 Commissioners regarding community concerns should approach  
13 the microphone and provide their name and address for the  
14 record. Unless further -- unless further time is granted by  
15 the board, each person shall limit their address to three  
16 minutes. All remarks to the board and its individual  
17 members must be addressed to the mayor. The mayor may defer  
18 citizens' comments to the appropriate member of the board.  
19 Dialogue between citizens and others addressing the board  
20 shall be allowed, unless the mayor or presiding officer or  
21 the majority of the membership of the board shall determine  
22 that the interests of decorum and/or the expeditious conduct  
23 of municipal business are being adversely affected by such  
24 dialogue.

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

1 Mr. Evans, on page 2 of the bill list, CEDE and  
2 Company -- can you tell me what that bill -- what that bill  
3 is for?

4 COMMISSIONER EVANS: Page 2?

5 MR. MOORE: Page 2, back in the middle of the  
6 page.

7 COMMISSIONER EVANS: CEDE and Company?

8 MR. MOORE: Yes.

9 COMMISSIONER EVANS: Okay, I'll tell you. That's  
10 the debt service on (indiscernible).

11 MR. MOORE: Is that a quarterly payment?

12 COMMISSIONER EVANS: I don't -- it's a  
13 (indiscernible).

14 That goes both for payment as well as  
15 (indiscernible) on the 9 million (indiscernible). Is that  
16 what you're referring to?

17 MR. MOORE: Yes.

18 COMMISSIONER EVANS: Yeah, we have a one-year note  
19 that insures it.

20 MR. MOORE: Oh, okay, it's a one-year note. I  
21 have

22 And one other question on -- Mr. Tucci?

23 COMMISSIONER TUCCI: Yes?

24 MR. MOORE: On the resurfacing for the field, --

25 COMMISSIONER TUCCI: Resurfacing of what?

1 MR. MOORE: Your resolution.

2 COMMISSIONER TUCCI: Okay. The returving?

3 MR. MOORE: Yes, the returving, resurfacing.

4 COMMISSIONER TUCCI: Yes, okay. You're trying to  
5 trip me up, huh?

6 MR. MOORE: I wouldn't. What is the life span --  
7 the anticipated life span? I think the last time --

8 COMMISSIONER TUCCI: Typically, the warranty runs  
9 eight years. On the last turf that we put down, I believe  
10 we got close to 12.

11 MR. MOORE: I thought it was ten, yeah.

12 COMMISSIONER TUCCI: Yeah.

13 MR. MOORE: I knew it was something like that.

14 COMMISSIONER TUCCI: No.

15 MR. MOORE: Is this a similar one?

16 COMMISSIONER TUCCI: I'm sorry?

17 MR. MOORE: Is this a similar warranty? You're  
18 going to get another ten years out of this?

19 COMMISSIONER TUCCI: We expect to get at least ten  
20 years out of it. And what has also occurred, under Frank  
21 DeMaio's direction, we've perfected the art of grooming the  
22 turf, which is instrumental in prolonging the life. Because  
23 once the fibers are forced to lay down, it's hard to get  
24 them back up. But if you keep the proper amount of fill and  
25 you keep it groomed and sanitized the way it should be, it's

1 not only safe for the people playing on it, but it also  
2 prolongs the life.

3 MR. MOORE: And because we're receiving state  
4 money on this, do other towns or other counties -- are they  
5 allowed to play on the field, or is that just restricted to  
6 Nutley?

7 COMMISSIONER TUCCI: Typically, what happens with  
8 any Green Acres project you cannot preclude other folks from  
9 other towns from playing on it. But people from Nutley,  
10 obviously, get first priority. And our fields, all right,  
11 are used so extensively that there is very little time for  
12 anyone else to use it. But on occasion, other folks do use  
13 it, yes.

14 MR. MOORE: Okay, okay, thank you.

15 COMMISSIONER TUCCI: You're welcome.

16 MAYOR SCARPELLI: Would anybody else like to  
17 address the Board of Commissioners on agenda items only?

18 Seeing none, let's move on to Board of  
19 Commissioner announcements.

20 Commissioners?

21 Go ahead.

22 COMMISSIONER EVANS: I have just a quick one that  
23 the town hall clerk's office will be open until 8:00 p.m. on  
24 April 18th, April 19th, and 26th for late-night  
25 registration.

1           MAYOR SCARPELLI: Commissioner?

2           COMMISSIONER TUCCI: Yes, just an update as to  
3 where we are after the heavy rains, the deluge, that pretty  
4 much turned all of our parks that had streams running  
5 through them into rivers. We have completed the initial  
6 cleanup on the mud hole, which is Memorial One. We've  
7 completed the work on Memorial Two, which is the one right  
8 adjacent to it.

9           And we are now working on Brookfield. And we  
10 suspect that, once we are done cleaning everything, we will  
11 be top seeding -- I'm sorry. Yes, top seeding and  
12 replenishing any soil that has washed away.

13           So we're making progress. There was some  
14 substantial damage there. I actually taped some of it on my  
15 phone, and it was unbelievable. So that's where we are.

16           That's all I have, Mayor.

17           MAYOR SCARPELLI: Good job, by the way,  
18 Commissioner.

19           COMMISSIONER TUCCI: Thank you.

20           MAYOR SCARPELLI: Anybody else?

21           I have two announcements. One, electronic  
22 recycling will be this Saturday, April 21st, at Lot 8,  
23 behind Moroco , as well as compost day will be next  
24 week, April 28th, same spot, Lot 8, behind Moroco.

25           Ordinance introductions?

1           Commissioner Evans, do you have ordinance on  
2 second reading of the public hearing?

3           COMMISSIONER EVANS: Yeah, I have -- I have --  
4 first, I have to -- I have a public hearing on Ordinance No.  
5 3382, which was an ordinance that we introduce every year to  
6 establish what is called a Cap Bank, which allows us to  
7 establish a bank on paper only that would, in effect, in a  
8 year, if we needed to exceed the 2 percent -- 2-and-a-half  
9 percent appropriation ceiling because of an extraordinary  
10 item, that we could use the bank -- the bank itself, that  
11 would statutorily allow us to exceed that.

12           It exists for two years, and then it goes away.  
13 So we're always replenishing that reserve. We have not had  
14 a need to use it. We avoid that step at all -- at all  
15 costs. But it is prudent to always reestablish what is  
16 called the Cap Bank.

17           MAYOR SCARPELLI: Would anybody like to be heard  
18 on Ordinance No. 3382?

19           Seeing no one, --

20           COMMISSIONER EVANS: Close the public hearing.

21           COMMISSIONER TUCCI: Second.

22           MADAM CLERK: Commissioner Rogers?

23           COMMISSIONER ROGERS: Aye.

24           MADAM CLERK: Commissioner Tucci?

25           COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 COMMISSIONER EVANS: Move the ordinance.

8 COMMISSIONER TUCCI: Second.

9 MADAM CLERK: Commissioner Rogers?

10 COMMISSIONER ROGERS: Aye.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Aye.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Aye.

15 MADAM CLERK: Commissioner Petracco?

16 COMMISSIONER PETRACCO: Aye.

17 MADAM CLERK: Mayor Scarpelli?

18 MAYOR SCARPELLI: Aye.

19 Let's move on to the budget hearing.

20 COMMISSIONER EVANS: Yes.

21 Tonight we have public comment period on the  
22 budget that was introduced in -- on March 20th, 2018. We  
23 will not adopt our budget tonight. We are still working on  
24 state aid, which, as in prior years, we have not -- we won't  
25 receive approval on our state aid amount until some time

1 late, late May, early, early June. So in prior meetings, we  
2 have introduced temporary budget authorizations, which is  
3 required by statute, to allow the government to operate. So  
4 tonight, we have introduced a budget which has a few things  
5 in it that still are subject to additional work.

6 As you know, when we've commented on this, that  
7 the Board of Commissioners started in the fall of last year  
8 to evaluate all of our budgetary line items and see where we  
9 could actually save some money. The reason for that is  
10 that, at that time, we were forecasting an increase of \$2.9  
11 million or 7-and-a-half percent on the municipal tax levy.  
12 So when you think about your tax bill, it's got a municipal  
13 piece, a county piece, and a school piece. And if we were  
14 looking at 7-and-a-half percent on just the municipal  
15 portion, that would be an extraordinary increase, and it was  
16 clearly unaffordable. So working collectively as a group,  
17 the commissioners embraced this and we've taken actions  
18 across all of our departments.

19 The budget still reflects a tax levy increase of  
20 \$1,466,000. So it's down from the 2.9, but it's still  
21 higher than what we want it to be. And we're going to still  
22 continue to work to get there.

23 One component of this is that, under statute,  
24 we're only allowed to anticipate 85 percent of the aid  
25 dollars we received from the prior year. We have to wait

1 until we get approval. So this budget reflects roughly \$3.1  
2 million in transitional aid versus the 3.6 million, 650,  
3 that we got last year. So there's roughly a \$550,000 gap  
4 between the aid, year-over-year. I've been working with the  
5 state on increasing our aid, returning to our previous aid  
6 because of -- that aid is linked to all of the activities  
7 that are going on at Hoffmann-La Roche.

8 We did make a lot of cuts, but basically, three  
9 things impacted us right before we had to introduce our  
10 budget. One was that we got our bill for sewage, and it  
11 increased \$197,000 over the year before. So for whatever  
12 happens in town, that's a bill that we receive. It's not a  
13 local bill. It's for the service of removing sewage. It  
14 increased 197,000.

15 We also have a pension responsibility for our  
16 employees, and that's a bill that comes from the state. We  
17 received that bill, and that bill increased by \$389,000.

18 The last element was a bit of a surprise in that  
19 our water utility had a revenue shortfall of \$341,000  
20 because of lower consumption. Water usage went down. So  
21 the year-over-year water usage went down. So that shortfall  
22 has to be funded. So we have to -- that's in, and it has to  
23 be funded in our operating budget, which would have to be  
24 evaluated by the Board of Commissioners, led by Mayor  
25 Scarpelli, around how do we address the water utility in

1 terms of absorbing that amount.

2 So if you sort of look at all those items  
3 together, those items contribute to the majority of why the  
4 levy, which the amount of work that the commissioners did,  
5 which was exceptional, to eliminate most of the \$2.9 million  
6 worth of increase, was partially offset. That benefit was  
7 partially offset by these bills, these two bills and the  
8 shortfall of the water utility. So every commissioner can  
9 talk about their individual budgets.

10 When I look at the appropriation side, this budget  
11 reflects, municipality-wide, roughly, a \$200,000 decrease in  
12 salaries. So and that's because of actions that have been  
13 taken by each of the commissioners in their -- in their  
14 respective departments.

15 This budget also reflects a lower appropriation to  
16 the public library of \$100,000. We're statutorily required  
17 to provide the library with roughly \$1.2 million worth of  
18 revenue. Nutley has always exceeded that by \$400,000. We  
19 trimmed that by 25 percent. So that brought their  
20 appropriation down by \$100,000.

21 We've been working very hard to manage our debt  
22 down. And so, you're seeing us use short-term interest  
23 rates because they're to our advantage. We are keeping our  
24 debt at a very low level.

25 We have roughly \$16 million worth of municipal

1 debt outstanding. We have the ability to borrow \$128  
2 million. So we keep it -- we keep it low.

3 Our current interest rate on that debt is less  
4 than three percent, and the average life of that debt is ten  
5 years. So it's basically a ten-year mortgage at rates less  
6 than three percent. So we're managing that very, very  
7 closely.

8 You hear about us having appropriations for  
9 capital improvements in our budget every year. By having a  
10 cap on that, which is roughly \$1-and-a-half million a year,  
11 over time, that's allowed us to manage our debt down. So  
12 this budget actually reflects a \$300,000 decrease in our  
13 debt service for 2018.

14 And if I look at the other areas of other  
15 operating expense across the board collectively, they're  
16 down by roughly \$320,000. So that's broadly what happens  
17 with the budget.

18 What's important to point out is that, in a -- in  
19 a government that's formed under the Walsh Act, each  
20 commissioner has the authority to craft their own budget and  
21 decide what they want to do within that budget, without  
22 regard to the other departments. I'm very pleased and I  
23 want to acknowledge my commissioners for embracing the fact  
24 that we are one town and we have one budget collectively  
25 that we need to meet the parameters of while we actually

1 meet the service requirements of the town. So thank you all  
2 for embracing the fact that we had a \$2.9 million problem  
3 that needed to be addressed and how diligently you all  
4 worked together to help bring this amount down.

5           It's my hope that -- and today, I met with the  
6 state again on our state aid request, which I would  
7 characterize as a very positive and productive meeting.  
8 Nothing can be finalized until the state adopts its budget,  
9 which we won't know about until later at the end of May.  
10 But at today's meeting, they were very receptive to the  
11 conditions that are in Nutley, what's going on with the  
12 conversion of the Roche site, and I'm feeling good about our  
13 ability to, at a minimum, get the aid that we got last year,  
14 but actually get -- hopefully get a piece of what we lost  
15 back.

16           So that's, in summary, where we're at. Ray  
17 Sarinelli is here as our outside auditor.

18           I'd just ask, Ray, if you want to make a few  
19 comments before we open it to the public?

20           (Pause)

21           MR. SARINELLI: I'm Ray Sarinelli. I'm the  
22 auditor for Nutley Township. So I guess you're probably  
23 thinking the budget process seems like it's taking forever,  
24 and it's because it is. And we're not happy. We've been  
25 working on this a long time, probably longer than you have

1 most other years. And you're probably a little more than  
2 two-thirds of the way through the process.

3 Usually, the budget process starts with the call to  
4 me from Commissioner Evans that says, "Raymond, you know,  
5 we're working out a budget. We want to do a proforma." We  
6 do one or two proformas. Then you do your budget, and you  
7 (indiscernible).

8 This year, there were eight proformas. Every  
9 month, I got a new call from Commissioner Evans. The  
10 commissioners met. More cuts were made. (Indiscernible)  
11 Commissioner Evans (indiscernible) about seven-and-a-half  
12 percent and continued that process until last month, when the  
13 budget was ready to be adopted.

14 Your circumstance has been very different than the  
15 rest of the free world, because you're still trying to manage  
16 your way through the loss of major ratable, Hoffmann-La  
17 Roche. And it's been a give and take process, I'll say, some  
18 with the state and some with your own budget and the cuts.  
19 And you've really managed that very well through the last  
20 five years to come up with reasonable increases, as it  
21 relates to the municipal part of the tax levy.

22 You know, to be put into that circumstance and I'll  
23 say somewhat a little bit open to (indiscernible) this year  
24 to help you through and then trying to manage your own  
25

1 budget was an extensive process. But this year, in my view,  
2 was a new comprehensive look at the entire budget like I had  
3 never seen before.

4 It's funny, I was with our partner  
5 before I came down here, Ray Nisivoccia, and we were arguing  
6 whether we started the company in 1976 or 1977. And I think  
7 it was confirmed it was 1977. So we've been doing this a  
8 long time.

9 You never just want to sound dramatic, but, from a  
10 historical perspective, it probably was the most  
11 comprehensive and detailed look done on a collaborative  
12 basis that I've seen all of the commissioners working  
13 together to get a good result for the township and the  
14 taxpayers. It's been fantastic to watch, as you cooperated  
15 to get the budget to a point where (indiscernible) bring  
16 forward the municipal budget to a reasonable the increase in  
17 worst circumstances.

18 You're doing what most other towns have done  
19 without the loss of ratables. So normally, you know, one of  
20 you -- sometimes Commissioner Evans or one of the other  
21 commissioners asks well, you know, how are other towns  
22 managing what they're doing. And I think everyone is still  
23 trying to stay, you know, at that two percent benchmark or  
24 pretty close to that.

25 You've been fairly close to that in the last five

1 years. (Indiscernible) years. Other towns are starting to  
2 struggle to stay at two percent, because if they choose  
3 (indiscernible), that's, you know, what -- that's the bad  
4 news, I guess. It's a little bit difficult to keep your  
5 budget at two percent when your normal expenses are going up  
6 more than that.

7 What other towns have been able to do, and it has  
8 helped you in some ways because the economy has been good. So  
9 interest rates are a little better. New construction and new  
10 ratables happening every year other than the loss from La  
11 Roche for five years in a row. So then it hasn't  
12 (indiscernible) the budget and tax rate.

13 So you're close. I mean, you know, depending on  
14 what the final state aid number is, you're probably a few  
15 months away from finishing the process. I think you have a  
16 pretty good progress as long as the final state aid is known.  
17 I'm sure you're going to like take another look at your budget  
18 and see what adjustments need to be made.

19 Hopefully, the final tax levy will be less than what  
20 you've had the past (indiscernible). At least that's what I'm  
21 hearing from Commissioner Evans.

22 COMMISSIONER EVANS: Thank you.

23 MR. SARINELLI: So it's optimistic that you're  
24 going to get more than the 85 percent, maybe 100 percent. So  
25 the process to continue your budget would be tonight to just

1 hold a public hearing, allow them to give opinions. But  
2 your budget has not been approved by Trenton, because they  
3 haven't finalized your state aid. And you won't be allowed  
4 to adopt your budget until you get approval and you have  
5 final state aid award (indiscernible). So you will table  
6 the budget for further discussion, wait 'til the state aid  
7 is finalized, and you'll be able to take action at that  
8 point.

9 MAYOR SCARPELLI: Thank you, Mr. Sarinelli.  
10 Commissioner?

11 COMMISSIONER EVANS: Commissioners, comments?

12 COMMISSIONER TUCCI: I'm just very hopeful that  
13 our state aid is restored to a level where we don't have to  
14 inflict the pain that unfortunately we've all been planning  
15 for. I mean, whether it's elimination of positions, people  
16 that are currently working or not filling certain position,  
17 relieving temporary employees of their employ, this was not  
18 an easy budget to strike. I think we've all done very  
19 admirable work in our trying to alleviate inflicting any  
20 pain on any of the departments. But in the interests of the  
21 taxpayers, we are, in fact, and were, in fact, prepared to  
22 do whatever was necessary to keep the increases at a  
23 minimum, if anything at all.

24 So, Commissioner Evans, I'd like to congratulate  
25 you on bringing all of this together.

1           Mr. Sarinelli, once again, you've done an  
2 outstanding job.

3           Mayor, Commissioners, I mean, what can I say?  
4 These are not easy times that we're working in, but we're  
5 all doing our best, and I believe we're getting close to  
6 where we want to be.

7           Thank you, Mayor.

8           MAYOR SCARPELLI: Commissioner?

9           COMMISSIONER ROGERS: Yeah, I, too, express what  
10 Commissioner Tucci said. But there's one thing I would hope  
11 that the public would do down the road. And that is to get  
12 educated, especially critics of municipal government. We  
13 can only do so much as a municipal government.

14           Bulk of taxes come from your county, your School  
15 Board, your state, and we bear the brunt of what they do.  
16 Some of these departments are under restraints of state  
17 mandates, where they have to spend money.

18           I know your department -- you've got to spend a  
19 fortune on training.

20           So when people are criticizing municipal  
21 government -- and I'm not just talking about Nutley. I've  
22 been around. This is not unique that you have citizens that  
23 will criticize the spending of local government. It's all  
24 over.

25           But I find out that, when you engage in a

1 conversation with people and they're willing to listen, they  
2 begin to understand well, wait a minute. Maybe the burden  
3 of taxes should not be fully placed on the municipal elected  
4 officials. So I would ask that -- actually, I'm speaking to  
5 a small crowd here, but I know there's a big crowd that  
6 watches this TV show.

7 I would ask that the public, who is watching and  
8 listening, do a little research. And you're going to find  
9 out that -- at least I could speak for this municipal  
10 government -- that we've done the best we could under most  
11 difficult circumstances. And I know other municipalities  
12 share that.

13 That's all I have to say, Mayor. Thank you.

14 MAYOR SCARPELLI: Commissioner?

15 COMMISSIONER PETRACCO: Thank you.

16 I'd just like to say that -- first of all, I'd  
17 like to thank Commissioner Evans, too. I know I have the  
18 biggest department in -- on the municipal side, and I know  
19 we spent a lot of trying times together this budget cycle,  
20 to say the least. And a lot of times, they ended in  
21 shouting matches. But I appreciate the help, number one.

22 And I think that what we try to do up here is  
23 strike a balance. You know, we know who we represent, that  
24 we represent the taxpayers, you know, first. And, you know,  
25 we try to be fair to the workers here.

1           And, you know, I have to say that the ten plus  
2 years I've been on this board, you know, with kind of  
3 layoffs looming in the background of this budget cycle, that  
4 I'd just like to say to my fellow commissioners as well is  
5 that we were willing to do whatever we had to do to bring  
6 this tax rate down. And like Commissioner Rogers has said,  
7 sometimes, no matter what we do, you know, when it gets out  
8 to the public, it's not good enough, because it's still a  
9 tax hike.

10           But one thing that we are conscious of -- and I  
11 know I am -- is the services that we provide. You know --  
12 you know -- you know, we have a paid fire department here.  
13 I've heard a lot of scuttlebutt over that, you know, through  
14 the years. You know, thank God you never had a fire at your  
15 house. You know, until you do, they're the best guys in the  
16 world and everybody loves them.

17           You know, the police department -- the salaries  
18 are high. There's no question about it. But in any  
19 instance, you know, my guys are there -- or my woman, I  
20 should say, them two now, because we have women police  
21 officers here. Anywhere in the town, they're there in a  
22 flash.

23           You know, and Nutley is a safe town. We have, you  
24 know, all good departments and services here. And, you  
25 know, the costs are being inflated, and we do the best we

1 can, again, strike that balance to try to keep it to a  
2 minimum, when it comes to our taxpayers. Thank you.

3 MAYOR SCARPELLI: Thank you, Commissioner.

4 I'd just like to say that this was a long process.  
5 Started much earlier than we usually start. We had a lot of  
6 things to look at to get to where we are today. I know, in  
7 Public Works, you know, we wound up outsourcing a piece of  
8 our recycling and not filling some positions. So, you know,  
9 we all worked very hard together to get to this point, and  
10 we're going to continue to work hard. And hopefully,  
11 Trenton cooperates with us, which would be, you know, very  
12 good as we go forward and we start making the transition  
13 into Roche coming onboard.

14 So I'd like to congratulate everybody for the work  
15 that they did, and we'll see where we wind up in whatever  
16 month that is.

17 COMMISSIONER EVANS: Hmm? Public comment.

18 MAYOR SCARPELLI: Would anybody like to be heard  
19 on the 2018 budget?

20 Seeing none, --

21 COMMISSIONER EVANS: Close the public hearing.

22 COMMISSIONER TUCCI: Second.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Yeah, I just want to clarify  
25 one thing. I didn't mean to say this was a TV show. Okay?

1 (Laughter)

2 COMMISSIONER ROGERS: I was at a loss for words on  
3 how to describe it. So I don't want to get criticized over  
4 that.

5 I vote yes. Thank you.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 Move to table the --

15 COMMISSIONER EVANS: We table the adoption until  
16 we hear from state aid, which won't be until the end of May.

17 MAYOR SCARPELLI: Do we need to vote on the table  
18 or no?

19 COMMISSIONER EVANS: No.

20 MAYOR SCARPELLI: Okay.

21 Let's move on to resolutions.

22 Commissioner Rogers?

23 COMMISSIONER ROGERS: Yes, Mayor.

24 Resolution No. 106-18 to proclaim April 21st to  
25 April 28th, 2018 as National Infant Immunization Awareness

1 Week. I move that as written and as submitted.

2 COMMISSIONER PETRACCO: Second.

3 MADAM CLERK: Commissioner Rogers?

4 COMMISSIONER ROGERS: Aye.

5 MADAM CLERK: Commissioner Tucci?

6 COMMISSIONER TUCCI: Aye.

7 MADAM CLERK: Commissioner Evans?

8 COMMISSIONER EVANS: Aye.

9 MADAM CLERK: Commissioner Petracco?

10 COMMISSIONER PETRACCO: Aye.

11 MADAM CLERK: Mayor Scarpelli?

12 MAYOR SCARPELLI: Aye.

13 Commissioner Tucci?

14 COMMISSIONER TUCCI: Yes.

15 BE IT RESOLVED by the Board of Commissioners of  
16 the Township of Nutley, county of Essex, state of New  
17 Jersey, that Resolution No. 23-17, adopted on January 17,  
18 2017 entitled Re-Turf Field at Father Glotzbach Park is  
19 hereby rescinded.

20 I move the resolution.

21 COMMISSIONER EVANS: Second.

22 MADAM CLERK: Commissioner Rogers?

23 COMMISSIONER ROGERS: Aye.

24 MADAM CLERK: Commissioner Tucci?

25 COMMISSIONER TUCCI: Aye.

1 MADAM CLERK: Commissioner Evans?

2 COMMISSIONER EVANS: Aye.

3 MADAM CLERK: Commissioner Petracco?

4 COMMISSIONER PETRACCO: Aye.

5 MADAM CLERK: Mayor Scarpelli?

6 MAYOR SCARPELLI: Aye.

7 COMMISSIONER TUCCI: This resolution is a re-  
8 introduction, because there were, in fact, some technical  
9 errors with the first one that we just -- that I just  
10 rescinded.

11 So this is a resolution -- State of New Jersey  
12 Department of Environmental Protection Green Acres Program  
13 -- this is an enabling resolution to allow the Father  
14 Glotzbach Soccer Field turf project to move forward.

15 I move the resolution.

16 COMMISSIONER EVANS: Second.

17 MADAM CLERK: Commissioner Rogers?

18 COMMISSIONER ROGERS: Aye.

19 MADAM CLERK: Commissioner Tucci?

20 COMMISSIONER TUCCI: Aye.

21 MADAM CLERK: Commissioner Evans?

22 COMMISSIONER EVANS: Aye.

23 MADAM CLERK: Commissioner Petracco?

24 COMMISSIONER PETRACCO: Aye.

25 MADAM CLERK: Mayor Scarpelli?

1 MAYOR SCARPELLI: Aye.

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

3 MAYOR SCARPELLI: Commissioner Evans?

4 COMMISSIONER EVANS: Thank you, Mayor.

5 BE IT RESOLVED by the Board of Commissioners of  
6 the Township of Nutley, in the county of Essex, state of New  
7 Jersey, that the treasurer be and she is hereby authorized  
8 to refund overpayments of tax charges in the amount of  
9 \$2,657.45 for the lots and blocks that are listed in the  
10 resolution.

11 So move.

12 COMMISSIONER TUCCI: Second.

13 MADAM CLERK: Commissioner Rogers?

14 COMMISSIONER ROGERS: Aye.

15 MADAM CLERK: Commissioner Tucci?

16 COMMISSIONER TUCCI: Aye.

17 MADAM CLERK: Commissioner Evans?

18 COMMISSIONER EVANS: Aye.

19 MADAM CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 MADAM CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 COMMISSIONER EVANS: WHEREAS, the Board of  
24 Commissioners adopted Resolution 4-18 on January 2nd, 2018;  
25 and

1           WHEREAS, this resolution provided for the  
2 appointment of the law firm of Inglesino, Webster, Wyciskala  
3 & Taylor, LLC, 600 Parsippany Road, Suite 204, Parsippany,  
4 New Jersey as Special development counsel for the On3 site,  
5 formerly Hoffmann-LaRoche, pursuant to N.J.S.A. 79:44 A-20.4  
6 or 20.5; and

7           WHEREAS, that resolution inadvertently excluded a  
8 not to exceed amount of \$95,000, which is needed in order to  
9 comply with purchasing laws for payments to vendors; and

10           WHEREAS, the Township of Nutley wishes to amend  
11 Resolution No. 4-18 to include a not to exceed amount with  
12 the understanding that these fees are reimbursable by the  
13 redeveloper pursuant to Municipal Land Use Law;

14           NOW, THEREFORE, BE IT RESOLVED that the Board of  
15 Commissioners of the Township of Nutley, county of Essex,  
16 state of New Jersey hereby amend Resolution No. 4-18 to  
17 include a not to exceed amount of \$95,000.

18           So move.

19           COMMISSIONER TUCCI: Second.

20           MADAM CLERK: Commissioner Rogers?

21           COMMISSIONER ROGERS: Aye.

22           MADAM CLERK: Commissioner Tucci?

23           COMMISSIONER TUCCI: Aye.

24           MADAM CLERK: Commissioner Evans?

25           COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Petracco?

2 COMMISSIONER PETRACCO: Aye.

3 MADAM CLERK: Mayor Scarpelli?

4 MAYOR SCARPELLI: Aye.

5 COMMISSIONER EVANS: Thank you, Mayor.

6 MAYOR SCARPELLI: Commissioner Petracco?

7 COMMISSIONER PETRACCO: Yes, this is a resolution  
8 to reappoint our Judge Joanne Cocchiola. And before I read  
9 it, I'd just like to say that before the Honorable Michael  
10 Viola (ph) was our judge, Joanne sure had big shoes to fill  
11 in that courtroom, especially when Judge Viola kind of got  
12 sick and passed away suddenly. And I have to say it's been  
13 a real pleasure to work across the street with Joanne.

14 She really gets it. She does a good job. She's  
15 always there if somebody has a question, and I'd just like  
16 to say she's been a good addition to our courts the last few  
17 years.

18 BE IT RESOLVED by the Board of Commissioners of  
19 the Township of Nutley, county of Essex, state of New  
20 Jersey, that Joanne Cocchiola be appointed municipal judge  
21 for the Township of Nutley for the three-year term effective  
22 May 15th, 2018 through May 15th, 2021.

23 I move the resolution.

24 MAYOR SCARPELLI: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 But I'd like to also add Judge Cocchiola has been  
3 an outstanding judge. And not only that, I'll tell you  
4 what. She's been a darned good role model for children in  
5 this town, especially young women. So I'm really proud that  
6 she's here.

7 I vote yes.

8 MADAM CLERK: Commissioner Tucci?

9 COMMISSIONER TUCCI: Yes.

10 And I'd also like to commend the judge. I started  
11 with her on this Board of Commissioners back in 2000. It  
12 was a pleasure working with her. The comments that I hear  
13 most often about her as a judge is that she is very fair,  
14 but she's also very firm.

15 So it's a pleasure to vote aye.

16 MADAM CLERK: Commissioner Evans?

17 COMMISSIONER EVANS: I vote yes and offer my full  
18 congratulations on her reappointment.

19 MADAM CLERK: Commissioner Petracco?

20 COMMISSIONER PETRACCO: Aye.

21 MADAM CLERK: Mayor Scarpelli?

22 MAYOR SCARPELLI: Aye.

23 Congratulations, Judge.

24 It goes to me.

25 It's Resolution No. 100-18. WHEREAS, an

1 application has been filed by Crimson95 Spirits, LLC for a  
2 Person-to-Person Transfer of Plenary Retail Consumption  
3 License Number 0716-33-023-003, heretofore issued to TBG,  
4 Inc., trading as Park Pub, for premises located at 789  
5 Bloomfield Avenue, Nutley, New Jersey; and

6 WHEREAS, the submitted application form is  
7 complete in all respects, the transfer fees have been paid,  
8 and the license has been properly renewed for the current  
9 license term; and

10 WHEREAS, the establishment has been inspected by  
11 the Board of Health, Fire Department, Code Enforcement  
12 Department and the Police Department of the Township of  
13 Nutley and is in satisfactory condition;

14 WHEREAS, the applicant is qualified to be licensed  
15 according to all standards established by Title 33 of the  
16 New Jersey Statutes, regulations promulgated thereunder, as  
17 well as pertinent local ordinances and conditions consistent  
18 with Title 33; and

19 WHEREAS, the applicant has disclosed and the  
20 issuing authority reviewed the source of all funds used in  
21 the purchase of the license and the licensed business and  
22 all additional financing obtained in connection with the  
23 licensed business; and

24 NOW, THEREFORE, BE IT RESOLVED that the Board of  
25 Commissioners of the Township of Nutley does hereby approve,

1 effective April 17, 2018, the transfer of the aforesaid  
2 Plenary Retail Consumption License from TBG, Inc. to  
3 Crimsong5 Spirits, and does hereby direct the municipal  
4 clerk to endorse the license certificate to the new  
5 ownership as follows: "This license, subject to all its  
6 terms and conditions, is hereby transferred to Crimson95  
7 Spirits, LLC, trading as the Park Pub, effective April 17,  
8 2018.

9 I move the resolution.

10 COMMISSIONER TUCCI: Second.

11 MADAM CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Aye.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 Mr. Raino (ph), congratulations.

22 MR. RAINO: Thank you.

23 MAYOR SCARPELLI: WHEREAS, a raffle application  
24 has been received from the following organization, Nutley  
25 Family Service Bureau, License Number 18-18, off-premise

1 cash raffle Friday, June 22nd, 2018; and

2 WHEREAS, the application has been reviewed and  
3 approved by the municipal clerk and the police department;

4 NOW, THEREFORE, BE IT RESOLVED by the Board of  
5 Commissioners, Township of Nutley, county of Essex, state of  
6 New Jersey, that the aforementioned license is approved and  
7 the municipal clerk is authorized to issue the raffle  
8 licenses.

9 I move the resolution.

10 COMMISSIONER TUCCI: Second.

11 MADAM CLERK: Commissioner Rogers?

12 COMMISSIONER ROGERS: Aye.

13 MADAM CLERK: Commissioner Tucci?

14 COMMISSIONER TUCCI: Aye.

15 MADAM CLERK: Commissioner Evans?

16 COMMISSIONER EVANS: Aye.

17 MADAM CLERK: Commissioner Petracco?

18 COMMISSIONER PETRACCO: Aye.

19 MADAM CLERK: Mayor Scarpelli?

20 MAYOR SCARPELLI: Aye.

21 WHEREAS, the Mandatory Source Separation and  
22 Recycling Act, Public Law 1987, Chapter 102, has established  
23 a recycling fund from which tonnage grants may be made to  
24 municipalities in order to encourage local source separation  
25 and recycling programs; and

1           WHEREAS, it is the intent and the spirit of the  
2 Mandatory Source Separation and Recycling Act to use the  
3 tonnage grants to develop new municipal recycling programs  
4 and to continue and to expand existing programs; and

5           WHEREAS, such a resolution should designate the  
6 individual authorized to ensure that the application is  
7 properly completed and timely filed;

8           NOW, THEREFORE, BE IT RESOLVED, by the Board of  
9 Commissioners of the Township of Nutley, county of Essex,  
10 state of New Jersey, that the Township of Nutley hereby  
11 endorses the submission of the 2017 Municipal Recycling  
12 Tonnage Grant Application to the New Jersey Department of  
13 Environmental Protection and designates Salvatore Ferraro,  
14 Recycling Coordinator, Township of Nutley, to ensure that  
15 the application is properly filed.

16           I move the resolution.

17           COMMISSIONER TUCCI: Second.

18           MADAM CLERK: Commissioner Rogers?

19           COMMISSIONER ROGERS: Aye.

20           MADAM CLERK: Commissioner Tucci?

21           COMMISSIONER TUCCI: Aye.

22           MADAM CLERK: Commissioner Evans?

23           COMMISSIONER EVANS: Aye.

24           MADAM CLERK: Commissioner Petracco?

25           COMMISSIONER PETRACCO: Aye.

1 MADAM CLERK: Mayor Scarpelli?

2 MAYOR SCARPELLI: Aye.

3 That concludes the business portion of our  
4 meeting.

5 Would anybody wish to address the Board of  
6 Commissioners at this time?

7 Mr. Raino, also, good luck to you.

8 MR. RAINO: Thank you (indiscernible).

9 COMMISSIONER TUCCI: Congratulations.

10 MAYOR SCARPELLI: Madam Clerk?

11 MADAM CLERK: Thank you, Mayor.

12 All persons addressing the Board of Commissioners  
13 regarding community concerns should approach the microphone  
14 and provide their name and address for the record. Unless  
15 further time is granted by the board, each person shall  
16 limit their address to five minutes. All remarks to the  
17 board and its individual members must be addressed to the  
18 mayor. The mayor may defer citizens' comments to the  
19 appropriate member of the board. Dialogue between citizens  
20 and others addressing the board shall be allowed, unless the  
21 mayor or presiding officer or the majority of the membership  
22 of the board shall determine that the interests of decorum  
23 and/or the expeditious conduct of municipal business are  
24 being adversely affected by such dialogue.

25 MAYOR SCARPELLI: Would anybody like to address

1 the Board of Commissioners this evening?

2 MR. MOORE: Rory Moore, 463 Chestnut Street.

3 Mr. Scarpelli, I have three questions, and I'd  
4 like to comment on Mr. Rogers, if I may, at the conclusion.

5 Mr. Petracco, a few weeks ago, we had a fender  
6 bender with the rented fire trucks, and you said the police  
7 department has difficulty writing up the police report. Is  
8 that -- is that report completed?

9 COMMISSIONER PETRACCO: What did I say again?

10 MR. MOORE: That there was a fender bender with  
11 the rented fire truck.

12 COMMISSIONER PETRACCO: Yeah.

13 MR. MOORE: I remember I had asked you about it  
14 publicly, and you said that the police department had a  
15 difficult time writing up the police report for the  
16 accident.

17 COMMISSIONER PETRACCO: I don't think I've ever  
18 said that the police department had a difficult time, but I  
19 think you were asking for a report or something.

20 MR. MOORE: Yes.

21 COMMISSIONER PETRACCO: And I told -- I said that  
22 night just let Sam Carella hand it to you, my assistant  
23 at the time.

24 MR. MOORE: No, it was not. In fact, I submitted  
25 an OPRA, and the OPRA said there was no police report.

1           COMMISSIONER PETRACCO: I would have to look into  
2 that tomorrow. Because as far as I know, there was a police  
3 report, and on the mic., I said to you that night, "Just get  
4 it. It's fine. You don't have to OPRA it. You can get it  
5 right from Sam Carella, my assistant."

6           MR. MOORE: I can call Sam tomorrow, and I could  
7 get copies of this report, is that correct?

8           COMMISSIONER PETRACCO: Absolutely.

9           MR. MOORE: Thank you.

10          COMMISSIONER PETRACCO: If you have a problem,  
11 call me. I'll look into it.

12          MR. MOORE: Well, I know you're busy. I --

13          COMMISSIONER PETRACCO: Well, I'm busy, but I'm  
14 never too busy for you, Rory.

15          MR. MOORE: Mr. Scarpelli, there's two recent OPRA  
16 responses with PEYONI (ph). And I see that we're paying a  
17 stipend of \$2,400 a month for PEYONI. Could you tell me  
18 what that's for?

19          MAYOR SCARPELLI: That's Penoni (ph).

20          MR. MOORE: Penoni's.

21          MAYOR SCARPELLI: And that's for their office  
22 hours that they put in here.

23          MR. MOORE: But it's -- how come it's a stipend  
24 and not office hours? I mean, I hate to sound -- I hate to  
25 sound picky, but a stipend is --

1           MAYOR SCARPELLI: The stipend covers his office  
2 hours for the month.

3           MR. MOORE: Okay.

4           MAYOR SCARPELLI: I don't know what else to say to  
5 you, Mr. Moore. That's what it is.

6           MR. MOORE: Well, I guess the other question would  
7 be what's his office hours.

8           MAYOR SCARPELLI: He has established office hours  
9 here. He's here every Thursday, and he's also here when we  
10 need him to do inspections and other things. That's all in  
11 his contract.

12          MR. MOORE: So --

13          MAYOR SCARPELLI: All in the Pennoni contract.

14          MR. MOORE: We pay him \$2,400 just to be here,  
15 basically, once a week? All the other contracts  
16 (indiscernible)?

17          MAYOR SCARPELLI: You didn't -- you didn't hear  
18 what I said, Mr. Moore. That's part of it, and I said it's  
19 also in the contract what his other duties are.

20          MR. MOORE: Then I'd like to see that, why we're  
21 paying a stipend rather than office hours.

22          MAYOR SCARPELLI: Mr. -- Mr. Moore, you can -- you  
23 can OPRA the contract, which I'm sure you have already.

24          MR. MOORE: No, no, actually, I didn't.

25          MAYOR SCARPELLI: Okay.

1           MR. MOORE: Because I actually -- the office hours  
2 and stipends, to people, mean different things.

3           And there was another one in here that we paid  
4 Peoni.

5           MAYOR SCARPELLI: Pennoni.

6           MR. MOORE: I'm sorry. Traffic count machine  
7 training.

8           MAYOR SCARPELLI: What are we paying?

9           MR. MOORE: Traffic count machine training.  
10 You'll have to see it. You can see it. I'm happy  
11 (indiscernible).

12           MAYOR SCARPELLI: Mr. Moore, that could be  
13 something outside his duties of Public Works.

14           MR. MOORE: I would agree with you.

15           MAYOR SCARPELLI: He's a happy guy.

16           No, traffic count machine training. So that means  
17 that they did a traffic count somewhere. That would be my  
18 --

19           MR. MOORE: Training? Training?

20           MAYOR SCARPELLI: -- thing on that. That's what I  
21 think that is. I'll find out for sure what it is.

22           MR. MOORE: That's what I would like to find out.

23           MAYOR SCARPELLI: Sure.

24           MR. MOORE: And, Mr. Rogers, I do like to comment  
25 politely, and I don't -- I don't mean any disrespect. But a

1 lot of times you say that -- and I will be brief.

2 You seem to like to criticize people who come up  
3 here to criticize. And a lot of times, I really don't think  
4 -- I don't think the Board of Commissioners appreciate that  
5 people work very hard for their money. And I remember last  
6 year, I had brought up to Mr. Evans the Moody's Report. And  
7 I know that you commented on that Nutley was financially  
8 very, very well. And you guys did exceptionally well.

9 Well, I had called Moody's, and I got hold of the  
10 calculation team. And they said that they used two  
11 different numbers, and the numbers was the average household  
12 in Nutley was financially -- uh, no, federally impact at  
13 125,000 a year compared to 85. There was two numbers that  
14 were used.

15 That tells me people who work in Nutley work very  
16 hard. So in our world, the real world, we see things get  
17 cut back. People don't get raises. People don't get paid  
18 overtime. People do work less time, but you don't see here  
19 what you see every place else.

20 So sometimes, people ask you simple, little  
21 question, like these two little reports. I questioned them.  
22 I'm not up here to criticize, but I am here to watch it,  
23 because I have to do the same thing to my budget. I have  
24 nine grandchildren. I have to support two of them. So I  
25 know what it's like to count pennies.

1           But to come up here is the hardest thing in the  
2 world to do to public speak. But to ask why something is  
3 being done is very difficult for people to do, and I think  
4 you should have a little bit more of appreciation that, when  
5 people do that, they're probably doing it for a good reason.  
6 Thank you.

7           MAYOR SCARPELLI: Would anybody else like to  
8 address the Board of Commissioners this evening?

9           Seeing none, before we adjourn, we're going in the  
10 back for a presentation. You're all welcome to join us.  
11 And then we'll come back out on the microphones and close  
12 the meeting.

13          MADAM CLERK: Just hold it.

14          COMMISSIONER ROGERS: Mr. Mayor, I just want to  
15 make one comment, now that the public section's over. The  
16 irony of my comments -- one, I don't believe I've ever  
17 mentioned names about criticizing anybody. But the real  
18 irony of it is I wasn't making reference to anybody coming  
19 up here. I'm a strong advocate of the First Amendment.

20          My reference is to what we're seeing on social  
21 media. I don't believe I've heard many people come up here  
22 and criticize us. They've asked pretty darn good questions.

23          So there's an old saying. If the shoe fits, you  
24 wear it. Thank you.

25          MAYOR SCARPELLI: Thank you, Commissioner.

1           Let's go in the back.

2           (Adjourned for Presentation)

3           (Reconvened for Arterial Presentation)

4           MAYOR SCARPELLI: All right. So at one of our  
5 meetings many months ago, Topology had suggested bringing on  
6 a landscape architect to help us with the On3 Project. As  
7 part of our process that we've done, we are --did an  
8 interview process with two of the firms, Arterial and Urban.

9           Commissioner Evans and I interviewed them, and then  
10 we thought Arterial better fit our needs, and we're bringing  
11 them here tonight to let them present to the entire board to  
12 show us what they do and we'll go from there.

13

14           MR. LUSTBERG: Uh-huh, great. Thanks. We were --

15           MAYOR SCARPELLI: But just introduce yourselves.

16           MR. LUSTBERG: Yep, thank you, Mayor.

17           And, you know, thank you, everyone, for your time.

18 I know it's late in the night. We will make this as

19 painless as possible.

20           My name is Dave Lustberg.

21           MR. GENITEMPO: Dave, excuse me.

22           MR. LUSTBERG: Yes.

23           MR. GENITEMPO: Do you want to wait a few minutes  
24) for the commissioner?

25           MADAM CLERK: Yeah, he just went to the restroom.

1                   COMMISSIONER PETRACCO: He said that -- he said  
2 that he'll catch up.

3                   MAYOR SCARPELL: He said he will catch up.

4                   MR. GENITEMPO: Thank you. Sorry about that.

5                   MR. LUTSBERG: My name is Dave Lustberg. My  
6 firm is called Arterial. We're located in  
7 Montclair. We are an urban design and landscape architecture  
8 firm, but we specialize in street design. So we specialize  
9 in the design of streets and bicycle and pedestrian  
10 facilities. So trails, et cetera.

11                   So tonight, I can -- I can walk you through some of  
12 our experience. Locally, we've done work kind of all over  
13 northern New Jersey, some in South Jersey. I personally have  
14 20 years experience in this field.

15                   And so, I'll show you some projects that I felt  
16 like related to some of the things that you're doing here,  
17 and then we can go from there. So we've got to try to keep  
18 this to about 15 minutes, and then, you know, however --I'll  
19 just keep (indiscernible) here. And then if you have  
20 questions, I'm happy to discuss.

21                   So as I mentioned, we call ourselves a street  
22 design studio. So we specialize in, you know, the design of  
23 streets, downtowns, trails, et cetera. In particular, we  
24 design what we call high-performance streets, so streets  
25

1 that, not only serve, you know, the purpose of sort of  
2 moving cars, but they serve a number of other purposes. So  
3 pedestrians, bicycles. They support, you know, local  
4 businesses.

5 Streets, you know, provide a number of services to  
6 the community. And, you know, we really consider streets to  
7 be public streets. It's not just sort of corridors for  
8 moving cars. So, for example, you know, here in town, you  
9 know, you can imagine the downtown serves a much bigger  
10 purpose than just sort of moving cars, et cetera.

11 So five categories that we look at.  
12 Functionality, arts and culture. Does the street represent  
13 the community and like the culture of the community? Health  
14 and the environment -- does it support ecology and  
15 sustainability of the town, economic vitality? Does it help  
16 property values? Does it support local stores, et cetera?

17 And design quality -- are the streets built to  
18 last? You know, we all think of like European streets that  
19 have been around for hundreds of years. And, you know, now,  
20 we build streets that, you know, we hope are around for ten  
21 years. So we like to think that streets should be built the  
22 old way, you know, good materials, great detailing, et  
23 cetera.

24 So this is a project that we recently completed in  
25 Hanover, and this was, you know, kind of interesting because

1 the idea was to connect a series of corporate office parks  
2 to assets in the town. So, for example, to the downtown  
3 area, to the public parks, et cetera. So we thought this  
4 was sort of appropriate, you know, relative to the  
5 redevelopment that you're doing now and how that could  
6 connect to the downtown or to the public parks.

7 So we designed it using land that the town already  
8 owned that we were able to identify. We designed a trail  
9 system on and off-road that connected multiple development  
10 -- multiple corporate parks to these various assets in town,  
11 the biggest one being Beyer. Beyer recently moved there, so  
12 they wanted to make sure that there was access for the  
13 employees.

14 So it was done in a number of ways. This was just  
15 completed. You know, this is a simple, along-road path, you  
16 know, functional and gets people where they need to go.  
17 When we had to go on-road, we did, using some lane width  
18 that was on-road. But the most important part of the  
19 project and the part that I think really resonates the most  
20 is the branding and signage.

21 So this is, you know, the sign system that we  
22 designed. And you can see that it points people to the  
23 various destinations. So this is incredibly important,  
24 right?

25 Someone comes out of the redevelopment, you know,

1 a new employee or something like that, and you want them to  
2 know that the downtown is, you know, a five-minute walk or a  
3 ten-minute walk. So these types of signs and maps, you  
4 know, brand it, and they also -- they brand the township,  
5 and they also tell people where to go and sort of promote  
6 economic vitality.

7 This is a design that we did recently for a big  
8 redevelopment in Kearny. This is similar in scale to  
9 what you're doing here, repurposing a number of large  
10 buildings. And, you know, this is really about that kind of  
11 main gateway road and how you want that to be.

12 You know, you want to make sure that it's not just  
13 moving cars, like the old corporate office parks used to do.  
14 But it's also considering bicycles and pedestrians. It's  
15 interesting to millennials, et cetera. So for them, we  
16 designed this sort of boulevard.

17 And you can see here's the main road. And then  
18 alongside that road, we designed a multi-use path with nice  
19 landscaping, seating, et cetera. It really becomes an  
20 amenity. And again, this is all about connections, you  
21 know, getting people from the development to the other  
22 assets in the area.

23 And you can see kind of what that looks like  
24 there. Very pedestrianized intersection. You know, you  
25 could imagine this being like the gateway to the

1 redevelopment area. This is a flush intersection. So this  
2 is actually a curbless intersection. So it really  
3 prioritizes the pedestrian.

4 And you could see the bike lanes up top, the  
5 pedestrian area. So everyone has their space here. Again,  
6 another view of that.

7 This is a project that we completed about a year  
8 ago in Milburn, downtown Milburn. This was a complete  
9 reconstruction of the downtown. You know, this was a large-  
10 scale project. It was all about traffic, economy, and  
11 pedestrian safety, and revitalization. So again, the nice  
12 materials, you know, putting together the history of the  
13 town.

14 This, on the left, is a -- is a millstone that we  
15 designed. You know, the history of Milburn -- you know, it  
16 was -- it was founded based on mills and burn means river.  
17 So it's Milburn, Mill River. So you can see the sort of  
18 river, the millstone, and the quarries that are in the area.

19 That was the whole -- so it's telling a story of  
20 the town, but not through signage. You know, it's actually  
21 integrating the design -- integrating the history into the  
22 design. You know, little details like this, the millstone.  
23 Again, just creating great little pockets for pedestrians,  
24 creating event streets.

25 So this is their little main street area. And,

1 you know, you can see that we did these string lights across  
2 the top and the concrete roadway, so that this street at  
3 night sort of starts to look like a plaza, rather than a  
4 street. So it serves, again, those multiple purposes.

5 This was designed to be closed for events. So you  
6 could imagine, on a weekend when they close this street,  
7 this really becomes a plaza space.

8 And pedestrian safety -- so this is where all the  
9 students walk. The curb line actually used to be right  
10 here. So we widened the sidewalks by five feet on each  
11 side, because of those volumes. There's a lot of people  
12 getting hit by cars here, actually. So that was one of the  
13 reasons for that, and that creates nice pockets for outdoor  
14 dining.

15 So this is what we mean by a high-performance  
16 street. Making these corners nice and large, to promote  
17 events and gatherings, socializing, you know, really turning  
18 the downtown into a social space. And on certain corners,  
19 we were able to get enough space where they could actually  
20 put a band out there for little events and things.

21 Montclair -- some of you -- you know, this is  
22 right next door. So you may be familiar with this. This is  
23 South Park Street in Montclair. This is right by the  
24 Starbucks and the Urban Outfitters there. This is Leoni's  
25 restaurant.

1           So this was a project that -- this was one of the  
2 first projects we did in 2009. We took the street and had  
3 angled parked and widened the sidewalks, and the town wanted  
4 a town square. So that's what we made it into. Widened the  
5 sidewalks.

6           Before this project -- I don't know if any of you  
7 remember it, but this was -- there were seven-foot sidewalks  
8 on each side, and it was basically a large parking lot.  
9 Leoni's, the restaurant that you see here, was pretty much  
10 out of business, and this project really turned the street  
11 around. Zero vacancies.

12           And, you know, not solely this project. There was  
13 a lot of economic development around it, but this street now  
14 has, you know, zero vacancies. It's one of the most popular  
15 streets in the town.

16           Creating seating pockets -- all of these things  
17 are important. Creating seating pockets, landscape,  
18 branding, you know, just creating nice places for people to  
19 sit. Obviously, a unique project because of the width of  
20 the -- of the road that's available there. I know that's  
21 not what's available here, but still, it's the same -- you  
22 know, it's the same concept. We're really creating spaces  
23 for the community.

24           This is one that we completed recently in  
25 Montclair. Just recently got site plan approval. So this

1 one we were actually working for the developer to design a  
2 street for the town. This is outside the Wellmont Theater.  
3 So I don't know if you're familiar with this redevelopment.

4 But the building on the left was just approved.  
5 It's a mixed-use building, retail at the base, residential  
6 above. And here is the entrance to the Wellmont Theater.  
7 So this is currently a street. This is Seymour Street that  
8 they're vacating and turning it into a plaza. So this will  
9 be -- they're calling it an arts plaza.

10 So again, this is just about creating places that  
11 people want to be. And this is -- you know, everyone wants  
12 the millennials. You know? And this is -- this is -- this  
13 is what the millennials want. You know, places like this,  
14 cool, little spots to hang out. And that's what we tried to  
15 create here.

16 So the street will be turned into a plaza for  
17 people to hang out before the events or, you know, sort of  
18 day-to-day. Large kind of piazza-style space, outdoor  
19 dining, et cetera. And you can see in the background here  
20 -- you can barely see it here, but there's a set of stairs  
21 in the back that we designed actually to be a stage so that,  
22 you know, day-to-day, it's a set of stairs. But then when  
23 they want to have an event here, the business improvement  
24 district can set up a band up there and it becomes a stage.

25 I'll show you a sort of closer up view of that.

1 So you can see it here. You know, people can sit there,  
2 sort of day-to-day. And it's a little hang-out spot at the  
3 back of the plaza.

4 Here's another view, you know, sort of day-to-day.  
5 And then if they wanted to have an outdoor classroom there,  
6 they can sort of bring kids out there. You can imagine this  
7 is going to be a poet and there's people, you know, watching  
8 this event, or for bigger events, they can put a band up  
9 there and have larger events there. So that's the Wellmont  
10 Theater, you know, another redevelopment project.

11 This is one -- I just stuck this in here before I  
12 came here. This is a project that we just finished. Phase  
13 II is starting. I put it in here, because when we met the  
14 first time, during my interview, there was a question of,  
15 you know, we don't have the space that South Park Street has  
16 or that kind of thing. So what kind of cool things can you  
17 do?

18 Now, I shouldn't even be putting this in here,  
19 because they're construction shots. I don't have any good  
20 shots of the street finished yet, because it just finished  
21 at the end of the winter. So we're waiting for the trees to  
22 bloom. But I wanted to just show you a picture, just to  
23 give you the scale.

24 So this is more the scale here. So a couple of  
25 the things here that we did that were interesting. We kept

1 the curb lines where they are, but little things, right? So  
2 here, this is called a tabled mid-block crossing.

3 So where no people cross a lot -- like let's say  
4 there's a really popular spot across the street and people  
5 are constantly crossing mid-block. You need this flush. So  
6 you see there's no -- you walk out here. This is the same  
7 height as the curb. So cars -- there's almost like a very  
8 wide speed bump. You know, that's kind of how it functions.

9 And it creates a nice little gathering spot at the  
10 center. Again, nice materials, using brick. They wanted to  
11 celebrate the history of -- this is the Union. They wanted  
12 to celebrate the history of the Union.

13 So we created these little granite plaques in the  
14 ground. So this says, "British troops marched along Box  
15 Hall Road," and gives the date, June 7, 1780. This is what  
16 they wanted.

17 So whatever it is for Nutley, you know, that's the  
18 kind of thing that you should be celebrating in your -- in  
19 your materials. This is a little more traditional in  
20 materials and, you know, similar in scale. I'll have some  
21 better pictures for you in like a month, after the trees  
22 bloom and everything like that.

23 And then way-finding is incredibly important.  
24 This is a system we designed for Montclair. You know, it's  
25 a series of maps, directional. This is essential, right?

1 Because you want people to know how long it takes.

2 You know, if there's some months after  
3 redevelopment and they want to get to the downtown, they  
4 want to go to a restaurant, is it a five-minute walk, or is  
5 it a 20-minute walk? You know? So these signs were  
6 designed with actually walk times on them. So we don't just  
7 say the train station is that way.

8 We say, "The train station is that way, and it's a  
9 four-minute walk." And people loved that. We got a great  
10 response on that. Combining the signs together -- so this  
11 is sign consolidation.

12 You know, you don't want all this clutter on the  
13 sidewalk. So this is a really integrated sign, stop sign,  
14 directional, street names all on one post, very clean. Map  
15 right here, all very clean on the stop sign and then  
16 information kiosks. And this can be changed intermittently.

17 Similar -- we did a similar system in downtown  
18 Newark. If you're ever down there, you may have seen these  
19 around. This was more -- this was 120 signs, so this was a  
20 little more extensive. But these are all over the town with  
21 the maps.

22 So that's -- that is, you know, sort of a very  
23 quick run-through of the type of work that we do. You know,  
24 I tried to select some projects that I thought were  
25 appropriate in scale. And then at the last meeting, I could

1 answer any questions you want about our experience or our  
2 work. At the last meeting, there was a -- there was a  
3 little bit of a discussion about one of the proposed  
4 elements in the current redevelopment that there were some  
5 questions about that I'm happy to talk about now or if --

6 COMMISSIONER ROGERS: A comment?

7 MR. LUSTBERG: Yes.

8 COMMISSIONER ROGERS: Very impressed. The  
9 impressed part of it was tying in the historical culture of  
10 the town, you know. It's the first time I ever saw that.

11 MR. LUSTBERG: Oh, good.

12 COMMISSIONER ROGERS: And we have a lot here.

13 MR. LUSTBERG: Yeah.

14 COMMISSIONER ROGERS: I mean, we've had  
15 Revolutionary War people walk through here.

16 MR. LUSTBERG: Right.

17 COMMISSIONER ROGERS: Not that I was around at  
18 that time. You know, we have --

19 (Laughter)

20 COMMISSIONER ROGERS: But my point is is --

21 COMMISSIONER TUCCI: I think he's lying. He was  
22 around.

23 (Laughter)

24 COMMISSIONER ROGERS: -- it's a really good job.

25 MR. LUSTBERG: Yeah, good, good. Thank you.

1 COMMISSIONER ROGERS: Very, very impressive.

2 MAYOR SCARPELLI: Commissioners, any questions so  
3 far?

4 COMMISSIONER TUCCI: Just tell me a little bit  
5 about your company.

6 MR. LUSTBERG: Okay.

7 COMMISSIONER TUCCI: Your work looks very nice.  
8 I'm very familiar with Montclair.

9 MR. LUSTBERG: Okay, good.

10 COMMISSIONER TUCCI: And Box Hall -- I mean, I've  
11 been there. I've pretty much been to all the places that  
12 you highlighted. How long are you in business? I mean, how  
13 many people work for you?

14 MR. LUSTBERG: Okay. So I start -- so I  
15 personally -- I --

16 COMMISSIONER TUCCI: Who are you? Let's talk  
17 about that.

18 MR. LUSTBERG: Okay. (Indiscernible). Oh, you  
19 stepped out?

20 COMMISSIONER TUCCI: I stepped out, yes.

21 MR. LUSTBERG: All right, good. I was going to  
22 say. So my name is Dave Lustberg. I'm a licensed landscape  
23 architect and also a licensed professional planner. I have  
24 been practicing landscape architecture and urban design  
25 since 1997, so about 20 years. I've been licensed since

1 2001.

2 My background -- I have a particular focus in  
3 street design and bicycle and pedestrian planning. And so,  
4 I started Arterial in 2009. So we're almost ten years old  
5 or nine. It'll be nine in October.

6 I started in 2009. Started the company with a  
7 focus on street design. That's where the name comes from,  
8 Arterial. And since that time, we've done a number of  
9 projects all over New Jersey.

10 We have -- we're located on Grove Street in  
11 Montclair. We have eight people. Let's see. What else?

12 And, you know, we do -- we focus on street design,  
13 but we also do a number of other types of urban design and  
14 landscape architecture. So we do some park and plaza  
15 design. We have a two-acre park in Hoboken that we have  
16 under construction right now that's part of a redevelopment.

17 And we've done a handful of playgrounds and things  
18 like that kind of just for fun. And, you know, that's kind  
19 of it. We've been in Montclair -- we were in Newark for two  
20 years, and we've been in Montclair for six or about six. So  
21 that's kind of the background.

22 COMMISSIONER TUCCI: That's good. Thank you.

23 MR. LUSTBERG: I'm trying to think if there's  
24 anything else. I think that about covers it.

25 MAYOR SCARPELLI: One of the things that I liked

1 was the -- what we need is some connectivity from the On3  
2 site to our downtown. And some of the things that Dave  
3 presented kind of lend into that to, you know, making sure  
4 that we can do everything we want on our side.

5 COMMISSIONER TUCCI: Right.

6 MAYOR SCARPELLI: But we need to be connected from  
7 the -- from the inside out.

8 COMMISSIONER TUCCI: Right, uh-huh.

9 MAYOR SCARPELLI: And I think that his expertise  
10 will help in --

11 COMMISSIONER TUCCI: So how did you get here?

12 MR. LUSTBERG: Topology. We --

13 COMMISSIONER TUCCI: Topology?

14 MAYOR SCARPELLI: So you gave us two to look up  
15 (ph)?

16 MR. LUSTBERG: Yeah.

17 COMMISSIONER TUCCI: Okay.

18 MAYOR SCARPELLI: Then they better fit our needs.

19 COMMISSIONER TUCCI: Okay.

20 MR. LUSTBERG: Right, so we --

21 COMMISSIONER TUCCI: Gotcha.

22 MR. LUSTBERG: So we have done work -- so we have  
23 done, I want to say, three or four projects in Morristown,  
24 and Topology is the planner in Morristown.

25 COMMISSIONER TUCCI: Right.

1 MR. LUSTBERG: So we did some work there, and that  
2 was kind of how we met Phil and his team. And that's it.

3 COMMISSIONER TUCCI: Okay.

4 MAYOR SCARPELLI: Yes?

5 COMMISSIONER PETRACCO: Have you done -- I mean,  
6 I've been up to Morristown quite a bit. I was just at Roots  
7 (ph) a couple weeks ago.

8 MR. LUSTBERG: Okay.

9 COMMISSIONER PETRACCO: And the way that parking  
10 deck is behind and it accesses those restaurants, --

11 MR. LUSTBERG: Yeah.

12 COMMISSIONER PETRACCO: I think it's so well-done.

13 MR. LUSTBERG: Yeah.

14 COMMISSIONER PETRACCO: It's unbelievable.

15 MR. LUSTBERG: Yeah.

16 COMMISSIONER PETRACCO: And, you know, but it's a  
17 different element up there.

18 MR. LUSTBERG: Yeah.

19 COMMISSIONER PETRACCO: I mean, you know,  
20 Morristown Square has always been pretty populated and all  
21 that stuff. What have you done that, you know, is long and  
22 narrow and looks like Nutley, and what are some of the  
23 things that you would --

24 MR. LUSTBERG: You mean, in terms of the type of  
25 work? I mean, I think that, you know, every single place

1 that is different that we work in. You know? But we've --  
2 you know, but what we've done in Bloomfield -- we did -- we  
3 designed Broad Street in Bloomfield. So I don't know if  
4 you're familiar by Gencarelli's .

5 COMMISSIONER PETRACCO: Yep.

6 MR. LUSTBERG: That stretch from Gencarelli's --  
7 it's like three or four blocks North of the downtown.

8 MAYOR SCARPELLI: North Center.

9 MR. LUSTBERG: Towards South --

10 COMMISSIONER PETRACCO: North Center.

11 MR. LUSTBERG: Yeah, North Center.

12 COMMISSIONER PETRACCO: What would you say that  
13 really changed there? I mean, as far as -- like I see the  
14 pavers are in there, right?

15 MR. LUSTBERG: Yeah, it was really --

16 COMMISSIONER PETRACCO: I mean, it's not -- there  
17 was no --

18 MR. LUSTBERG: Right, in that case, it was that we  
19 were brought in by the P.A. because there was some  
20 investment being made by the store owners. And in the  
21 sidewalks -- the condition of the street was --

22 COMMISSIONER PETRACCO: Yeah.

23 MR. LUSTBERG: It was pretty bad. It was really  
24 broken up. The sidewalk had a very steep slope on it. It  
25 was narrow. And so, they brought us in to look at it.

1 They, you know, tried to figure out what we could do.

2 So we added, I think, two or three feet to the  
3 sidewalk width. You know, we went from seven foot to ten  
4 foot sidewalks, bumpouts at the corner. We were able to  
5 level out the sidewalks. Just, you know, make it a little  
6 bit nicer. We helped with the branding. It was Bollard's  
7 (ph) Lighting, that kind of thing.

8 It was really -- in that area, it was more of a  
9 traffic calming and just creating kind of a nicer, you know,  
10 pedestrian experience. And I think it was also -- you know,  
11 the store owners were sinking money into their store fronts.  
12 And I think that the town saw it as, you know, if they're  
13 investing, we should -- we should invest. And, you know,  
14 because they're investing making these nice store fronts,  
15 and they're sitting on a street that's like cracked and  
16 broken up.

17 COMMISSIONER PETRACCO: But there there's no bike  
18 path or anything like that?

19 MR. LUSTBERG: No, we -- actually, we couldn't.  
20 And, you know, we -- Broad Street is a great -- it should  
21 have a bike lane on it, because it has all the parts, runs  
22 all the way through the town. But Essex County is very  
23 difficult. It's an Essex County road, and we do a lot of  
24 work for Essex County.

25 COMMISSIONER PETRACCO: So it's this one, right?

1 MR. LUSTBERG: Yeah, we do a -- we do a ton of  
2 work for Essex County. And so, we have a great relationship  
3 with the engineering department there. I mean, Milburn --  
4 the project you saw in Milburn -- that's an Essex County  
5 road also. We were going to get a lot approved there.

6 The one thing that is extremely challenging with  
7 Essex County is bike lanes. And the reason why is because  
8 there was a lawsuit. It's unfounded. The reasoning is  
9 unfounded, in my opinion.

10 But there was a lawsuit a while ago, you know,  
11 where, you know, a woman was killed, actually, riding her  
12 bike. And it had nothing to do with the street or anything.  
13 It was just an accident. She fell off her bike, and they  
14 sued Essex County.

15 COMMISSIONER PETRACCO: The only reason why I  
16 bring that up is because, you know, we've tried the brick  
17 pavers along Franklin Avenue.

18 MR. LUSTBERG: Yeah.

19 COMMISSIONER PETRACCO: All that stuff.

20 MR. LUSTBERG: Yeah.

21 COMMISSIONER PETRACCO: They're great when they're  
22 brand new.

23 MR. LUSTBERG: Yeah.

24 COMMISSIONER PETRACCO: Five years later, the ice,  
25 you know, the rain, all that stuff, --

1 MR. LUSTBERG: Yeah.

2 COMMISSIONER PETRACCO: It's a disaster, in my  
3 opinion.

4 COMMISSIONER TUCCI: The trees.

5 COMMISSIONER PETRACCO: The trees.

6 COMMISSIONER ROGERS: You know what our problem  
7 is? Gum. Gum.

8 COMMISSIONER PETRACCO: Gum.

9 MR. LUSTBERG: So a few things I'll say about  
10 that.

11 COMMISSIONER PETRACCO: But before you go, just to  
12 finish my -- just to finish my thought, is that I'm really  
13 concerned about competing with this road site now for our  
14 main town --

15 MR. LUSTBERG: Yes.

16 COMMISSIONER PETRACCO: Our Main Street business.  
17 Because I think that, once Roche is fully developed and they  
18 have brand new franchises there and restaurants and  
19 everything that we're hearing that they're looking to do,  
20 is, you know, what is going to be the -- you know, the  
21 couple ideas that we have to make Franklin Avenue, our Main  
22 Street, --

23 MR. LUSTBERG: Yes.

24 COMMISSIONER PETRACCO: -- pop and to bring these  
25 people that have all been visiting the restaurants and nail

1 salons over here to keep them coming this way, too, and back  
2 and forth.

3 MR. LUSTBERG: Right, right.

4 COMMISSIONER PETRACCO: And I've heard these bike  
5 trails and these walk trails, and I've got to tell you I'm  
6 not sold on all that.

7 MR. LUSTBERG: Yeah. So the first thing is -- and  
8 it sounds funny and kind of like intangible. But it's about  
9 creating an experience. So that's what -- you know, it's  
10 like this is the experience economy, right? People will pay  
11 more if they just like it a little. If it's a cool  
12 experience, they'll pay more for it.

13 And so, it's about creating that experience. And  
14 brick pavers don't create that experience. You know?

15 COMMISSIONER PETRACCO: Right.

16 MR. LUSTBERG: People think it does, and that's  
17 why you see towns spend tons of money. And they put down --  
18 you know, they -- because they see a place that looks like  
19 that and they say oh, if we look like that. But it's about  
20 creating an overall experience, right? So creating pockets  
21 for people to gather and encouraging them to gather, so like  
22 at corners, creating little social pockets and seating  
23 areas.

24 In terms of the design, those are the things.  
25 Like building -- expressing the uniqueness of that place.

1 Like what makes -- what makes Nutley a cool place to be?  
2 You know? I don't know -- I don't know what that is yet.  
3 You know? And we have to find that out. You know?

4 And then -- and through that process, you try to  
5 figure out what that is and make it unique. You don't want  
6 to look like the town next door, because then it's just --  
7 you know, it's like a cookie cutter type of thing. You have  
8 to figure out what's special about it and try to express  
9 that.

10 And so, --

11 COMMISSIONER ROGERS: One thing.

12 MR. LUSTBERG: Yeah, go ahead.

13 COMMISSIONER ROGERS: We have a large senior  
14 citizen population in this town, too.

15 MR. LUSTBERG: Yeah.

16 COMMISSIONER ROGERS: So how do you balance it  
17 between millennials and seniors?

18 MR. LUSTBERG: Okay. Right.

19 COMMISSIONER ROGERS: Because, you know, most of  
20 the places I go --

21 MR. LUSTBERG: Yeah.

22 COMMISSIONER ROGERS: -- I don't see seniors out  
23 much anywhere.

24 MR. LUSTBERG: Right.

25 COMMISSIONER ROGERS: Except, you know, where

1 there's their little communities. So how do you balance  
2 that? Because we have two big buildings here, right? I  
3 mean, lots of senior citizens.

4 UNIDENTIFIED SPEAKER: Yeah.

5 MR. LUSTBERG: That's a good question. I mean, I  
6 think it'll -- you know, one of the things I believe is that  
7 -- I believe that senior citizens like to be around younger  
8 people. You know, they like to watch and then not be  
9 isolated. You know?

10 So when a place is active, you know, you -- you  
11 know, and I think that sometimes there's an opposite -- you  
12 know, an opposite thought process when it's like -- you  
13 know, we should create a place for them to be. But really,  
14 they want to be -- you know, they want to watch kids and --

15 COMMISSIONER ROGERS: To your point, I usually  
16 goes to Barnes and Noble on Saturday mornings here.

17 COMMISSIONER TUCCI: We like to watch girls.

18 COMMISSIONER ROGERS: A lot of young -- a lot of  
19 young people there. A lot of seniors there.

20 MR. LUSTBERG: Yeah.

21 COMMISSIONER ROGERS: So that's pretty  
22 interesting.

23 MR. LUSTBERG: Yeah, yeah.

24 COMMISSIONER ROGERS: Okay.

25 MR. LUSTBERG: Yeah. You know, so that's that.

1 And other that, also making it accessible, you know, and  
2 safe.

3 COMMISSIONER ROGERS: Yeah.

4 MR. LUSTBERG: To, you know, crosswalks, curb  
5 ramps, you know, that kind of thing, just making it not --  
6 you know, not an uncomfortable place to walk.

7 MAYOR SCARPELLI: I think we all have concerns  
8 about some of the proposed round-about's that are there.

9 MR. LUSTBERG: Yeah.

10 MAYOR SCARPELLI: What are your -- what are your  
11 thoughts?

12 MR. LUSTBERG: So, you know, generally, you know,  
13 we have designed round-about's, and I'm not opposed to them,  
14 by any means. You know, I think that there is a right place  
15 for them and that kind of thing. You know, we discussed in  
16 the meeting, and I think that this -- in this particular  
17 case, you know, at the entrance to the site, I think it has  
18 to -- you have to have very, very careful consideration.

19 I think that that's a very difficult location to  
20 put a round-about. You know, round-about's generally are --  
21 they move cars. That's the purpose of a round-about. It  
22 eliminates the traffic signal, and it moves cars.

23 The cars don't have to stop. That's the whole  
24 purpose. So when you do that, you make it more difficult  
25 for pedestrians to cross, because the cars never have to

1 stop. So when there's a high-volume road you can put a  
2 round-about on, there is never a break for a pedestrian to  
3 cross. So if you want to encourage pedestrian activity --

4 COMMISSIONER TUCCI: So that runs contrary to what  
5 you're trying to create?

6 MR. LUSTBERG: Correct.

7 COMMISSIONER TUCCI: Yeah, right?

8 MR. LUSTBERG: Right.

9 COMMISSIONER TUCCI: It doesn't help us.

10 MR. LUSTBERG: Right, correct. So it moves cars  
11 very quickly, and (indiscernible).

12 COMMISSIONER TUCCI: And now that we've  
13 established that, -- I'm sorry.

14 MR. LUSTBERG: You know, thousands and thousands  
15 of cars. Right. So -- you know, so that's that. There's a  
16 million other points more technical.

17 MAYOR SCARPELLI: Didn't we talk about the shape of  
18 the round-about, that they had --

19 MR. LUSTBERG: I have some images. Do you want me  
20 to show this?

21 MAYOR SCARPELLI: Yeah, they want it.

22 MR. LUSTBERG: So you specifically asked last time  
23 about the Clifton --

24 MAYOR SCARPELLI: Yeah, because I wanted to compare  
25 it to Allwood, right.

1           MR. LUSTBERG: So, you know, I -- I don't know if  
2 you want to get into the weeds on this right now or if you  
3 want me to --

4           MAYOR SCARPELLI: Yeah, absolutely, I think this  
5 concerns all of us.

6           MR. LUSTBERG: Okay. So generally -- so round-  
7 abouts -- right, so we're all familiar with this one. This  
8 is -- this is the Allwood round-about in Clifton.

9           COMMISSIONER TUCCI: It's a nightmare on Allwood,  
10 yes.

11          MR. LUSTBERG: Right. So this is -- so right off  
12 the bat, the number of cars, right. So there's 10,000 cars.  
13 So there's 20,000 cars going back and forth this way. There  
14 is 25,000 cars going back and forth this way. This is like  
15 a huge volume of cars.

16                   And then this round-about -- the outer -- this  
17 outer diameter -- they call that the inscribed circle -- is  
18 150 feet. That's the very minimum. That's the smallest a  
19 round-about can be.

20                   So when that happens, you know, these cars -- when  
21 this is so small, these are very close together. So cars --  
22 so you have to make a decision very quick. And when you  
23 pull into that round-about, you only have a second to make a  
24 decision if you're getting off here. This is very close  
25 together, right?

1           So --

2           COMMISSIONER TUCCI:  What do you have?  Like a  
3   three-car spacing there?  Three maybe?

4           MR. LUSTBERG:  Yeah, something like that.

5           COMMISSIONER TUCCI:  Not a lot, yeah.

6           MR. LUSTBERG:  And then -- and then the other  
7   thing is called the deflection.  So that's this, how far you  
8   go out of the way.  So normally, you would go through.  So  
9   how far you have to turn out and back in -- that's the  
10  deflection.  So that's good if you're trying to slow cars  
11  down, but it makes it more difficult to drive through.

12           The more that deflection is, the harder it is to  
13  drive through that circle, the more you have to turn that  
14  wheel to get through there.  So the combination of the small  
15  circle and the deflection -- and then if you look at -- if  
16  you look at the pedestrians, I mean, this is like a two-foot  
17  or three-foot little spot.  So someone's going to like play  
18  frogger and run across and run across.  It's just really not  
19  designed for pedestrians at all.  And the bottom line is  
20  it's a ton of cars going through there.

21           So any way you cut it, it's -- you know,  
22  technically, it meets all the standards.  You know?  It's  
23  not designed incorrectly.

24           COMMISSIONER PETRACCO:  And you said 150 is the  
25  minimum?

1 MR. LUSTBERG: 150 is the minimum.

2 COMMISSIONER PETRACCO: So if we had them by  
3 Roche, they have to be at least that, because we were sure  
4 we said it's a (indiscernible).

5 MR. LUSTBERG: Yeah, I'll show you Roche in a  
6 second. So this is another round of -- this is just an  
7 example of one that works well. You know, this is one that  
8 I'm familiar with that works well.

9 So if you look at the difference -- so if you look  
10 at the deflection on this one -- where on the other one, you  
11 had to go around and back in and then out. This one, you're  
12 coming around, and you're also going straight out. You  
13 know, so it's much smoother, and it's bigger. So you have  
14 more time to make that decision.

15 And then look at the pedestrian islands. The  
16 pedestrian islands are like 20 feet wide. So, you know,  
17 you're very -- it's clearly prioritizing pedestrians. So at  
18 a minimum, if you were going to go to a round-about, you  
19 want something like this with like big pedestrian areas and  
20 that kind of thing.

21 So this is -- this is your site. This is the  
22 existing condition. So this is Kingsland here. So  
23 Kingsland has about 10,000 cars going back and forth, right?  
24 So that's 10 or 12,000 cars. So that's, you know, about --

25 COMMISSIONER EVANS: That's right now?

1 MR. LUSTBERG: Right now.

2 COMMISSONER EVANS: Right now.

3 MR. LUSTBERG: Right, that's right now.

4 COMMISSIONER EVANS: Right where that's operating  
5 that 10,000 is going to grow.

6 MR. LUSTBERG: This is going to be  
7 ... right.

8 COMMISSIONER EVANS: Right.

9 MR. LUSTBERG: So that's right now. And so, right  
10 now, it's about half of what's at the Clifton site. But if  
11 you look -- this is the -- this is the round-about that's on  
12 the plan. So I'm hesitant to criticize this, because I  
13 don't know if it was really engineered or if it's more just  
14 like a graphic. Like they said all right, we want to create  
15 an entrance to the site, so we're drawing a circle here.

16 MAYOR SCARPELLI: Criticize it like it was  
17 engineered that way.

18 MR. LUSTBERG: Okay. So if it was engineered --  
19 so here's Kingsland. Sorry about that. Here is Kingsland.  
20 So this is the movement that the car wants to do is right  
21 there.

22 Here is the round-about. So now, all those cars,  
23 those 10,000 cars that are going to be more than 10,000  
24 cars, now have to basically drive into the site. See, this  
25 is an oval. It's not --

1           COMMISSONER TUCCI: Yeah, I was going to say is  
2 that 150 feet.

3           MR. LUSTBERG: So probably not. So the deflection  
4 -- you know, we were talking about the deflection before.  
5 Look at the deflection on this. You basically have to turn,  
6 come around a whole turn, and then you back out.

7           So imagine that that's 10 or 15,000 cars making  
8 that movement. And then on top of that, you have one, two,  
9 three, four, five points coming into it instead of four.  
10 The other ones have four.

11           The standard round-about has four. This has five.  
12 So that decision-making, you know, how you're doing all  
13 this, is just very confusing. You know, pedestrians having  
14 to hop around. And then to me, you know, when you -- when  
15 you're looking at this, you know, you have -- this is --  
16 this is a restaurant, right?

17           MAYOR SCARPELLI: Uh-huh, yes.

18           MR. LUSTBERG: This is the park.

19           COMMISSIONER TUCCI: Yep.

20           MR. LUSTBERG: This is a vacant building?

21           MAYOR SCARPELLI: It's a vacant land.

22           MR. LUSTBERG: Vacant land?

23           COMMISSIONER TUCCI: Gas station.

24           MR. LUSTBERG: And so, you have the -- like this  
25 has the potential to be a cool intersection. You know, you

1 have a restaurant, a park. This is the intersection. This  
2 is the -- but you can do something here. You don't want to  
3 push the cars away from this business.

4 You know, like now, when you do this, see you're  
5 taking all these cars that were going past this business  
6 that's here. You know, this business was getting good  
7 visibility, and you're pulling them into around this thing.  
8 You're pulling them actually further away from that  
9 business.

10 And then the connection to your downtown could go  
11 one of two ways, right? They could either, you know, go  
12 down Kingsland or potentially there's potentially the  
13 opportunity to go either through the park, right, or along  
14 -- I mean, I don't know if you can go along the railroad  
15 tracks. But that is -- that's probably the flattest way to  
16 go.

17 But if -- you know, so this -- so this -- this is  
18 where you want -- if you're pulling people from here, you  
19 want them -- you want this really strong connection. And  
20 this is not doing that, for sure. So that's that.

21 MR. GENITEMPO: What if you pull that whole circle  
22 this way, South? Because they own that corner right there  
23 we see in white.

24 MR. LUSTBERG: Yeah.

25 MR. GENITEMPO: Could they do it better that way?

1           MAYOR SCARPELLI: Then they have the tracks, Al  
2 (ph).

3           MR. LUSTBERG: They could, but -- yeah, you have  
4 the railroad tracks.

5           MR. GENITEMPO: No, I know, the tracks are still in  
6 the way anyway.

7           MR. LUSTBERG: Yeah, I'm not really sure. I mean,  
8 potentially, you could. But it --

9           MAYOR SCARPELLI: But the oval --

10          MR. LUSTBERG: No, because then they have this.  
11 See, their problem is there is this route coming in here.  
12 So if you pull this down, then this ends up hitting into  
13 here somehow. They were trying to solve a problem. You  
14 know, they have all these roads coming together, and they  
15 were just dropping a circle in the middle of where all those  
16 roads converged. You know?

17           So if you pull this down, now, this road hits.  
18 You know, these intersect somehow. It's --

19          MAYOR SCARPELLI: So that deflection you talked  
20 about before, Dave, --

21          MR. LUSTBERG: Yeah.

22          MAYOR SCARPELLI: -- is actually -- I mean, it's  
23 the -- I mean, you're almost making it bigger for moving the  
24 traffic the way the traffic has to move.

25          MR. LUSTBERG: Yeah.

1           MAYOR SCARPELLI: I mean, it's almost -- to me,  
2 it's almost like designed to draw people into the site  
3 rather than move traffic.

4           MR. LUSTBERG: Yeah.

5           MAYOR SCARPELLI: And --

6           COMMISSIONER TUCCI: Yeah, it runs contrary to  
7 everything we're trying to accomplish.

8           MAYOR SCARPELLI: Correct.

9           COMMISSIONER PETRACCO: Exactly.

10          MAYOR SCARPELLI: Correct.

11          MR. LUSTBERG: Yeah. So --

12          COMMISSIONER TUCCI: Just a mild observation.

13                 Wouldn't the success, all right, or failure of a  
14 round-about be predicated on the traffic counts and what the  
15 projections are?

16          MR. LUSTBERG: Yes, yeah.

17          COMMISSIONER TUCCI: Because I see this  
18 potentially being a traffic nightmare.

19          MR. LUSTBERG: The traffic -- the round-about has  
20 to be designed to the amount of traffic.

21          COMMISSIONER TUCCI: Right, to handle that.

22          MR. LUSTBERG: Yeah.

23          COMMISSIONER TUCCI: So without knowing what the  
24 traffic studies, I mean, how can we even --

25          MR. LUSTBERG: Right.

1           COMMISSIONER TUCCI:  -- entertain something like  
2   that?

3           MR. LUSTBERG:  Right.

4           COMMISSIONER TUCCI:  Already knowing that it runs  
5   contrary to what we're trying to accomplish.

6           MR. LUSTBERG:  Correct.

7           COMMISSIONER TUCCI:  We're not even sure it's  
8   going to accomplish what they think it's going to  
9   accomplish, other than to get them -- you know, get  
10   something there so they can, you know, continue on with  
11   their developments.

12          COMMISSIONER ROGERS:  Correct, track's out of  
13   order?  The train (indiscernible)?

14          COMMISSIONER PETRACCO:  Nothing.

15          COMMISSIONER TUCCI:  No, and the railroads are  
16   going to --

17          COMMISSIONER ROGERS:  Imagine when a train comes  
18   through there and they've got to put those gates down.  
19   Right now, it's just one way.

20          MR. LUSTBERG:  Well, they wouldn't need any  
21   traffic signal there right now.

22          MAYOR SCARPELLI:  Yeah, they just talk about how  
23   you would -- in that design, where would people cross the  
24   street?

25          MR. LUSTBERG:  In this design?

1           MAYOR SCARPELLI: Yeah.

2           MR. LUSTBERG: I mean, to get to the  
3 (indiscernible), they have them going -- like from the  
4 park, they have them going to this little sliver, then to  
5 here, then here.

6           MAYOR SCARPELLI: So they'd have to cross four  
7 roads?

8           MR. LUSTBERG: That doesn't seem to work. They  
9 would actually have to -- they would have to cross back  
10 here. That's what they would have to do. They wouldn't --  
11 they're showing it here, but it would actually -- they'd  
12 have to pull it back here.

13           And then so you can see like the number of cars  
14 going here. With no signal, like that person can stand  
15 there. The car never has to stop. You know, they literally  
16 never have to stop. So if it's rush hour and you're just --  
17 you know, it's just kind of --

18           COMMISSINER TUCCI: Yeah, they're not going to  
19 stop.

20           MR. LUSTBERG: Yeah, so that's it. That's --

21           COMMISSIONER EVANS: Just that road you're looking  
22 at --

23           MR. LUSTBERG: Yeah.

24           COMMISSIONER EVANS: That's not -- that's not a  
25 public road.

1 MR. LUSTBERG: This one?

2 COMMISSIONER EVANS: That one. Yeah, that's  
3 part of the campus.

4 MR. LUSTBERG: Right, right.

5 COMMISSIONER EVANS: So you'd be drawing  
6 pedestrians into the campus off of public property to get  
7 them to find a way around that (indiscernible)?

8 MR. LUSTBERG: Right.

9 COMMISSIONER ROGERS: And they find a way to the  
10 retail stores.

11 MR. LUSTBERG: Exactly, yeah, exactly.

12 COMMISSIONER ROGERS: Yeah.

13 MR. LUSTBERG: You know, I think that --

14 COMMISSIONER EVANS: So the question becomes is  
15 that obviously, this has a lot of challenges.

16 MR. LUSTBERG: Yes.

17 COMMISSIONER EVANS: I want to be polite. It has  
18 some challenges to (indiscernible).

19 MR. LUSTBERG: Right.

20 COMMISSIONER EVANS: The question then becomes  
21 that with the conversion of the site to whatever it's going  
22 to be, we're going to see an increase -- significant  
23 increase in the volume of traffic and people.

24 MR. LUSTBERG: Right, yeah.

25 COMMISSIONER EVANS: People. So yeah, today,

1 probably -- there's probably less than 1,000 people that are  
2 involved with that campus. When it converts and all the  
3 buildings -- without the new buildings going up, but just  
4 the existing buildings get repopulated, you're going to have  
5 thousands of people.

6 MR. LUSTBERG: Yeah, yeah.

7 COMMISSIONER EVANS: And they're going to be  
8 there. And there's going to be the movement of all of their  
9 cars.

10 MR. LUSTBERG: Yeah.

11 COMMISSIONER EVANS: Right? So the question then  
12 becomes what is the best way to, one, consider the movement  
13 of people, right, --

14 MR. LUSTBERG: Yeah.

15 COMMISSIONER EVANS: -- and, two, manage the flow  
16 of the traffic that's on the Kingsland Avenue, which doesn't  
17 lend itself to, you know, a lot of re-engineering. There's  
18 not a lot of space there. You can't widen it.

19 MR. LUSTBERG: You know, --

20 COMMISSIONER EVANS: It is what it is.

21 MR. LUSTBERG: Yeah, I -- you know, I don't know  
22 what the answer is, you know, off the cuff. But I think  
23 that --

24 COMMISSIONER EVANS: But my point is I wasn't -- I  
25 wasn't looking for the answer. That's the challenge.

1 MR. LUSTBERG: Yeah, yeah.

2 COMMISSIONER EVANS: You know, it's -- what we're  
3 all looking at is trying to step into the future about what  
4 it's going to be.

5 MR. LUSTBERG: Yeah.

6 COMMISSIONER EVANS: And then says, okay, if we  
7 expect that as a destination or as an outcome, what do we  
8 have to have in place. And one of those elements is how do  
9 you move people and how do you move cars --

10 MR. LUSTBERG: Yeah.

11 COMMISSIONER EVANS: -- in a way that's consistent  
12 with the way you would want to do it today, not how you did  
13 it in the 1930s.

14 MR. LUSTBERG: Uh-huh, yeah, yeah. Well, you  
15 know, I think -- you know, one of the great things right now  
16 -- and I mean, this may happen internally to the site, but,  
17 you know, exercise and people getting outside. Like if you  
18 go to any -- we've done work with campuses like this, and  
19 we're doing a project right now in Berkley Heights, 180-acre  
20 corporate park, the project in Hanover that you saw.

21 Everyone wants to get outside, and it's part --  
22 it's actually part of the like health insurance. They  
23 require them -- like some of these companies have a -- you  
24 know have a health program, where people have to go outside  
25 and walk a certain amount. And like literally, in some of

1 these parks, they walk around the parking lot. They have  
2 like a corporate office where they just walk around the  
3 parking lot.

4 COMMISSIONER PETRACCO: Well, we want them to walk  
5 around our park.

6 MR. LUSTBERG: Right, so what you want them to do  
7 is you want them to walk to the downtown.

8 COMMISSIONER TUCCI: Down to Franklin Avenue, down  
9 High Street and (indiscernible).

10 MR. LUSTBERG: That's what -- that's what you  
11 want. So I think that, you know, like you have to picture  
12 at lunchtime, you know, how 1,000 people are going to come  
13 out. And, you know, they're either going to stay on the  
14 site, or they're going to go somewhere.

15 COMMISSIONER PETRACCO: I just don't see how  
16 they're going to have the time. I mean, if they're getting  
17 45 minutes, an hour for lunch, how are they going to have  
18 the time to walk from Roche to Franklin Avenue, get a table,  
19 sit, eat, and walk back? I don't -- I don't see it.

20 MR. LUSTBERG: They could ride a bike.

21 COMMISSIONER PETRACCO: They could jog. They  
22 could run.

23 MR. LUSTBERG: Yeah.

24 COMMISSIONER PETRACCO: But I mean, it's --

25 MR. LUSTBERG: No, the riding a bike, I think, is

1 actually -- like that's -- you know, like a lot of new  
2 campuses are putting in the bike shares, you know, things  
3 like that to get people out. That's what this campus is  
4 doing.

5 In Berkeley Heights, they're looking at getting  
6 like bike shares. It's just (indiscernible).

7 MAYOR SCARPELLI: They could probably walk to  
8 Raymond Avenue pretty quick, though.

9 COMMISSIONER PETRACCO: That's perfect, yeah.

10 (Laughter)

11 COMMISSIONER EVANS: Put the right kind of --

12 (Cross-talk)

13 (Laughter)

14 COMMISSIONER TUCCI: So that round-about is  
15 basically creating a captive audience. They're not going to  
16 leave that site.

17 MR. LUSTBERG: That's right.

18 COMMISSIONER TUCCI: You know, I mean, that's  
19 keeping them on that site.

20 COMMISSIONER EVANS: It's almost blocking them.

21 COMMISSIONER TUCCI: Yeah, I mean, there's no safe  
22 way to cross that street and to get out of there.

23 MR. LUSTBERG: Yeah.

24 COMMISSIONER PETRACCO: And is that the only exit  
25 they're going to have, or are they going to have --

1           MAYOR SCARPELLI: They have that other exit, but  
2           --

3           COMMISSIONER PETRACCO: But I'm saying like more  
4           connectivity to the park down Kingsland Ave.? Like I would  
5           say so it would be, what, East of there, you know, where I  
6           would see a better -- so right where that is, that round-  
7           about, is where the gate is, right, right now?

8           MR. LUSTBERG: Yes, yeah, yeah.

9           COMMISSIONER PETRACCO: I mean, that's what we're  
10          looking at? So I always, in my mind, envisioned the  
11          connectivity being East of there, further down. I think  
12          that's too busy, too -- I always thought that it would be  
13          more like towards --

14          MAYOR SCARPELLI: Yeah, but once the gates come  
15          down, you've got a better opportunity for that, too.

16          COMMISSIONER TUCCI: Yeah.

17          COMMISSIONER PETRACCO: Yeah. I never -- I never  
18          planned that people were going to walk out that gate and  
19          start coming, you know, wherever they're going.

20          COMMISSIONER TUCCI: Yeah. But if they feel that  
21          they need to move the volume of cars that they're planning  
22          for, it's not going to be safer to people, even to -- even  
23          to cross down further.

24          COMMISSIONER PETRACCO: On Kingsland?

25          COMMISSIONER EVANS: Exactly.

1 COMMISSIONER TUCCI: Yeah.

2 COMMISSIONER EVANS: That's even more dangerous,  
3 because (indiscernible).

4 COMMISSIONER PETRACCO: They might have to bridge  
5 it.

6 MR. LUTSBERG: Yeah.

7 COMMISSIONER EVANS: Absolutely.

8 COMMISSIONER PETRACCO: They might have to bridge  
9 that.

10 COMMISSIONER TUCCI: We can have a contest how  
11 many people get hit in a day.

12 COMMISSIONER PETRACCO: I mean, that's --

13 COMMISSIONER TUCCI: That's horrible.

14 COMMISSIONER PETRACCO: That's the whole planning  
15 issue, right?

16 COMMISSIONER TUCCI: Yeah.

17 COMMISSIONER PETRACCO: That goes with this. The  
18 other thing is when we met, you know, one of the things I  
19 was impressed with versus the other -- the other person is  
20 that they're in the local area. They've been building, and  
21 they understand New Jersey and the environment, especially  
22 Essex County. And I like the fact that we had a nice  
23 conversation about creating something that's sort of an  
24 attractiveness to come into Nutley.

25 Because it may not be just lunch time. But just

1 having the draw of the number of people that are going to be  
2 there, making Nutley itself more attractive, making our  
3 houses more attractive, making our downtown area more  
4 attractive. There's a lot of things that go into that, you  
5 know, we need to be giving some very significant  
6 consideration to and thought to, especially the way-finding  
7 signs, which, you know, are part of that. So their  
8 understanding of smaller towns, smaller environments -- and  
9 I appreciate, because I had asked for the picture.

10 MR. LUSTBERG: Yeah.

11 COMMISSIONER EVANS: You know, what you were  
12 doing, you know, something that fit more with us.

13 MR. LUSTBERG: Okay.

14 COMMISSIONER EVANS: So I appreciate you including  
15 those pictures.

16 MR. LUSTBERG: Yeah.

17 COMMISSIONER EVANS: Even though they're under  
18 construction.

19 MR. LUSTBERG: Yeah, I was -- I was like  
20 (indiscernible).

21 COMMISSIONER EVANS: Yeah, but the thought of it  
22 -- the thought of it.

23 Yeah.

24 So it was the -- it was the element around two  
25 things, not just the road piece, but your planning

1 background.

2 MR. LUSTBERG: Yeah.

3 COMMISSIONER EVANS: The coupling of that to  
4 understand how significant it is for us to establish that  
5 brand.

6 MR. LUSTBERG: Great.

7 COMMISSIONER PETRACCO: What do you think the big  
8 asks should be from us to like Gene Diaz (ph), as far as how  
9 does our Franklin Avenue, our business district, survive?  
10 Like how --

11 MR. LUSTBERG: Yeah.

12 COMMISSIONER PETRACCO: And I get the green ways  
13 (ph), and I understand the philosophies. But, you know, I  
14 don't -- I see that, you know, this campus opens up now and  
15 it's got, you know, the new franchises and all that stuff.  
16 So we have a couple great restaurants in Nutley that I  
17 visit. I think we all visit them.

18 UNIDENTIFIED SPEAKER: Yeah.

19 COMMISSIONER PETRACCO: Well, geez, you know what?  
20 Even myself -- I'm going to be real nosey and interested in  
21 seeing what the new restaurants got on the Roche site.

22 MR. LUSTBERG: Yeah, yeah.

23 COMMISSIONER PETRACCO: You know? And I know like  
24 the novelty wears off in business after a while after  
25 everybody goes there.

1 MR. LUSTBERG: Yeah.

2 COMMISSIONER PETRACCO: And people are inclined to  
3 investigate or spread out a little bit and go, you know,  
4 look around.

5 MR. LUSTBERG: Yeah.

6 COMMISSIONER PETRACCO: But what would you say  
7 that the must needs are from Gene Diaz that we should be  
8 asking him right now that to make -- so before I even ask  
9 you that, what do you think of -- what do you think will  
10 happen on Franklin Avenue once --

11 MR. LUSTBERG: What I think will happen?

12 COMMISSIONER PETRACCO: Yeah, like once that opens  
13 up, the Roche site.

14 MR. LUSTBERG: I don't -- honestly, I don't know  
15 enough about the program for this to say that. And I think  
16 everything you're saying is right. I mean, you know,  
17 obviously, if it's competing businesses, it could. But then  
18 there's also like the thought that, you know, where there's  
19 enough of a cluster of something. You know what I mean?  
20 Like it could also be a positive (indiscernible).

21 COMMISSIONER TUCCI: Like business attracts  
22 business?

23 MR. LUSTBERG: Yeah, like if a lot of people are  
24 coming here. So maybe there's some sort of -- and I don't  
25 want to say like what do I think Gene Diaz-- But it's

1 like maybe there's some, you know, working together with the  
2 downtown, you know, like that promoting the downtown or, you  
3 know, contributing to like an overall program.

4 Like all right, so here, they have certain things  
5 in downtown, and you're working together, you know, to kind  
6 of cross-pollinate, rather than compete. You know? Like  
7 because I think that that --

8 COMMISSIONER PETRACCO: But what's that working  
9 together? That's the -- I heard that term.

10 MR. LUSTBERG: Yeah.

11 COMMISSIONER PETRACCO: I've heard it a time now.  
12 But what are those working together?

13 MR. LUSTBERG: I don't know.

14 COMMISSIONER PETRACCO: So like what do we need to  
15 do?

16 MR. LUSTBERG: Like, for example, I mean, this is  
17 much closer quarters. But like, for example, in Montclair,  
18 when the Wellmont building -- when the building went up,  
19 right, they were required to build next to the building in  
20 that plaza that you saw. As part of that agreement, they  
21 are required to do a certain number of events in that plaza.

22 The developer forever is required to allot a  
23 certain amount of money to host events of varying scales.  
24 It's all written out in their agreement. Like it's like  
25 they have to host, you know, four to six art events, blah,

1    blah, blah, blah.  And they have to contribute x amount of  
2    money towards that.  You know what I mean?  So like who  
3    knows?

4                    You know?  Is there -- you know, is there, you  
5    know, a certain -- you know, do they somehow, you know, -- I  
6    don't know if there's a -- I don't think there's a business  
7    improvement district.

8                    COMMISSIONER PETRACCO:  No.

9                    UNIDENTIFIED SPEAKER:  No.

10                   MR. LUSTBERG:  But whatever it might be.  You  
11    know?  You know, you know, there's agreements like that that  
12    happen.  That's like more of a long-term thing.

13                    You know, there's obvious things like the  
14    offsetting improvements and things like that, you know, like  
15    making the physical connections, putting signs on their  
16    property that promote businesses in the downtown, you know,  
17    things like that that are kind of like the hard  
18    improvements.  But then there's agreements like that that,  
19    you know, that you have to think through a little more to  
20    figure out exactly what the right thing is.  But, you know,  
21    I think that there are agreements like that that happen all  
22    the time, you know, that are --

23                    MR. MARTONE:  Yeah.  Also, what you want to do -- I  
24    mean, obviously, you want to kind of ask Gene to do  
25    everything to make Franklin Avenue as attractive as

1 possible. There are certain things that you just can't ask,  
2 but that's why I think, at a minimum, you need to basically  
3 have them try and smooth the road as much as possible to  
4 encourage development or activation along Franklin. So, I  
5 know that affordable housing has come up.

6 It's like any of the hurdles that may come up along  
7 Franklin Avenue if you can get Gene to take care of those,  
8 like that's who you want to be dealing with to make it as --  
9 you know, to grease the tracks elsewhere, in addition to  
10 whatever you can kind of get them to --

11 COMMISSIONER TUCCI: Well, I think he's got to come  
12 across with a lot, but at least start right there. Okay? But  
13 in addition to that, I think he needs to work with us and  
14 will work with us, one way or the other, in creating spaces  
15 where people are going to be attracted to. All right?

16 I mean, we do a Franklin Spring Festival. We do a  
17 Fall Festival, where we close the streets down in conjunction  
18 with the other departments. We have thousands of people. I  
19 mean, that's a large event, but we also have concerts in the  
20 park.

21 MR. LUSTBERG: Right.

22 COMMISSIONER TUCCI: Maybe, with the creation of  
23 some of these other spaces, we'll have -- we'll have  
24  
25

1 different events on Franklin Avenue.

2 MR. LUSTBERG: Right.

3 COMMISSIONER TUCCI: Whether it's art, whether  
4 it's music, whether it's, you know, --

5 COMMISSIONER PETRACCO: Exactly.

6 COMMISSIONER TUCCI: -- children performing.

7 MR. LUSTBERG: Yeah.

8 COMMISSIONER TUCCI: Whether it's, you know,  
9 opera, whatever, you know.

10 MR. LUSTBERG: Uh-huh, yeah.

11 COMMISSIONER TUCCI: There are -- there are a lot  
12 of things, but there needs to be a commitment. And there  
13 needs to be an open mindedness not to preclude the rest of  
14 the town, you know, for the sake of On3.

15 MR. LUSTBERG: Yeah.

16 COMMISSIONER TUCCI: And absolutely, we want On3  
17 to succeed.

18 MR. LUSTBERG: Okay.

19 COMMISSIONER TUCCI: But we also need to have On3  
20 integrated into the downtown.

21 MR. LUSTBERG: Yeah.

22 COMMISSIONER TUCCI: And Gene, as part of his  
23 development, needs to facilitate a lot of these things.

24 MR. LUSTBERG: Yeah.

25 COMMISSIONER TUCCI: And that's where you guys

1 come in at.

2 MR. LUSTBERG: Yeah, yeah.

3 COMMISSIONER PETRACCO: So that sounds like a  
4 great idea.

5 (Laughter)

6 COMMISSIONER TUCCI: That means you thought it was  
7 a good idea, or you're getting tired?

8 (Laughter)

9 COMMISSIONER PETRACCO: I think it's a great idea  
10 that, you know, I mean, --

11 COMMISSIONER EVANS: Let's just make the point one  
12 way or the other.

13 COMMISSIONER TUCCI: One way or the other, yeah.

14 (Laughter)

15 COMMISSIONER PETRACCO: I mean, that was the key  
16 word.

17 COMMISSIONER TUCCI: You want to play, you've got  
18 to pay.

19 MR. LUSTBERG: Yeah.

20 MAYOR SCARPELLI: Anything else, Dave, you have  
21 for us?

22 MR. LUSTBERG: That was it. That was it. No.

23 COMMISSIONER TUCCI: Dave, I don't know who your  
24 competition is, but I think you did an excellent job.

25 MR. LUSTBERG: Oh, great, thank you. I appreciate

1 it.

2 COMMISSIONER TUCCI: I think you guys have your  
3 hands on the pulse of what, you know, established towns like  
4 Nutley need.

5 MR. LUSTBERG: Yeah. Thank you.

6 COMMISSIONER TUCCI: All right? And we not only  
7 want to attract the millennials, which everybody wants to  
8 talk about those millennials. All right? But we also have  
9 other populations that we need to address. So we need to  
10 kind of integrate the younger folks with the older folks.

11 MR. LUSTBERG: Yeah.

12 COMMISSIONER TUCCI: And the middle-aged folks.

13 MR. LUSTBERG: Yeah.

14 MAYOR SCARPELLI: A town for all ages. Nutley, a  
15 town for all ages.

16 (Laughter)

17 COMMISSIONER TUCCI: There you go. Yeah.

18 COMMISSIONER ROGERS: A lot of families.

19 COMMISSIONER TUCCI: Yeah, a lot of families.

20 COMMISSIONER ROGERS: A lot of families

21 (indiscernible).

22 COMMISSIONER TUCCI: I mean, we had -- for lack of  
23 a better term, we had a pop-up at Ciccolini's with the Boy  
24 Scouts. They had a food drive. They collected more food  
25 than they have ever collected. I mean, the flow was great.

1           It was organized. It was safe. You know, that's  
2 what we want. Not just something that's, you know,  
3 expedient, all right, to facilitate just, you know, one  
4 minor thought and one set of objectives.

5           MR. LUSTBERG: Yeah.

6           COMMISSIONER TUCCI: You know, there are many  
7 objectives, and we need to make sure that all of the  
8 objectives are addressed.

9           MR. LUSTBERG: Yeah. And I'll just -- I can talk  
10 about this for a while. But I think that people like  
11 authentic. You know? That's the thing. People like  
12 authentic.

13          MAYOR SCARPELLI: Right.

14          MR. LUSTBERG: So when you can create a  
15 development and put in a, you know, restaurants and that  
16 kind of thing. But an authentic downtown has a certain  
17 feel, and people like that. So that's -- I think that's  
18 overall.

19          COMMISSIONER EVANS: Exactly, exactly.

20          COMMISSIONER ROGERS: You know we used to have a  
21 heliport there at that (indiscernible)?

22          UNIDENTIFIED SPEAKER: Yeah.

23          COMMISSIONER ROGERS: They used to land  
24 helicopters there.

25          MAYOR SCARPELLI: All right. Appreciate your time

1 coming in and giving a presentation. And, you know, we need  
2 to sit and discuss at another time.

3 MR. LUSTBERG: Thank you. Appreciate the time and  
4 all the feedback and everything. Thank you very much.

5 MAYOR SCARPELLI: Thank you.

6 COMMISSIONER EVANS: Well-done.

7 COMMISSIONER TUCCI: We have to go outside to say  
8 goodbye?

9 COMMISSIONER PETRACCO: Move to adjourn.

10 MAYOR SCARPELLI: You're on the record?

11 MADAM CLERK: Yeah. I think there's nobody out  
12 there.

13 MAYOR SCARPELLI: Well, just ask them to come in.

14 MADAM CLERK: Yeah.

15 MAYOR SCARPELLI: If anybody's out there.

16 (Pause)

17 MADAM CLERK: Is there anybody else out there?

18 MR. GENITEMPO: No.

19 MADAM CLERK: Nobody else out there?

20 MR. GENITEMPO: No.

21 MADAM CLERK: Move to adjourn in here, because  
22 there's nobody there. Okay?

23 COMMISSIONER ROGERS: I move to adjourn.

24 COMMISSIONER PETRACCO: It's coming. It's coming.

25 MAYOR SCARPELLI: We're still on the public

1 record. So all we need is a motion to adjourn.

2 COMMISSIONER TUCCI: So moved.

3 COMMISSIONER EVANS: Second.

4 MADAM CLERK: Commissioner Rogers?

5 COMMISSIONER ROGERS: Aye.

6 MADAM CLERK: Commissioner Tucci?

7 COMMISSIONER TUCCI: Aye.

8 MADAM CLERK: Commissioner Evans?

9 COMMISSIONER EVANS: Aye.

10 MADAM CLERK: Commissioner Petracco?

11 COMMISSIONER PETRACCO: Aye.

12 MADAM CLERK: Mayor Scarpelli?

13 MAYOR SCARPELLI: Aye.

14 MADAM CLERK: And the time is 10:28.

15 (Whereupon, these proceedings were concluded at 10:28

16 PM)

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C E R T I F I C A T I O N

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



Nicole Yawn

<b>&amp;</b>	<b>16</b> 33:25	44:25 47:24 49:22	<b>463</b> 56:2
<b>&amp;</b> 48:3	<b>17</b> 1:9 2:5 8:9 45:17 52:1,7	52:1,8 53:1	<b>5</b>
<b>0</b>	<b>1780</b> 72:15	<b>2021</b> 49:22	<b>550,000</b> 32:3
<b>0716-33-023-003</b> 51:3	<b>17th</b> 9:5 23:14	<b>2022</b> 19:24 20:6	<b>6</b>
<b>1</b>	<b>18-18</b> 52:25	<b>204</b> 48:3	<b>600</b> 48:3
<b>1</b> 34:10	<b>180</b> 100:19	<b>20th</b> 17:23 30:22	<b>650</b> 32:2
<b>1,000</b> 99:1 101:12	<b>18th</b> 27:24	<b>21st</b> 28:22 44:24	<b>6:00</b> 5:17 22:12
<b>1,466,000</b> 31:20	<b>1930s</b> 100:13	<b>22nd</b> 53:1	<b>6th</b> 17:8
<b>1.2</b> 33:17	<b>197000</b> 32:11,14	<b>23-17</b> 45:17	<b>7</b>
<b>10</b> 90:24 92:7	<b>1975</b> 2:7 6:15 9:7	<b>231</b> 2:7 9:7	<b>7</b> 31:11,14 72:15
<b>10,000</b> 88:12 90:23 91:5,23,23	<b>1976</b> 37:6	<b>239</b> 6:15	<b>789</b> 51:4
<b>100,000</b> 33:16,20	<b>1977</b> 37:6,7	<b>24,972.52</b> 23:17	<b>79:44</b> 48:5
<b>100-18</b> 50:25	<b>1979</b> 19:8 20:10	<b>25</b> 11:9 33:19	<b>7:10</b> 1:10 2:5
<b>102</b> 53:22	<b>1987</b> 53:22	<b>25,000</b> 88:14	<b>8</b>
<b>106-18</b> 44:24	<b>1997</b> 75:25	<b>26th</b> 27:24	<b>8</b> 6:14 28:22,24
<b>107,129.82</b> 23:15	<b>19th</b> 27:24	<b>27</b> 19:14	<b>841,957.72</b> 23:18
<b>10:00</b> 22:12	<b>1st</b> 19:24 20:5	<b>28th</b> 28:24 44:25	<b>85</b> 31:24 38:24 60:13
<b>12</b> 26:10	<b>2</b>	<b>2nd</b> 47:24	<b>8:00</b> 27:23
<b>12,000</b> 90:24	<b>2</b> 25:1,4,5 29:8,8	<b>3</b>	<b>8:27</b> 8:10 9:5
<b>120</b> 73:19	<b>2,400</b> 57:17 58:14	<b>3.1</b> 32:1	<b>9</b>
<b>125,000</b> 60:13	<b>2,657.45</b> 47:9	<b>3.6</b> 32:2	<b>9</b> 25:15
<b>128</b> 34:1	<b>2.9</b> 31:10,20 33:5 35:2	<b>300,000</b> 34:12	<b>9-142</b> 19:25
<b>13</b> 19:12	<b>20</b> 63:15 73:5 75:25 90:16	<b>30th</b> 19:24 20:5	<b>95,000</b> 48:8,17
<b>13,194,370.50</b> 23:16	<b>20,000</b> 88:13	<b>320,000</b> 34:16	<b>a</b>
<b>14</b> 9:8	<b>20.4</b> 48:5	<b>33</b> 51:15,18	<b>abaya</b> 10:24
<b>14,653,841.98.</b> 23:19	<b>20.5</b> 48:6	<b>3382</b> 29:5,18	<b>ability</b> 16:4 34:1 35:13
<b>14th</b> 2:8 5:17 22:12	<b>200,000</b> 33:11	<b>341,000</b> 32:19	<b>able</b> 4:3,4 15:1 18:24 19:1,1,3 38:7 39:7 65:8 68:19 80:4
<b>15</b> 63:19	<b>2000</b> 50:11	<b>384</b> 19:8 20:10	<b>abouts</b> 86:8,13,20 88:7
<b>15,000</b> 92:7	<b>2001</b> 76:1	<b>389,000</b> 32:17	<b>absolutely</b> 13:25 57:8 88:4 104:7 111:16
<b>15,217.06</b> 23:18	<b>2009</b> 69:2 76:4,6	<b>4</b> 19:23 20:5	<b>absorbing</b> 33:1
<b>150</b> 88:18 89:24 90:1 92:2	<b>2015</b> 19:12	<b>4-18</b> 47:24 48:11 48:16	
<b>15th</b> 5:17 22:13 49:22,22	<b>2017</b> 2:8 9:8 45:18 54:11	<b>400,000</b> 33:18	
	<b>2018</b> 1:9 2:5 8:9 9:5 17:8,23 19:24 20:5 22:12,13 23:7,10,12,14 30:22 34:13 43:19	<b>404</b> 19:25	
		<b>424,109.00</b> 23:17	
		<b>45</b> 101:17	
		<b>46,085.36</b> 23:16	
		<b>462</b> 24:25	

<p><b>access</b> 65:12</p> <p><b>accesses</b> 78:10</p> <p><b>accessible</b> 86:1</p> <p><b>accident</b> 12:23 56:16 81:13</p> <p><b>accomplish</b> 95:7 96:5,8,9</p> <p><b>accurate</b> 117:4</p> <p><b>acknowledge</b> 3:17 4:3 34:23</p> <p><b>acre</b> 76:15 100:19</p> <p><b>acres</b> 27:8 46:12</p> <p><b>act</b> 2:7 6:15 9:7 34:19 53:22 54:2</p> <p><b>action</b> 39:7</p> <p><b>actions</b> 31:17 33:12</p> <p><b>activation</b> 110:4</p> <p><b>active</b> 85:10</p> <p><b>activities</b> 32:6</p> <p><b>activity</b> 87:3</p> <p><b>add</b> 12:6 16:4 50:2</p> <p><b>added</b> 80:2</p> <p><b>addition</b> 49:16 110:11,14</p> <p><b>additional</b> 31:5 51:22</p> <p><b>address</b> 11:1 24:13,15 27:17 32:25 55:5,14,16 55:25 61:8 113:9</p> <p><b>addressed</b> 10:17 24:17 35:3 55:17 114:8</p> <p><b>addressing</b> 24:11 24:19 55:12,20</p> <p><b>adjacent</b> 28:8</p> <p><b>adjourn</b> 61:9 115:9,21,23 116:1</p> <p><b>adjourned</b> 7:14 62:2</p>	<p><b>adjustments</b> 38:18</p> <p><b>admirable</b> 39:19</p> <p><b>adopt</b> 3:11,21 30:23 39:4</p> <p><b>adopted</b> 3:14 36:13 45:17 47:24</p> <p><b>adoption</b> 44:15</p> <p><b>adopts</b> 35:8</p> <p><b>advantage</b> 33:23</p> <p><b>adventure</b> 10:21</p> <p><b>adversely</b> 6:25 24:23 55:24</p> <p><b>advocate</b> 61:19</p> <p><b>advocates</b> 16:14</p> <p><b>affairs</b> 15:20 23:15</p> <p><b>affordable</b> 110:5</p> <p><b>mentioned</b> 53:6</p> <p><b>aforsaid</b> 52:1</p> <p><b>afternoon</b> 14:10</p> <p><b>age</b> 21:2</p> <p><b>aged</b> 12:1 113:12</p> <p><b>agenda</b> 2:25 10:2 24:8 27:17</p> <p><b>ages</b> 113:14,15</p> <p><b>ago</b> 56:5 62:5 67:8 78:7 81:10</p> <p><b>agree</b> 4:22 59:14</p> <p><b>agreement</b> 4:24 108:20,24</p> <p><b>agreements</b> 109:11,18,21</p> <p><b>ahead</b> 20:15 27:21 84:12</p> <p><b>aid</b> 3:12 30:24,25 31:24 32:2,4,5,5,6 35:6,13 38:14,16 39:3,5,6,13 44:16</p> <p><b>al</b> 94:1</p>	<p><b>alan</b> 1:20 8:20</p> <p><b>alleviate</b> 39:19</p> <p><b>alliance</b> 10:14 16:1</p> <p><b>allot</b> 108:22</p> <p><b>allow</b> 29:11 31:3 39:1 46:13</p> <p><b>allowed</b> 24:20 27:5 31:24 34:11 39:3 55:20</p> <p><b>allows</b> 29:6</p> <p><b>allwood</b> 87:25 88:8,9</p> <p><b>alongside</b> 66:18</p> <p><b>alphonse</b> 8:16</p> <p><b>amend</b> 48:10,16</p> <p><b>amendment</b> 4:9 61:19</p> <p><b>amenity</b> 66:20</p> <p><b>amount</b> 4:10 26:24 30:25 33:1 33:4 35:4 47:8 48:8,11,17 95:20 100:25 108:23 109:1</p> <p><b>angled</b> 69:3</p> <p><b>announcements</b> 27:19 28:21</p> <p><b>answer</b> 74:1 99:22 99:25</p> <p><b>anthony</b> 10:25</p> <p><b>anticipate</b> 31:24</p> <p><b>anticipated</b> 7:1 26:7</p> <p><b>anybody</b> 12:16 27:16 28:20 29:17 43:18 55:5,25 61:7,17,18 115:17</p> <p><b>anybody's</b> 115:15</p> <p><b>anyway</b> 94:6</p>	<p><b>apologize</b> 9:24</p> <p><b>applaud</b> 15:3</p> <p><b>applause</b> 15:14 16:11,20 20:19</p> <p><b>applicant</b> 51:14,19</p> <p><b>application</b> 5:16 22:10 51:1,6 52:23 53:2 54:6 54:12,15</p> <p><b>appoint</b> 19:21</p> <p><b>appointed</b> 19:9 20:4 49:20</p> <p><b>appointing</b> 4:1 18:19</p> <p><b>appointment</b> 48:2</p> <p><b>appreciate</b> 3:16 15:13 41:21 60:4 105:9,14 112:25 114:25 115:3</p> <p><b>appreciation</b> 61:4</p> <p><b>approach</b> 24:12 55:13</p> <p><b>appropriate</b> 24:18 55:19 65:4 73:25</p> <p><b>appropriation</b> 29:9 33:10,15,20</p> <p><b>appropriations</b> 34:8</p> <p><b>approval</b> 30:25 32:1 39:4 69:25</p> <p><b>approve</b> 5:8 51:25</p> <p><b>approved</b> 39:2 53:3,6 70:4 81:5</p> <p><b>april</b> 1:9 2:5 8:9 9:5 19:12,24 20:5 23:14 27:24,24 28:22,24 44:24,25 52:1,7</p> <p><b>architect</b> 62:6 75:23</p>
---	---	---	---

<p><b>architects</b> 5:11  <b>architecture</b> 63:8  75:24 76:14  <b>area</b> 13:16 65:3  66:22 67:1,5,18,25  80:8 104:20 105:3  <b>areas</b> 14:4 34:14  83:23 90:19  <b>arguing</b> 37:5  <b>art</b> 26:21 108:25  111:3  <b>arterial</b> 5:11,25  62:3,8,11 63:7  76:4,8  <b>articulate</b> 15:24  <b>arts</b> 64:12 70:9  <b>asked</b> 56:13 61:22  87:22 105:9  <b>asking</b> 56:19  107:8  <b>asks</b> 37:21 106:8  <b>assembly</b> 16:2  <b>assets</b> 65:2,10  66:22  <b>assistant</b> 56:22  57:5  <b>assume</b> 19:19  <b>attention</b> 12:8,9  <b>attorney</b> 1:20  <b>attract</b> 113:7  <b>attracted</b> 110:16  <b>attractive</b> 105:2,3  105:4 109:25  <b>attractiveness</b>  104:24  <b>attracts</b> 107:21  <b>audience</b> 102:15  <b>auditor</b> 35:17,22  <b>authentic</b> 114:11  114:12,16</p>	<p><b>authority</b> 34:20  51:20  <b>authorizations</b>  31:2  <b>authorize</b> 5:8  <b>authorized</b> 47:7  53:7 54:6  <b>authorizing</b> 4:23  <b>available</b> 69:20,21  <b>ave</b> 16:9 103:4  <b>avenue</b> 11:11  22:11 51:5 81:17  82:21 99:16 101:8  101:18 102:8  106:9 107:10  109:25 110:8  111:1  <b>average</b> 34:4  60:11  <b>avoid</b> 29:14  <b>award</b> 39:5  <b>awarded</b> 10:19  <b>awareness</b> 3:3  4:16 11:16 13:2  44:25  <b>aye</b> 7:5,7,9,11,13  17:13,15,17,19,21  18:3,5,7,9,11  21:19,21,23,25  22:18,20,22,24  23:1,23,25 24:2,4  24:6 29:23,25  30:2,4,6,10,12,14  30:16,18 44:7,9,11  44:13 45:4,6,8,10  45:12,23,25 46:2,4  46:6,18,20,22,24  47:1,14,16,18,20  47:22 48:21,23,25  49:2,4 50:1,15,20  50:22 52:12,14,16</p>	<p>52:18,20 53:12,14  53:16,18,20 54:19  54:21,23,25 55:2  116:5,7,9,11,13</p> <p style="text-align: center;"><b>b</b></p> <p><b>back</b> 13:5 19:7  25:5 26:24 35:15  50:11 60:17 61:10  61:11 62:1 70:21  71:3 83:1 88:13  88:14 89:9 90:11  90:23 92:6 97:9  97:12 101:19  <b>background</b> 42:3  70:19 76:2,21  106:1  <b>bad</b> 38:3 79:23  <b>balance</b> 41:23  43:1 84:16 85:1  <b>band</b> 68:20 70:24  71:8  <b>bank</b> 3:25 29:6,7  29:10,10,16  <b>barely</b> 70:20  <b>barnes</b> 85:16  <b>base</b> 70:5  <b>based</b> 67:16  <b>basically</b> 32:8 34:5  58:15 69:8 91:24  92:5 102:15 110:2  <b>basis</b> 37:12  <b>bat</b> 88:12  <b>bear</b> 40:15  <b>beginning</b> 19:24  20:5  <b>behalf</b> 15:15  <b>believe</b> 3:6 26:9  40:5 61:16,21  85:6,7  <b>benchmark</b> 37:23</p>	<p><b>bender</b> 56:6,10  <b>benefit</b> 21:10 33:6  <b>berkley</b> 100:19  102:5  <b>berry</b> 4:2 18:19  19:11,14,17,22  20:3,7 21:10  <b>best</b> 40:5 41:10  42:15,25 99:12  <b>better</b> 13:11 38:9  62:11 72:21 77:18  93:25 103:6,15  113:23  <b>beyer</b> 65:11,11  <b>bicycle</b> 63:10 76:3  <b>bicycles</b> 64:3  66:14  <b>big</b> 13:5 41:5  49:10 66:7 85:2  90:19 106:7  <b>bigger</b> 64:9 71:8  90:13 94:23  <b>biggest</b> 41:18  65:11  <b>bike</b> 67:4 80:17,21  81:7,12,13 83:4  101:20,25 102:2,6  <b>bill</b> 23:14 25:1,2,2  31:12 32:10,12,13  32:16,17,17  <b>bills</b> 23:13,20 24:7  33:7,7  <b>bit</b> 10:2 14:12  32:18 36:24 38:4  61:4 74:3 75:4  78:6 80:6 107:3  <b>black</b> 5:23  <b>blah</b> 108:25 109:1  109:1,1  <b>bless</b> 21:5</p>
--	--	--	--

<p><b>blessings</b> 20:25  <b>block</b> 72:2,5  <b>blocking</b> 102:20  <b>blocks</b> 47:9 79:7  <b>bloom</b> 71:22 72:22  <b>bloomfield</b> 51:5  79:2,3  <b>board</b> 1:2,20 2:4  2:11 6:18 8:2 9:4  9:11 11:12 13:13  15:2,7 20:1 24:11  24:15,16,18,19,21  27:17,18 31:7  32:24 34:15 40:15  42:2 45:15 47:5  47:23 48:14 49:18  50:11 51:11,24  53:4 54:8 55:5,12  55:15,17,19,20,22  56:1 60:4 61:8  62:13  <b>body</b> 15:24 16:3  <b>bollard's</b> 80:6  <b>borrow</b> 34:1  <b>bottom</b> 89:19  <b>boulevard</b> 66:16  <b>box</b> 72:14 75:10  <b>boy</b> 113:23  <b>brain</b> 10:13  <b>brains</b> 10:12  <b>brand</b> 66:4,4  81:22 82:18 106:5  <b>branding</b> 65:20  69:18 80:6  <b>break</b> 87:2  <b>brick</b> 72:10 81:16  83:14  <b>bridge</b> 104:4,8  <b>brief</b> 60:1  <b>bring</b> 11:7 15:11  21:16 35:4 42:5</p>	<p>71:6 81:16 82:24  <b>bringing</b> 3:3 12:8  39:25 62:6,12  <b>british</b> 72:14  <b>broad</b> 79:3 80:20  <b>broadly</b> 34:16  <b>broken</b> 79:24  80:16  <b>brookfield</b> 28:9  <b>brought</b> 11:16  33:19 60:6 79:19  79:25  <b>brunt</b> 40:15  <b>budget</b> 3:9,10,21  3:21 30:19,22,23  31:2,4,19 32:1,10  32:23 33:10,15  34:9,12,17,20,21  34:24 35:8,23  36:3,5,6,13,18  37:1,2,15,16 38:5  38:12,18,25 39:2,4  39:6,18 41:19  42:3 43:19 60:23  <b>budget's</b> 3:14  <b>budgetary</b> 31:8  <b>budgets</b> 33:9  <b>build</b> 64:20 108:19  <b>building</b> 70:4,5  83:25 92:20  104:20 108:18,18  108:19  <b>buildings</b> 66:10  85:2 99:3,3,4  <b>built</b> 64:17,21  <b>bulk</b> 40:14  <b>bulletin</b> 2:11 9:10  <b>bump</b> 72:8  <b>bumpouts</b> 80:4  <b>burden</b> 41:2</p>	<p><b>bureau</b> 5:9 52:25  <b>burn</b> 67:16  <b>business</b> 24:23  51:21,23 55:3,23  69:10 70:23 75:12  82:16 93:3,5,6,9  106:9,24 107:21  107:22 109:6  <b>businesses</b> 64:4  107:17 109:16  <b>busy</b> 57:12,13,14  103:12  <b>buying</b> 5:6</p> <hr/> <p style="text-align: center;"><b>c</b></p> <hr/> <p><b>c</b> 2:1 9:1 117:1,1  <b>c.d.</b> 25:1,7  <b>calculation</b> 60:10  <b>call</b> 36:3,9 57:6,11  63:22,25 88:17  <b>called</b> 29:6,16 60:9  63:6 72:2 89:7  <b>calling</b> 70:9  <b>calming</b> 80:9  <b>campaign</b> 10:19  15:17  <b>campos</b> 10:24  <b>campus</b> 98:3,6  99:2 102:3 106:14  <b>campuses</b> 100:18  102:2  <b>cap</b> 3:25 4:10 29:6  29:16 34:10  <b>capital</b> 34:9  <b>captive</b> 102:15  <b>car</b> 89:3 91:20  97:15  <b>cara</b> 10:23  <b>care</b> 110:8  <b>career</b> 21:17  <b>careful</b> 86:18</p>	<p><b>carney</b> 66:8  <b>cars</b> 64:2,8,10  66:13 68:12 72:7  86:21,22,23,25  87:10,15 88:12,12  88:13,14,15,20,21  89:10,20 90:23,24  91:22,23,24 92:7  93:3,5 97:13 99:9  100:9 103:21  <b>case</b> 79:18 86:17  <b>cash</b> 53:1  <b>categories</b> 64:11  <b>ceiling</b> 4:10 29:9  <b>celebrate</b> 72:11,12  <b>celebrating</b> 72:18  <b>cell</b> 12:11 14:13  <b>center</b> 12:20 72:10  79:8,10,11  <b>certain</b> 39:16  68:18 100:25  108:4,21,23 109:5  110:1 114:16  <b>certainly</b> 20:24  <b>certificate</b> 52:4  <b>certified</b> 18:19,25  19:9,12  <b>certify</b> 117:3  <b>cetera</b> 63:11,24  64:10,16,23 65:3  66:15,19 70:19  <b>challenge</b> 10:12  99:25  <b>challenges</b> 98:15  98:18  <b>challenging</b> 81:6  <b>champion</b> 10:12  10:20  <b>changed</b> 73:16  79:13</p>
---	---	---	--

<p><b>changes</b> 12:18  <b>chapter</b> 2:7 6:15            9:7 19:8 20:10            53:22  <b>character</b> 19:18  <b>characterize</b> 35:7  <b>charges</b> 4:9 47:8  <b>chestnut</b> 24:25            56:2  <b>children</b> 14:6 50:4            111:6  <b>choose</b> 38:2  <b>chose</b> 11:1  <b>ciccolini's</b> 113:23  <b>circle</b> 88:17 89:13            89:15 91:15 93:21            94:15  <b>circumstance</b>            36:14,23  <b>circumstances</b>            37:17 41:11  <b>citizen</b> 84:14  <b>citizens</b> 24:18,19            40:22 55:18,19            85:7  <b>clarify</b> 43:24  <b>class</b> 3:2 11:15            12:7  <b>classes</b> 11:23  <b>classmates</b> 11:25  <b>classroom</b> 71:5  <b>clean</b> 73:14,15  <b>cleaning</b> 28:10  <b>cleanup</b> 28:6  <b>clearly</b> 31:16            90:17  <b>clerk</b> 2:2,3,15,17            2:19,21,23 5:13,14            6:14,22 7:4,6,8,10            7:12 9:2,3,15,17            9:19,21,23 16:24</p>	<p>16:25 17:2,4,6,7            17:12,14,16,18,20            17:22 18:2,4,6,8            18:10,12 20:20,23            21:7,20,22,24 22:9            22:17,19,21,23,25            23:2,14,22,24 24:1            24:3,5,7,10,11            29:22,24 30:1,3,5            30:9,11,13,15,17            43:23 44:6,8,10,12            45:3,5,7,9,11,22            45:24 46:1,3,5,17            46:19,21,23,25            47:13,15,17,19,21            48:20,22,24 49:1,3            49:25 50:8,16,19            50:21 52:4,11,13            52:15,17,19 53:3,7            53:11,13,15,17,19            54:18,20,22,24            55:1,10,11 61:13            62:25 115:11,14            115:17,19,21            116:4,6,8,10,12,14  <b>clerk's</b> 2:12 9:11            27:23  <b>clifton</b> 88:8 91:10  <b>close</b> 3:10 26:10            29:20 37:24,25            38:13 40:5 43:21            61:11 68:6 88:21            88:24 110:19  <b>closed</b> 68:5  <b>closely</b> 34:7  <b>closer</b> 70:25            108:17  <b>closure</b> 3:22  <b>cluster</b> 107:19  <b>clutter</b> 73:12</p>	<p><b>coach</b> 13:15,20,25  <b>cocchiola</b> 3:5 49:8            49:20 50:2  <b>code</b> 51:11  <b>collaboration</b> 11:5  <b>collaborative</b>            37:11  <b>collected</b> 113:24            113:25  <b>collectively</b> 31:16            34:15,24  <b>collector</b> 4:2 18:20            18:25 19:9,10,12            19:19,23 20:4  <b>combination</b>            89:14  <b>combining</b> 73:10  <b>come</b> 6:1 13:6            14:19 16:17 36:20            40:14 57:23 60:2            61:1,11,21 92:6            101:12 103:14            104:24 110:7,13            112:1 115:13  <b>comes</b> 13:5 32:16            43:2 65:25 76:7            96:17  <b>coming</b> 9:25 14:10            43:13 61:18 83:1            90:12 92:9 94:11            94:14 103:19            107:24 115:1,24            115:24  <b>commend</b> 3:2 12:4            50:10  <b>commended</b> 11:15  <b>comment</b> 11:22            24:8 30:21 43:17            56:4 59:24 61:15            74:6</p>	<p><b>commented</b> 31:6            60:7  <b>comments</b> 3:10            14:1 24:18 35:19            39:11 50:12 55:18            61:16  <b>commissiner</b>            97:18  <b>commission</b> 2:17            15:1  <b>commissioner</b>            1:13,14,15,16 2:13            2:14,15,16,18,19            2:20,24 3:1,7,8,19            4:13,14,15,17,18            5:1,16,23 6:10,11            7:4,5,6,7,8,9,10,11            8:13,14,15,16 9:13            9:14,15,16,17,18            9:19,20 10:4,5            12:21 13:8,22,23            13:25 14:21 15:9            15:10,20 16:21            17:10,11,12,13,14            17:15,16,17,18,19            17:25 18:1,2,3,4,5            18:6,7,8,9,15,17            20:12,13,14,15,17            20:18,20,22,23,24            21:7,8,20,21,22,23            22:4,9,15,16,17,18            22:19,20,21,22,23            22:24 23:5,6,8,9            23:20,21,22,23,24            23:25 24:1,2,3,4            25:4,7,9,12,18,23            25:25 26:2,4,8,12            26:14,16,19 27:7            27:15,19,22 28:1,2            28:18,19 29:1,3,20            29:21,22,23,24,25</p>
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<p>30:1,2,3,4,7,8,9,10  30:11,12,13,14,15  30:16,20 33:8  34:20 36:4,9,11  37:20 38:21,22  39:10,11,12,24  40:8,9,10 41:14,15  41:17 42:6 43:3  43:17,21,22,23,24  44:2,6,7,8,9,10,11  44:15,19,22,23  45:2,3,4,5,6,7,8,9  45:10,13,14,21,22  45:23,24,25 46:1,2  46:3,4,7,16,17,18  46:19,20,21,22,23  46:24 47:2,3,4,12  47:13,14,15,16,17  47:18,19,20,23  48:19,20,21,22,23  48:24,25 49:1,2,5  49:6,7,25 50:1,8,9  50:16,17,19,20  52:10,11,12,13,14  52:15,16,17,18  53:10,11,12,13,14  53:15,16,17,18  54:17,18,19,20,21  54:22,23,24,25  55:9 56:9,12,17,21  57:1,8,10,13 61:14  61:25 62:10 74:6  74:8,12,14,17,20  74:21,24 75:1,4,7  75:10,16,20 76:22  77:5,8,11,13,17,19  77:21,25 78:3,5,9  78:12,14,16,19  79:5,10,12,16,22  80:17,25 81:15,19  81:21,24 82:2,4,5</p>	<p>82:6,8,11,16 83:4  83:15 84:11,13,16  84:19,22,25 85:15  85:17,18,21,24  86:3 87:4,7,9,12  88:9 89:2,5,24  90:2,25 91:4  92:19,23 95:6,9,12  95:17,21,23 96:1,4  96:7,12,14,15,17  97:21,24 98:2,5,9  98:12,14,17,20,25  99:7,11,15,20,24  100:2,6,11 101:4,8  101:15,21,24  102:9,11,14,18,20  102:21,24 103:3,9  103:16,17,20,24  103:25 104:1,2,4,7  104:8,10,12,13,14  104:16,17 105:11  105:14,17,21  106:3,7,12,19,23  107:2,6,12,21  108:8,11,14  110:12,24 111:3,5  111:8,11,16,19,22  111:25 112:3,6,9  112:11,13,15,17  112:23 113:2,6,12  113:17,19,22  114:6,20,23 115:7  115:9 116:2,3,4,5  116:6,7,8,9,10,11  <b>commissioners</b> 1:2  2:4 6:18 8:2 9:4  11:13,22 13:13  14:21 15:7 20:2  24:12 27:17,20  31:7,17 32:24  33:4,13 34:23</p>	<p>36:10 37:12,21  39:11 40:3 42:4  45:15 47:5,24  48:15 49:18 50:11  51:25 53:5 54:9  55:6,12 56:1 60:4  61:8 75:2  <b>commissoner</b>  82:24 91:2 92:1  111:6 115:24  <b>commitment</b>  11:15 111:12  <b>common</b> 15:21  <b>communications</b>  22:8 23:2  <b>communities</b> 85:1  <b>community</b> 11:2  11:18 15:25 24:12  55:13 64:6,13,13  69:23  <b>companies</b> 100:23  <b>company</b> 25:2,7  37:6 75:5 76:6  <b>compare</b> 87:25  <b>compared</b> 60:13  <b>compete</b> 108:6  <b>competing</b> 82:13  107:17  <b>competition</b>  112:24  <b>complete</b> 51:7  67:8  <b>completed</b> 28:5,7  54:7 56:8 64:24  65:15 67:7 69:24  <b>comply</b> 48:9  <b>component</b> 31:23  <b>compost</b> 28:23  <b>comprehensive</b>  37:2,11</p>	<p><b>concept</b> 69:22  <b>concepts</b> 11:4  <b>concerned</b> 82:13  <b>concerns</b> 24:12  55:13 86:7 88:5  <b>concert</b> 5:16 22:10  <b>concerts</b> 110:22  <b>concluded</b> 116:15  <b>concludes</b> 55:3  <b>conclusion</b> 56:4  <b>concrete</b> 68:2  <b>condition</b> 51:13  79:21 90:22  <b>conditions</b> 35:11  51:17 52:6  <b>conduct</b> 24:22  55:23  <b>conference</b> 1:5  <b>confirm</b> 3:15  <b>confirmed</b> 37:7  <b>confusing</b> 92:13  <b>congratulate</b> 13:3  13:9 14:3 20:25  21:9 39:24 43:14  <b>congratulations</b>  12:7,20 13:19,24  14:15 16:21 20:16  21:18 22:1 50:18  50:23 52:21 55:9  <b>conjunction</b>  110:20  <b>connect</b> 65:1,6  <b>connected</b> 65:9  77:6  <b>connection</b> 51:22  93:10,19  <b>connections</b> 66:20  109:15  <b>connectivity</b> 77:1  103:4,11</p>
--	--	--	---

<p><b>conscious</b> 42:10  <b>consecutive</b> 10:11  <b>consider</b> 64:6  99:12  <b>consideration</b>  86:18 105:6  <b>considering</b> 66:14  <b>consistent</b> 51:17  100:11  <b>consolidation</b>  73:11  <b>constantly</b> 72:5  <b>construction</b> 38:9  71:19 76:16  105:18  <b>consumption</b> 5:5  32:20 51:2 52:2  <b>contact</b> 12:13,15  <b>contest</b> 104:10  <b>continue</b> 6:2 11:19  13:17 14:15 20:8  31:22 38:25 43:10  54:4 96:10  <b>continued</b> 36:12  <b>continuing</b> 19:14  20:8  <b>contract</b> 6:7,22  58:11,13,19,23  <b>contracts</b> 58:15  <b>contractual</b> 7:2  <b>contrary</b> 87:4 95:6  96:5  <b>contribute</b> 33:3  109:1  <b>contributing</b>  108:3  <b>converged</b> 94:16  <b>conversation</b> 41:1  104:23  <b>conversion</b> 35:12  98:21</p>	<p><b>converts</b> 99:2  <b>cookie</b> 84:7  <b>cool</b> 70:14 71:16  83:11 84:1 92:25  <b>cooperated</b> 37:14  <b>cooperates</b> 43:11  <b>coordinator</b> 5:10  54:14  <b>copies</b> 57:7  <b>copy</b> 2:10,11 9:9  9:11  <b>corner</b> 80:4 93:22  <b>corners</b> 68:16,18  83:22  <b>corporate</b> 65:1,10  66:13 100:20  101:2  <b>correct</b> 4:11 20:21  57:7 87:6,10 95:8  95:10 96:6,12  <b>correl</b> 56:22 57:5  <b>corridors</b> 64:7  <b>cost</b> 4:5  <b>costa</b> 18:22 21:1  <b>costs</b> 29:15 42:25  <b>counsel</b> 48:4  <b>counselors</b> 5:20  <b>count</b> 59:6,9,16,17  60:25  <b>counties</b> 27:4  <b>counts</b> 95:14  <b>county</b> 6:19 11:13  16:7 20:2 31:13  40:14 45:16 47:6  48:15 49:19 53:5  54:9 80:22,23,24  81:2,4,7,14 104:22  <b>couple</b> 14:17  16:23 71:24 78:7  82:21 106:16</p>	<p><b>coupling</b> 106:3  <b>courtroom</b> 49:11  <b>courts</b> 49:16  <b>covers</b> 58:1 76:24  <b>cracked</b> 80:15  <b>craft</b> 34:20  <b>create</b> 13:1 70:15  83:14 85:13 87:5  91:14 114:14  <b>created</b> 72:13  <b>creates</b> 68:13 72:9  <b>creating</b> 67:23,24  69:16,17,18,22  70:10 80:9 83:9  83:13,20,20,22  102:15 104:23  110:16  <b>creation</b> 110:24  <b>creative</b> 11:4  <b>credit</b> 21:3  <b>credits</b> 19:15 20:9  <b>crimson</b> 5:7  51:1 52:6  <b>crimsong</b> 52:3  <b>criticize</b> 40:23  60:2,3,22 61:22  91:12,16  <b>criticized</b> 44:3  <b>criticizing</b> 40:20  61:17  <b>critics</b> 40:12  <b>cross</b> 6:21 72:3  86:25 87:3 96:23  97:6,9 102:12,22  103:23 108:6  <b>crossing</b> 72:2,5  <b>crosswalk</b> 12:13  <b>crosswalks</b> 12:10  86:4  <b>crowd</b> 41:5,5</p>	<p><b>etc</b> 19:11  <b>cuff</b> 99:22  <b>culture</b> 64:12,13  74:9  <b>curb</b> 68:9 72:1,7  86:4  <b>curbless</b> 67:2  <b>current</b> 34:3 51:8  74:4  <b>currently</b> 39:16  70:7  <b>cut</b> 60:17 89:21  <b>cuts</b> 32:8 36:10,19  <b>cutter</b> 84:7  <b>cycle</b> 41:19 42:3</p> <hr/> <p style="text-align: center;"><b>d</b></p> <hr/> <p><b>d</b> 2:1 9:1  <b>d'alessio</b> 10:24  <b>damage</b> 28:14  <b>dangerous</b> 104:2  <b>darn</b> 61:22  <b>darned</b> 50:4  <b>date</b> 5:17 22:13  72:15  <b>dave</b> 21:11 62:20  62:21 63:6 75:22  77:2 94:20 112:20  112:23  <b>day</b> 13:4 21:2,14  28:23 70:18,18,22  70:22 71:2,2,4,4  104:11  <b>dealing</b> 110:9  <b>debt</b> 25:10 33:21  33:24 34:1,3,4,11  34:13  <b>december</b> 2:8 9:8  <b>decide</b> 34:21  <b>decides</b> 13:17  <b>decision</b> 88:22,24  90:14 92:12</p>
--	--	--	---

<p><b>deck</b> 78:10  <b>decorum</b> 24:22  55:22  <b>decrease</b> 33:11  34:12  <b>dedication</b> 11:15  <b>defer</b> 24:17 55:18  <b>deflection</b> 89:7,10  89:12,15 90:10  92:3,4,5 94:19  <b>deluge</b> 28:3  <b>demaio's</b> 26:21  <b>demonstrating</b>  14:1  <b>department</b> 15:21  23:9 40:18 41:18  42:12,17 46:12  51:11,12,12 53:3  54:12 56:7,14,18  81:3  <b>departments</b>  31:18 33:14 34:22  39:20 40:16 42:24  110:20  <b>depending</b> 38:13  <b>describe</b> 44:3  <b>design</b> 63:8,9,9,23  63:23,25 64:17  66:7 67:21,22  70:1 75:24 76:3,7  76:12,13,15 83:24  96:23,25  <b>designate</b> 5:9 54:5  <b>designates</b> 54:13  <b>designed</b> 65:7,8,22  66:16,18 67:15  68:5 70:21 72:24  73:6 79:3 86:13  89:19,23 95:2,20  <b>destination</b> 100:7</p>	<p><b>destinations</b> 65:23  <b>detailed</b> 37:11  <b>detailing</b> 64:22  <b>details</b> 67:22  <b>determine</b> 11:2  24:21 55:22  <b>develop</b> 10:15  54:3  <b>developed</b> 82:17  <b>developer</b> 70:1  108:22  <b>development</b> 48:4  65:9 66:21 69:13  110:4 111:23  114:15  <b>developments</b>  96:11  <b>devine</b> 10:24  <b>dialogue</b> 16:7  24:19,24 55:19,24  <b>diameter</b> 88:17  <b>diaz</b> 106:8 107:7  <b>difference</b> 15:2,19  90:9  <b>different</b> 36:14  59:2 60:11 78:17  79:1 111:1  <b>difficult</b> 38:4  41:11 56:15,18  61:3 80:23 86:19  86:24 89:11  <b>difficulty</b> 56:7  <b>diligently</b> 11:6  35:3  <b>dinando</b> 10:24  <b>dining</b> 68:14 70:19  <b>direct</b> 52:3  <b>direction</b> 26:21  <b>directional</b> 72:25  73:14</p>	<p><b>disaster</b> 82:2  <b>disclosed</b> 6:24  51:19  <b>disclosure</b> 6:25  <b>discuss</b> 6:5,22 10:1  63:21 115:2  <b>discussed</b> 86:15  <b>discussion</b> 6:24  39:6 74:3  <b>disrespect</b> 59:25  <b>distractions</b> 12:3  <b>district</b> 70:24  106:9 109:7  <b>dividends</b> 13:6  <b>doing</b> 13:15,17  21:4 37:7,18,22  40:5 61:5 63:17  65:5 66:9 92:12  93:20 100:19  102:4 105:12  <b>dollars</b> 31:25  <b>door</b> 68:22 84:6  <b>downtown</b> 64:9  65:2,6 66:2 67:8,9  68:18 73:3,17  77:2 79:7 93:10  101:7 105:3 108:2  108:2,5 109:16  111:20 114:16  <b>downtowns</b> 63:24  <b>dramatic</b> 37:9  <b>draw</b> 95:2 105:1  <b>drawing</b> 91:15  98:5  <b>drive</b> 14:12 89:11  89:13 91:24  113:24  <b>driver</b> 3:3 11:1,17  12:1,14  <b>drivers</b> 10:17  11:18 12:1</p>	<p><b>drives</b> 15:22  <b>driving</b> 14:9,9  <b>dropping</b> 94:15  <b>duties</b> 19:19 58:19  59:13</p> <hr/> <p style="text-align: center;"><b>e</b></p> <p><b>e</b> 1:17 2:1,1 8:17  9:1,1 117:1  <b>earlier</b> 43:5  <b>early</b> 3:20 31:1,1  <b>earn</b> 20:8  <b>earned</b> 19:14  <b>east</b> 103:5,11  <b>easy</b> 39:18 40:4  <b>eat</b> 101:19  <b>echo</b> 13:25  <b>ecology</b> 64:14  <b>economic</b> 64:15  66:6 69:13  <b>economy</b> 38:8  67:10 83:10  <b>educate</b> 15:23  <b>educated</b> 40:12  <b>education</b> 19:15  20:8  <b>effect</b> 29:7  <b>effective</b> 49:21  52:1,7  <b>eight</b> 26:9 36:8  76:11  <b>either</b> 93:11,13  101:13  <b>elder</b> 12:1  <b>elected</b> 41:3  <b>electronic</b> 28:21  <b>element</b> 32:18  78:17 105:24  <b>elements</b> 74:4  100:8  <b>elena</b> 10:23</p>
---	--	--	--

<p><b>eliminate</b> 33:5  <b>eliminates</b> 86:22  <b>elimination</b> 39:15  <b>embraced</b> 31:17  <b>embracing</b> 34:23              35:2  <b>emphasizing</b>              10:16  <b>employ</b> 39:17  <b>employee</b> 66:1  <b>employees</b> 21:3              32:16 39:17 65:13  <b>enabling</b> 46:13  <b>encourage</b> 53:24              87:3 110:4  <b>encouraging</b> 15:5              83:21  <b>endeavor</b> 14:22  <b>ended</b> 41:20  <b>endorse</b> 52:4  <b>endorses</b> 54:11  <b>ends</b> 94:12  <b>enforcement</b>              51:11  <b>engage</b> 14:4 40:25  <b>engineered</b> 91:13              91:17,18  <b>engineering</b> 81:3              99:17  <b>ensure</b> 54:6,14  <b>entertain</b> 96:1  <b>entire</b> 11:18 37:2              62:12  <b>entitled</b> 45:18  <b>entrance</b> 70:6              86:17 91:15  <b>environment</b>              64:14 104:21  <b>environmental</b>              46:12 54:13</p>	<p><b>environments</b>              105:8  <b>envisioned</b> 103:10  <b>erica</b> 10:24  <b>errors</b> 46:9  <b>especially</b> 14:7,9              40:12 49:11 50:5              104:21 105:6  <b>esq</b> 1:20 8:20  <b>essential</b> 72:25  <b>essex</b> 6:19 11:13              20:2 45:16 47:6              48:15 49:19 53:5              54:9 80:22,23,24              81:2,4,7,14 104:22  <b>establish</b> 29:6,7              106:4  <b>established</b> 51:15              53:22 58:8 87:13              113:3  <b>establishment</b>              51:10  <b>et</b> 63:10,24 64:10              64:16,22 65:3              66:15,19 70:19  <b>european</b> 64:18  <b>evaluate</b> 31:8  <b>evaluated</b> 32:24  <b>evans</b> 1:15 2:17,18              3:7,8,19 6:11 7:8              7:9 8:15 9:17,18              13:23 17:11,16,17              17:25 18:6,7,16,17              20:13,15,17 21:20              21:21 22:21,22              23:20 24:1,2 25:1              25:4,7,9,12,18              27:22 29:1,3,20              30:1,2,7,13,14,20              36:4,9,11 37:20              38:21,22 39:11,24</p>	<p>41:17 43:17,21  44:8,9,15,19 45:7  45:8,21 46:1,2,16  46:21,22 47:3,4,17  47:18,23 48:24,25  49:5 50:16,17  52:15,16 53:15,16  54:22,23 60:6  62:10 90:25 91:2  91:4 98:14,17,20  98:25 99:7,11,15  99:20,24 100:2,6  100:11 102:11,20  103:25 104:2,7  105:11,14,17,21  106:3 112:11  116:8,9  <b>evening</b> 13:18              56:1 61:8  <b>event</b> 22:10 67:24              70:23 71:8 110:21  <b>events</b> 68:5,17,20              70:17 71:8,9              108:21,23,25              111:1  <b>everybody</b> 10:6              42:16 43:14              106:25 113:7  <b>exactly</b> 95:9 98:11              98:11 103:25              109:20 111:5              114:19,19  <b>example</b> 64:8 65:2              90:7 108:16,17  <b>exceed</b> 29:8,11              48:8,11,17  <b>exceeded</b> 33:18  <b>excellent</b> 112:24  <b>excelling</b> 13:19  <b>exceptional</b> 33:5</p>	<p><b>exceptionally</b> 60:8  <b>excluded</b> 48:7  <b>excuse</b> 6:12,13              62:21  <b>executive</b> 5:15,21              6:2,4 7:14 9:25              17:22  <b>exercise</b> 100:17  <b>existing</b> 54:4              90:22 99:4  <b>exists</b> 29:12  <b>exit</b> 102:24 103:1  <b>expand</b> 54:4  <b>expect</b> 26:19 100:7  <b>expedient</b> 114:3  <b>expeditious</b> 24:22              55:23  <b>expense</b> 34:15  <b>expenses</b> 38:5  <b>experience</b> 4:5              14:25 16:9 18:23              19:3,19 63:13,15              74:1 80:10 83:9              83:10,12,13,14,20  <b>expertise</b> 77:9  <b>express</b> 40:9 84:8  <b>expressing</b> 83:25  <b>extensive</b> 37:1              73:20  <b>extensively</b> 27:11  <b>extraordinary</b>              29:9 31:15  <b>extremely</b> 81:6  <b>eye</b> 12:13,15</p>
			<b>f</b>
			<p><b>f</b> 117:1  <b>fabiano</b> 10:25  <b>fabulous</b> 10:9  <b>facebook</b> 11:8  <b>facilitate</b> 111:23              114:3</p>

<p><b>facilities</b> 63:10  <b>fact</b> 34:23 35:2  39:21,21 46:8  56:24 104:22  <b>failure</b> 95:13  <b>fair</b> 41:25 50:13  <b>fairly</b> 37:25  <b>fall</b> 31:7 110:19  <b>familiar</b> 68:22  70:3 75:8 79:4  88:7 90:8  <b>families</b> 113:18,19  113:20  <b>family</b> 5:9 21:10  21:13 52:25  <b>fantastic</b> 37:14  <b>far</b> 57:2 75:3  79:13 89:7,9  106:8  <b>father</b> 45:18 46:13  <b>featured</b> 16:3  <b>federally</b> 60:12  <b>feedback</b> 115:4  <b>feel</b> 103:20 114:17  <b>feeling</b> 35:12  <b>fees</b> 48:12 51:7  <b>feet</b> 68:10 80:2  88:18 90:16 92:2  <b>fell</b> 81:13  <b>fellow</b> 11:22 42:4  <b>felt</b> 63:16  <b>fender</b> 56:5,10  <b>ferraro</b> 5:9 54:13  <b>festival</b> 110:18,19  <b>fibers</b> 26:23  <b>field</b> 25:24 27:5  45:18 46:14 63:15  <b>fields</b> 27:10  <b>fifth</b> 10:10 15:17  16:15</p>	<p><b>figure</b> 14:24 80:1  84:5,8 109:20  <b>file</b> 2:11 9:11  <b>filed</b> 51:1 54:7,15  <b>fill</b> 26:24 49:10  <b>filling</b> 39:16 43:8  <b>final</b> 38:14,19 39:5  <b>finalized</b> 35:8 39:3  39:7  <b>finance</b> 23:15  <b>financially</b> 60:7,12  <b>financing</b> 51:22  <b>find</b> 40:25 41:8  59:21,22 84:3  98:7,9  <b>finding</b> 72:23  105:6  <b>fine</b> 57:4  <b>finish</b> 82:12,12  <b>finished</b> 71:12,20  71:20  <b>finishing</b> 38:15  <b>fire</b> 42:12,14 51:11  56:6,11  <b>firm</b> 48:2 50:14  63:6,8  <b>firms</b> 62:8  <b>first</b> 9:25 17:3  27:10 29:4 41:16  41:24 46:9 61:19  69:2 71:14 74:10  83:7  <b>fit</b> 62:11 77:18  105:12  <b>fits</b> 61:23  <b>five</b> 36:20 37:25  38:11 55:16 64:11  66:2 68:10 73:4  81:24 92:9,11  <b>flash</b> 42:22</p>	<p><b>flattest</b> 93:15  <b>flow</b> 99:15 113:25  <b>flush</b> 67:1 72:5  <b>focus</b> 76:2,7,12  <b>folks</b> 27:8,12  113:10,10,12  <b>following</b> 52:24  <b>follows</b> 52:5  <b>food</b> 113:24,24  <b>foot</b> 69:7 80:3,4  89:16,17  <b>forced</b> 26:23  <b>forecasting</b> 31:10  <b>forefront</b> 11:7  <b>foregoing</b> 117:3  <b>forever</b> 35:23  108:22  <b>forgot</b> 4:10  <b>form</b> 51:6  <b>formed</b> 34:19  <b>former</b> 5:6  <b>formerly</b> 48:5  <b>formulated</b> 11:3  <b>forth</b> 11:2 83:2  88:13,14 90:23  <b>fortunate</b> 21:13  <b>fortune</b> 40:19  <b>forward</b> 14:5  37:15 43:12 46:14  <b>found</b> 12:3  <b>founded</b> 67:16  <b>four</b> 73:9 77:23  79:7 92:9,9,10,11  97:6 108:25  <b>franchises</b> 82:18  106:15  <b>frank</b> 26:20  <b>franklin</b> 11:11  16:9 22:11 81:17  82:21 101:8,18  106:9 107:10</p>	<p>109:25 110:4,8,18  111:1  <b>free</b> 36:15  <b>friday</b> 22:13 53:1  <b>friend</b> 10:8  <b>friendly</b> 12:20  <b>frogger</b> 89:18  <b>fronts</b> 80:11,14  <b>full</b> 50:17  <b>fully</b> 41:3 82:17  <b>fun</b> 76:18  <b>functional</b> 65:16  <b>functionality</b>  64:12  <b>functions</b> 72:8  <b>fund</b> 53:23  <b>funded</b> 32:22,23  <b>funds</b> 51:20  <b>funny</b> 37:4 83:8  <b>further</b> 6:23 20:7  24:14,14 39:6  55:15 93:8 103:11  103:23  <b>future</b> 100:3</p> <hr/> <p style="text-align: center;"><b>g</b></p> <hr/> <p><b>g</b> 2:1 9:1  <b>gained</b> 19:18  <b>gap</b> 32:3  <b>gas</b> 92:23  <b>gate</b> 103:7,18  <b>gates</b> 96:18 103:14  <b>gateway</b> 66:11,25  <b>gather</b> 83:21,21  <b>gathering</b> 72:9  <b>gatherings</b> 68:17  <b>geez</b> 106:19  <b>gene</b> 106:8 107:7  110:8 111:22  <b>generally</b> 86:12,20  88:6</p>
--	--	--	--

<p><b>genitempo</b> 1:20 8:20 <b>getting</b> 13:2 14:8 40:5 66:21 68:12 88:24 93:6 100:17 101:16 102:5 112:7 <b>girls</b> 85:17 <b>give</b> 10:7 16:23 22:2 36:17 39:1 71:23 <b>gives</b> 72:15 <b>giving</b> 105:5 115:1 <b>glorious</b> 21:17 <b>glotzbach</b> 4:24 45:18 46:14 <b>go</b> 6:1,4 10:2 12:17 14:5 15:9 20:15 22:8 27:21 43:12 62:1,13 63:18 65:16,17 66:5 73:4 82:11 84:12,20 89:8,8 90:11,18 93:10,11 93:13,14,16 100:18,24 101:14 105:4 107:3 113:17 115:7 <b>goal</b> 15:23 <b>god</b> 21:5 42:14 <b>god's</b> 20:25 <b>goes</b> 3:19,20 12:11 25:14 29:12 50:24 85:16 104:17 106:25 <b>going</b> 3:14 5:7 9:24 10:2,3 12:14 13:17 18:13 21:16 26:18 31:21 32:7 35:11 38:5,17,24 41:8 43:10 61:9</p>	<p>71:7 75:21 81:5 82:20 88:13,14 89:17,20 90:12,18 90:23 91:5,6,23 92:1 93:5 96:8,8 96:16 97:3,4,14,18 98:21,22 99:3,4,7 99:8 100:4 101:12 101:13,14,16,17 102:15,25,25 103:18,19,22 105:1 106:20 110:16 <b>good</b> 3:13 13:5 19:16,17 20:9 28:17 35:12 37:13 38:8,16 42:8,24 43:12 49:14,16 50:4 55:7 61:5,22 64:22 71:19 74:11 74:24,25,25 75:9 75:21 76:22 85:5 89:10 93:6 112:7 <b>goodbye</b> 115:8 <b>gotcha</b> 77:21 <b>government</b> 11:6 14:23 15:6,17,18 16:6,7 31:3 34:19 40:12,13,21,23 41:10 <b>grade</b> 16:15 <b>grand</b> 10:19 13:10 15:22 23:18 <b>grandchildren</b> 60:24 <b>grandson</b> 14:7 <b>granite</b> 72:13 <b>grant</b> 54:12 <b>granted</b> 24:14 55:15</p>	<p><b>grants</b> 53:23 54:3 <b>graphic</b> 91:14 <b>grease</b> 110:10 <b>great</b> 10:21 11:24 14:25 16:9 62:14 64:22 67:23 73:9 80:20 81:2,21 100:15 106:6,16 112:4,9,25 113:25 <b>green</b> 27:8 46:12 106:12 <b>groomed</b> 26:25 <b>grooming</b> 26:21 <b>ground</b> 72:14 <b>group</b> 31:16 <b>groups</b> 13:18 <b>grove</b> 76:10 <b>grow</b> 91:5 <b>guess</b> 35:22 38:4 58:6 <b>gum</b> 82:7,7,8 <b>guy</b> 59:15 <b>guys</b> 12:7,17 16:21 42:15,19 60:8 111:25 113:2</p> <hr/> <p style="text-align: center;"><b>h</b></p> <hr/> <p><b>half</b> 29:8 31:11,14 34:10 36:11 91:10 <b>hall</b> 2:10 9:10 27:23 72:15 75:10 <b>hand</b> 56:22 <b>handful</b> 76:17 <b>handle</b> 95:21 <b>hands</b> 113:3 <b>hang</b> 70:14,17 71:2 <b>hanover</b> 64:25 100:20 <b>happen</b> 100:16 107:10,11 109:12 109:21</p>	<p><b>happens</b> 27:7 32:12 34:16 88:20 <b>happy</b> 35:24 59:10 59:15 63:21 74:5 <b>hard</b> 13:12 26:23 33:21 43:9,10 60:5,16 109:17 <b>harder</b> 89:12 <b>hardest</b> 61:1 <b>harrison</b> 22:11 <b>hat</b> 22:2 <b>hate</b> 57:24,24 <b>health</b> 51:11 64:13 100:22,24 <b>hear</b> 3:10 34:8 44:16 50:12 58:17 <b>heard</b> 29:17 42:13 43:18 61:21 83:4 108:9,11 <b>hearing</b> 3:9,11,24 29:2,4,20 30:19 38:21 39:1 43:21 82:19 <b>heavy</b> 28:3 <b>height</b> 72:7 <b>heights</b> 100:19 102:5 <b>helicopters</b> 114:24 <b>heliport</b> 114:21 <b>help</b> 4:4 19:5 35:4 36:25 41:21 62:6 64:15 77:10 87:9 <b>helped</b> 38:8 80:6 <b>helping</b> 11:9,25 <b>herald</b> 9:9 <b>heretofore</b> 51:3 <b>hesitant</b> 91:12 <b>hi</b> 15:15,15 <b>high</b> 3:2 10:9,11 10:18 11:6,9,14 42:18 63:25 68:15</p>
---	--	--	--

<p>87:1 101:9  <b>higher</b> 31:21  <b>highlighted</b> 75:12  <b>hike</b> 42:9  <b>historical</b> 37:10  74:9  <b>history</b> 67:12,15  67:21 72:11,12  <b>hit</b> 68:12 104:11  <b>hits</b> 94:17  <b>hitting</b> 94:12  <b>hmm</b> 43:17  <b>hoboken</b> 76:15  <b>hoffmann</b> 32:7  36:17 48:5  <b>hold</b> 39:1 60:9  61:13  <b>hole</b> 28:6  <b>home</b> 14:10  <b>honestly</b> 107:14  <b>honorable</b> 49:9  <b>honored</b> 10:20  <b>hop</b> 92:14  <b>hope</b> 11:25 35:5  40:10 64:20  <b>hopeful</b> 39:12  <b>hopefully</b> 35:14  38:19 43:10  <b>horrible</b> 104:13  <b>host</b> 108:23,25  <b>hour</b> 11:10 97:16  101:17  <b>hours</b> 57:22,24  58:2,7,8,21 59:1  <b>house</b> 42:15  <b>household</b> 60:11  <b>houses</b> 105:3  <b>housing</b> 110:5  <b>howard</b> 2:9  <b>huge</b> 88:15</p>	<p><b>huh</b> 26:5 62:14  77:8 92:17 100:14  111:10  <b>hundreds</b> 64:19  <b>hurdles</b> 110:7  <b>hurt</b> 12:16  <b>husband</b> 21:11</p> <p style="text-align: center;"><b>i</b></p> <p><b>ice</b> 81:24  <b>idea</b> 65:1 112:4,7  112:9  <b>ideas</b> 82:21  <b>identify</b> 65:8  <b>ii</b> 71:13  <b>iii</b> 10:11 11:6,14  <b>images</b> 87:19  <b>imagine</b> 64:9  66:25 68:6 71:6  92:7 96:17  <b>immunization</b>  4:16 44:25  <b>impact</b> 16:2 60:12  <b>impacted</b> 32:9  <b>important</b> 11:7,16  14:14 34:18 65:18  65:23 69:17 72:23  <b>impressed</b> 74:8,9  104:19  <b>impressive</b> 75:1  <b>improvement</b>  70:23 109:7  <b>improvements</b>  34:9 109:14,18  <b>inadvertently</b> 48:7  <b>inclined</b> 107:2  <b>include</b> 48:11,17  <b>including</b> 105:14  <b>incorrectly</b> 89:23  <b>increase</b> 31:10,15  31:19 33:6 37:16  98:22,23</p>	<p><b>increased</b> 32:11  32:14,17  <b>increases</b> 36:21  39:22  <b>increasing</b> 32:5  <b>incredibly</b> 65:23  72:23  <b>indiscernible</b> 4:5  6:16,17,20 7:2  14:18,21 25:10,13  25:15,15,21 36:7  36:10,11,16,24  37:4,15,19 38:1,3  38:6,10,12,16,20  38:24 39:5 55:8  58:16 59:11 62:5  62:24,25 63:2,3,20  75:18 85:3 87:11  87:23 90:4 91:7  96:3,13 97:3 98:7  98:18 101:9 102:6  104:3 105:20  107:13,20,25  110:6 113:21  114:18,21  <b>individual</b> 24:16  33:9 54:6 55:17  <b>infant</b> 44:25  <b>inflated</b> 42:25  <b>inflict</b> 39:14  <b>inflicting</b> 39:19  <b>influence</b> 14:5  <b>information</b> 73:16  <b>inglesino</b> 48:2  <b>initial</b> 19:23 20:4  28:5  <b>initiated</b> 12:19  <b>injury</b> 10:13  <b>inscribed</b> 88:17  <b>inside</b> 77:7</p>	<p><b>inspected</b> 51:10  <b>inspections</b> 58:10  <b>instance</b> 42:19  <b>instrumental</b>  26:22  <b>insurance</b> 100:22  <b>insures</b> 25:19  <b>intangible</b> 83:8  <b>integrate</b> 113:10  <b>integrated</b> 73:13  111:20  <b>integrating</b> 67:21  67:21  <b>intent</b> 54:1  <b>interest</b> 33:22 34:3  38:9  <b>interested</b> 106:20  <b>interesting</b> 64:25  66:15 71:25 85:22  <b>interests</b> 24:22  39:20 55:22  <b>intermittently</b>  73:16  <b>internally</b> 100:16  <b>intersect</b> 94:18  <b>intersection</b> 66:24  67:1,2 92:25 93:1  <b>interview</b> 62:8  71:14  <b>interviewed</b> 62:10  <b>introduce</b> 29:5  32:9 62:15  <b>introduced</b> 30:22  31:2,4  <b>introduction</b> 46:8  <b>introductions</b>  28:25  <b>invest</b> 80:13  <b>investigate</b> 107:3  <b>investing</b> 80:13,14</p>
--	--	--	---

<p><b>investment</b> 79:20  <b>involved</b> 15:6 99:2  <b>ironic</b> 14:22  <b>irony</b> 61:16,18  <b>islands</b> 90:15,16  <b>isolated</b> 85:9  <b>issue</b> 11:7 53:7  104:15  <b>issued</b> 51:3  <b>issues</b> 2:8 9:8  10:16 11:16  <b>issuing</b> 51:20  <b>it'll</b> 76:5 85:6  <b>item</b> 29:10  <b>items</b> 24:8 27:17  31:8 33:2,3</p>	<p>50:13,23  <b>june</b> 3:22 5:17,17  22:12,13 31:1  53:1 72:15</p>	<p>38:13 40:18 41:5  41:11,17,18,23,23  41:24,24 42:1,2,7  42:11,11,12,12,13  42:14,15,17,19,23  42:24,25 43:6,7,8  43:11 57:2,12  58:4 60:7,25  62:17,18 63:19,23  64:1,3,5,6,8,9,18  64:19,20,22,25  65:4,15,16,21,25  66:2,2,4,10,12,21  66:24 67:9,12,15  67:15,20,22 68:1  68:17,21 69:6,12  69:14,18,20,22  70:3,11,12,13,17  70:22 71:1,4,7,10  71:15 72:8,17,20  72:24 73:1,2,5,12  73:22,23 74:10,18  76:12,18 77:3  78:16,19,21,25  79:1,2,3 80:1,3,5,9  80:10,12,13,20  81:10,11,16,25  82:6,20,20 83:9,14  83:18 84:2,2,2,3,3  84:7,19,25 85:6,8  85:9,10,11,12,13  85:14,25 86:1,4,5  86:6,12,12,14,15  86:17,20 87:14,15  88:1,1,20 89:21,22  90:7,13,16,24  91:13 92:4,12,13  92:14,15,25 93:4,6  93:11,14,17 94:5  94:14,16,18 96:9  96:10 97:15,17</p>	<p>98:13 99:17,19,21  99:21,22 100:2,15  100:15,17,24  101:11,12,13  102:1,2,18 103:5  103:19 104:18  105:5,7,11,12  106:13,14,15,19  106:23,23 107:3  107:14,16,18,19  108:1,2,3,5,6,13  108:25 109:2,4,4,5  109:5,5,6,11,11,11  109:13,14,16,19  109:20,22 110:10  111:4,8,9,14  112:10,23 113:3  114:1,2,3,6,11,15  114:20 115:1  <b>knowing</b> 95:23  96:4  <b>known</b> 13:13  38:16  <b>knows</b> 109:3  <b>kudos</b> 10:7</p>
<p><b>j</b></p>	<p><b>k</b></p>		
<p><b>j</b> 8:15 10:23  <b>jankarelli's</b> 79:4,6  <b>january</b> 4:10  45:17 47:24  <b>jersey</b> 1:1 4:21  6:20 8:1 10:14,20  11:14 13:11 20:3  45:17 46:11 47:7  48:4,16 49:20  51:5,16 53:6  54:10,12 63:14,14  76:9 104:21  <b>joanne</b> 3:5 49:8,10  49:13,20  <b>job</b> 1:24 11:24  21:9 28:17 40:2  49:14 74:24  112:24  <b>jog</b> 101:21  <b>join</b> 61:10  <b>joseph</b> 1:17 8:17  10:24  <b>judge</b> 3:5 49:8,10  49:11,20 50:2,3,10</p>	<p><b>keep</b> 10:6 26:24,25  34:2,2 38:4 39:22  43:1 63:18,20  83:1  <b>keeping</b> 33:23  102:19  <b>kelly</b> 10:8 13:15  13:25 14:17,18  16:13  <b>kelly's</b> 12:7  <b>kept</b> 71:25  <b>key</b> 109:24 112:15  <b>kids</b> 71:6 85:14  <b>killed</b> 81:11  <b>kind</b> 10:2 14:22  42:2 49:11 63:13  64:25 66:10,23  70:18 71:16,16  72:8,18 76:18,18  76:21 77:3 78:2  80:7,9 83:8 86:5  86:15 90:20 97:17  102:11 108:5  109:17,24 110:11  113:10 114:16  <b>kingsland</b> 90:22  90:23 91:19,19  93:12 99:16 103:4  103:24  <b>kiosks</b> 73:16  <b>knew</b> 26:13  <b>know</b> 6:1 11:24  12:2,7,21 13:14,16  14:7,8 15:1 21:2  31:6 35:9 36:4,23  37:19,21,23 38:3</p>		<p><b>l</b></p> <p><b>l</b> 8:13  <b>la</b> 32:7 36:17  38:11  <b>lack</b> 113:22  <b>land</b> 48:13 65:7  92:21,22 114:23  <b>landscape</b> 5:11  62:6 63:8 69:17  75:22,24 76:14  <b>landscaping</b> 66:19  <b>lane</b> 14:11,12  65:17 80:21  <b>lanes</b> 67:4 81:7  <b>large</b> 11:2 66:9  67:9 68:16 69:8</p>

<p>70:18 84:13 110:21 <b>larger</b> 71:9 <b>laroche</b> 48:5 <b>late</b> 9:25 27:24 31:1,1 62:18 <b>laughter</b> 16:16 22:6 44:1 74:19 74:23 102:10,13 112:5,8,14 113:16 <b>laura</b> 10:25 20:16 <b>law</b> 2:7 6:15 9:7 19:13 48:2,13 53:22 <b>laws</b> 48:9 <b>lawsuit</b> 81:8,10 <b>lay</b> 26:23 <b>layoffs</b> 42:3 <b>leadership</b> 14:1,1 <b>learned</b> 15:18 <b>learning</b> 14:25 16:9 <b>leave</b> 102:16 <b>led</b> 32:24 <b>ledger</b> 2:9 9:9 <b>left</b> 67:14 70:4 <b>legal</b> 7:1 <b>lend</b> 77:3 99:17 <b>leoni's</b> 68:24 69:9 <b>level</b> 33:24 39:13 80:5 <b>leverage</b> 4:4 <b>levy</b> 31:11,19 33:4 36:22 38:19 <b>library</b> 33:16,17 <b>license</b> 4:5 5:5 19:15 20:9 51:3,8 51:9,21 52:2,4,5 52:25 53:6 <b>licensed</b> 51:14,21 51:23 75:22,23,25</p>	<p><b>licenses</b> 18:23 53:8 <b>life</b> 12:24 26:6,7 26:22 27:2 34:4 <b>lighting</b> 80:7 <b>lights</b> 68:1 <b>liked</b> 76:25 <b>limit</b> 16:8 24:15 55:16 <b>line</b> 31:8 68:9 89:19 <b>lines</b> 72:1 <b>linked</b> 32:6 <b>list</b> 23:14 25:1 <b>listed</b> 47:9 <b>listen</b> 41:1 <b>listening</b> 41:8 <b>literally</b> 97:15 100:25 <b>litigation</b> 5:22 6:6 6:7,22 <b>little</b> 10:2 14:12 21:1 27:11 36:1 36:24 38:4,9 41:8 60:20,21 61:4 67:22,23,25 68:20 70:14 71:2 72:1,9 72:13,19 73:20 74:3 75:4 80:5 83:11,22 85:1 89:17 97:4 107:3 109:19 <b>llc</b> 48:3 51:1 52:7 <b>local</b> 15:6,6 32:13 40:23 51:17 53:24 64:3,16 104:20 <b>locally</b> 63:13 <b>located</b> 51:4 63:7 76:10 <b>location</b> 86:19 <b>loch</b> 10:25</p>	<p><b>long</b> 13:16 16:14 21:16 35:25 37:8 43:4 73:1 75:12 78:21 109:12 <b>longer</b> 35:25 <b>look</b> 12:11 14:4 33:2,10 34:14 37:2,11 38:17 43:6 57:1,11 64:11 68:3 77:14 79:25 83:19 84:6 89:15,16 90:9,9,15 91:11 92:5 107:4 110:5 <b>looking</b> 14:13 31:14 82:19 92:15 97:22 99:25 100:3 102:5 103:10 <b>looks</b> 66:23 75:7 78:22 83:18 <b>looming</b> 42:3 <b>loss</b> 36:16 38:10 44:2 <b>lost</b> 35:14 <b>lot</b> 28:22,24 32:8 41:19,20 42:13 43:5 60:1,3 68:11 69:8,13 72:3 74:12 80:23 81:5 85:18,18,19 89:5 98:15 99:17,18 101:1,3 102:1 105:4 107:23 110:13 111:11,23 113:18,19,20 <b>lots</b> 47:9 85:3 <b>loved</b> 73:9 <b>loves</b> 42:16 <b>low</b> 33:24 34:2 <b>lower</b> 32:20 33:15</p>	<p><b>luck</b> 55:7 <b>lunch</b> 101:17 104:25 <b>lunchtime</b> 101:12 <b>lustberg</b> 62:14,16 62:20,22 63:5,6 74:7,11,13,16,25 75:6,9,14,18,21,22 76:23 77:12,16,20 77:22 78:1,8,13,15 78:18,24 79:6,9,11 79:15,18,23 80:19 81:1,18,20,23 82:1 82:9,15,23 83:3,7 83:16 84:12,15,18 84:21,24 85:5,20 85:23,25 86:4,12 87:8,10,14,19,22 88:1,6,11 89:4,6 90:1,5 91:1,3,6,9 91:18 92:3,18,20 92:22,24 93:24 94:3,7,10,21,25 95:4,11,16,19,22 96:3,6,25 97:2,8 97:20,23 98:1,4,8 98:11,13,16,19,24 99:6,10,14,19,21 100:1,5,10,14 101:6,10,20,23,25 102:17,23 103:8 105:10,13,16,19 106:2,6,11,22 107:1,5,11,14,23 108:10,13,16 109:10 110:23 111:2,7,10,15,18 111:21,24 112:2 112:19,22,25 113:5,11,13 114:5 114:9,14 115:3</p>
---	---	--	--

<p><b>lustbert</b> 95:25  <b>lutsberg</b> 78:11  <b>lying</b> 74:21</p>	<p><b>maintained</b> 19:15  <b>major</b> 36:16  <b>majority</b> 24:21  33:3 55:21  <b>making</b> 28:13  43:12 61:18 68:16  77:3 80:14 86:1,5  92:7,12 94:23  105:2,2,3 109:15  <b>manage</b> 33:21  34:11 36:16,25  99:15  <b>managed</b> 36:19  <b>managing</b> 34:6  37:22  <b>mandates</b> 40:17  <b>mandatory</b> 53:21  54:2  <b>map</b> 73:14  <b>maps</b> 66:3 72:25  73:21  <b>march</b> 4:19 5:2  17:8,23 23:7,10,11  30:22  <b>marched</b> 72:14  <b>matches</b> 41:21  <b>materials</b> 64:22  67:12 72:10,19,20  <b>matter</b> 42:7  <b>matters</b> 7:2,2 10:1  <b>mauro</b> 8:14  <b>mayor</b> 1:17 2:2,3  2:21,22,23,24 3:7  3:8 4:13,17 5:1,14  5:19,24 6:9 7:12  7:13 8:17 9:2,3,21  9:22,23,24 11:21  12:5,6 13:22  14:16,20 15:19  16:12,17,23 17:2,5  17:7,20,21 18:10</p>	<p>18:11,13,17 21:24  21:25 22:8,25  23:1,3,4,8,11 24:5  24:6,7,8,17,17,20  27:16 28:1,16,17  28:20 29:17 30:5  30:6,17,18 32:24  39:9 40:3,7,8  41:13,14 43:3,18  44:12,13,17,20,23  45:11,12 46:5,6,25  47:1,2,3,4,21,22  49:3,4,5,6,24  50:21,22 52:19,20  52:23 53:19,20  55:1,2,10,11,18,18  55:21,25 57:19,21  58:1,4,8,13,17,22  58:25 59:5,8,12,15  59:20,23 61:7,14  61:25 62:4,15,16  75:2 76:25 77:6,9  77:14,18 78:4  79:8 86:7,10  87:17,24 88:4  91:16 92:17,21  94:1,9,19,22 95:1  95:5,8,10 96:22  97:1,6 103:1,14  112:20 113:14  114:13,25 115:5  115:10,13,15,25  116:12,13  <b>mean</b> 13:1,10,11  13:12 38:13 39:15  40:3 43:25 57:24  59:2,25 68:15  74:14 75:10,12  78:5,19,24,25  79:13,16 81:3  85:3,5 89:16</p>	<p>93:14 94:7,22,23  95:1,24 97:2  100:16 101:16,24  102:18,21 103:9  104:12 107:16,19  108:16 109:2,24  110:18,21 112:10  112:15 113:22,25  <b>means</b> 59:16 67:16  86:14 112:6  <b>media</b> 10:19 11:3  11:8 12:23 14:23  15:18 61:21  <b>meet</b> 34:25 35:1  <b>meeting</b> 2:4,7,8  6:15 8:5 9:4,7,8  10:1 17:7 35:7,10  55:4 61:12 73:25  74:2 86:16  <b>meetings</b> 31:1  62:5  <b>meets</b> 19:12 89:22  <b>member</b> 24:18  55:19  <b>members</b> 21:10  24:17 55:17  <b>membership</b>  24:21 55:21  <b>memorial</b> 28:6,7  <b>mentioned</b> 61:17  63:22  <b>message</b> 15:8,24  16:5  <b>messages</b> 14:14  <b>met</b> 35:5 36:10  71:13 78:2 104:18  <b>mic</b> 57:3  <b>michael</b> 49:9  <b>microphone</b> 14:19  24:13 55:13</p>
---	---	--	--

<p><b>microphones</b> 61:11  <b>mid</b> 72:2,5  <b>middle</b> 12:1 14:11 25:5 94:15 113:12  <b>milburn</b> 67:8,8,15 67:17 81:3,4  <b>mild</b> 95:12  <b>mile</b> 11:10  <b>mill</b> 67:17  <b>millennials</b> 66:15 70:12,13 84:17 113:7,8  <b>million</b> 25:15 31:11 32:2,2 33:5 33:17,25 34:2,10 35:2 87:16  <b>mills</b> 67:16  <b>millstone</b> 67:14,18 67:22  <b>mind</b> 103:10  <b>mindedness</b> 111:13  <b>minimum</b> 35:13 39:23 43:2 88:18 89:25 90:1,18 110:2  <b>minor</b> 114:4  <b>minute</b> 41:2 66:2,3 73:4,5,9  <b>minutes</b> 5:14,15 5:15 17:2,5,8,22 18:12 24:16 55:16 63:19 101:17  <b>missed</b> 14:24  <b>mixed</b> 70:5  <b>model</b> 50:4  <b>moment</b> 18:21 19:4  <b>money</b> 27:4 31:9 40:17 60:5 80:11</p>	<p>83:17 108:23 109:2  <b>montclair</b> 63:7 68:21,23 69:25 72:24 75:8 76:11 76:19,20 108:17  <b>month</b> 4:19 5:2 23:7 36:9,12 43:16 57:17 58:2 72:21  <b>months</b> 38:15 62:5 73:2  <b>moody's</b> 60:6,9  <b>moore</b> 24:25,25 25:5,8,11,17,20,24 26:1,3,6,11,13,15 26:17 27:3,14 56:2,2,10,13,20,24 57:6,9,12,15,20,23 58:3,5,6,12,14,18 58:20,22,24 59:1,6 59:9,12,14,19,22 59:24  <b>mornings</b> 85:16  <b>morristown</b> 77:23 77:24 78:6,20  <b>mortgage</b> 34:5  <b>motion</b> 6:4 17:9,24 22:14 116:1  <b>move</b> 6:10 17:10 17:25 20:11 22:15 23:20 27:18 30:7 30:19 44:14,21 45:1,20 46:14,15 47:11 48:18 49:23 52:9 53:9 54:16 86:21 94:24 95:3 100:9,9 103:21 115:9,21,23  <b>moved</b> 65:11 116:2</p>	<p><b>movement</b> 91:20 92:8 99:8,12  <b>moves</b> 86:22 87:10  <b>moving</b> 64:2,8,10 66:13 94:23  <b>mud</b> 28:6  <b>multi</b> 66:18  <b>multiple</b> 18:23 65:9,10 68:4  <b>municipal</b> 2:11 9:11 16:1 24:23 31:11,12,14 33:25 36:21 37:16 40:12 40:13,20 41:3,9,18 48:13 49:20 52:3 53:3,7 54:3,11 55:23  <b>municipalities</b> 41:11 53:24  <b>municipality</b> 19:10 33:11  <b>music</b> 111:4</p> <hr/> <p style="text-align: center;"><b>n</b></p> <hr/> <p><b>n</b> 2:1 9:1 117:1  <b>n.j.s.a</b> 19:25  <b>n.j.s.a.</b> 48:5  <b>nail</b> 82:25  <b>name</b> 14:6 24:13 55:14 62:20 63:6 75:22 76:7  <b>names</b> 61:17 73:14  <b>narrow</b> 78:22 79:25  <b>national</b> 4:16 44:25  <b>navarra</b> 10:23  <b>necessary</b> 19:2,18 20:8 39:22  <b>need</b> 5:21 10:16 17:9,24 29:14 34:25 38:18 44:17</p>	<p>58:10 65:16 72:5 77:1,6 96:20 103:21 105:5 108:14 110:2 111:19 113:4,9,9 114:7 115:1 116:1  <b>needed</b> 10:1 20:9 29:8 35:3 48:8  <b>needs</b> 11:2 62:11 77:18 107:7 110:14 111:12,13 111:23  <b>negotiations</b> 3:15 6:7,23  <b>neighbors</b> 16:4  <b>never</b> 37:3,9 42:14 57:14 86:25 87:2 97:15,16 103:17 103:17  <b>new</b> 1:1 4:21 5:6 6:20 8:1 10:14,20 11:14 13:11 20:3 22:11 36:9 37:2 45:16 46:11 47:6 48:4,16 49:19 51:5,16 52:4 53:6 54:3,10,12 63:14 66:1 76:9 81:22 82:18 99:3 102:1 104:21 106:15,21  <b>newark</b> 73:18 76:19  <b>news</b> 2:9 9:9 38:4  <b>newspaper</b> 12:22  <b>nhs</b> 15:15  <b>nice</b> 3:18 66:18 67:11 68:13,16 69:18 72:9,10 75:7 80:14 104:22  <b>nicer</b> 80:6,9</p>
---	---	--	--

<p><b>nicole</b> 1:25 8:25 117:3,8 <b>nicolette</b> 10:23 15:12 <b>night</b> 27:24 56:22 57:3 62:18 68:3 <b>nightmare</b> 88:9 95:18 <b>nine</b> 60:24 76:5,5 <b>nisivoccia</b> 37:5 <b>nj2885298</b> 1:24 <b>noble</b> 85:16 <b>normal</b> 38:5 <b>normally</b> 37:19 89:8 <b>north</b> 79:7,8,10,11 <b>northern</b> 63:14 <b>nosey</b> 106:20 <b>note</b> 25:18,20 <b>notice</b> 2:7,10 9:7 9:10 <b>notification</b> 3:12 <b>novelty</b> 106:24 <b>number</b> 38:14 41:21 51:3 52:25 64:2,5 65:14 66:9 76:8,13 88:12 97:13 105:1 108:21 <b>numbers</b> 60:11,11 60:13 <b>nutley</b> 1:1 2:9,10 3:2,16 5:9 6:19 7:1 8:1 9:9,10 10:9,11,18 11:6,8 11:13,14,25 16:4 19:20,21 20:2 27:6,9 33:18 35:11,22 40:21 42:23 45:16 47:6 48:10,15 49:19,21</p>	<p>51:5,13,25 52:24 53:5 54:9,10,14 60:7,12,15 72:17 78:22 84:1 104:24 105:2 106:16 113:4,14</p> <p style="text-align: center;"><b>o</b></p> <p><b>o</b> 2:1 9:1 117:1 <b>o'keefe</b> 10:25 <b>objectives</b> 114:4,7 114:8 <b>observation</b> 95:12 <b>obtained</b> 51:22 <b>obvious</b> 109:13 <b>obviously</b> 11:21 27:10 69:19 98:15 107:17 109:24 <b>occasion</b> 27:12 <b>occurred</b> 26:20 <b>october</b> 76:5 <b>offer</b> 13:24 50:17 <b>office</b> 2:12 9:12 27:23 57:21,24 58:1,7,8,21 59:1 65:1 66:13 101:2 <b>officer</b> 21:12 24:20 55:21 <b>officers</b> 42:21 <b>official</b> 4:2 <b>officials</b> 16:7 41:4 <b>offset</b> 33:6,7 <b>offsetting</b> 109:14 <b>oftentimes</b> 14:18 <b>oh</b> 16:25 25:20 74:11 75:18 83:19 112:25 <b>okay</b> 25:9,20 26:2 26:4 27:14,14 43:25 44:20 58:3 58:25 75:6,9,14,18 77:17,19 78:3,8</p>	<p>84:18 85:24 88:6 91:18 100:6 105:13 110:14 111:18 115:22 <b>old</b> 61:23 64:22 66:13 76:4 <b>older</b> 113:10 <b>on3</b> 48:4 62:6 77:1 111:14,16,19 <b>onboard</b> 43:13 <b>once</b> 13:20 26:23 28:10 40:1 58:15 82:17 103:14 107:10,12 <b>ones</b> 92:10 <b>open</b> 2:6 6:14 9:6 27:23 35:19 36:24 111:13 <b>opening</b> 16:7 <b>opens</b> 106:14 107:12 <b>opera</b> 111:9 <b>operate</b> 31:3 <b>operating</b> 32:23 34:15 91:4 <b>opinion</b> 81:9 82:3 <b>opinions</b> 39:1 <b>opportunity</b> 93:13 103:15 <b>opposed</b> 86:13 <b>opposite</b> 85:11,12 <b>opra</b> 56:25,25 57:4 57:15 58:23 <b>optimistic</b> 38:23 <b>order</b> 48:8 53:24 96:13 <b>ordinance</b> 3:24 28:25 29:1,4,5,18 30:7 <b>ordinances</b> 51:17</p>	<p><b>organization</b> 52:24 <b>organized</b> 114:1 <b>organizing</b> 16:2 <b>outcome</b> 100:7 <b>outdoor</b> 5:16 22:10 68:13 70:18 71:5 <b>outer</b> 88:16,17 <b>outfitters</b> 68:24 <b>outside</b> 35:17 59:13 70:2 100:17 100:21,24 115:7 <b>outsourcing</b> 43:7 <b>outstanding</b> 34:1 40:2 50:3 <b>oval</b> 91:25 94:9 <b>overall</b> 83:20 108:3 <b>overpayment</b> 4:8 <b>overpayments</b> 47:8 <b>overtime</b> 60:18 <b>owned</b> 65:8 <b>owners</b> 79:20 80:11 <b>ownership</b> 52:5</p> <p style="text-align: center;"><b>p</b></p> <p><b>p</b> 2:1 9:1 <b>p.a.</b> 79:19 <b>p.l.</b> 20:10 <b>p.m.</b> 1:10 2:5 5:17 8:10 22:12,12 27:23 <b>padilla</b> 10:23 15:12,15 <b>page</b> 11:9 25:1,4,5 25:6 <b>paid</b> 42:12 51:7 59:3 60:17</p>
---	---	--	--

<p><b>pain</b> 39:14,20</p> <p><b>painless</b> 62:19</p> <p><b>paper</b> 29:7</p> <p><b>parameters</b> 34:25</p> <p><b>parents</b> 15:4,4</p> <p><b>park</b> 4:24 5:6 45:18 51:4 52:7 68:23 71:15 76:14 76:15 92:18 93:1 93:13 97:4 100:20 101:5 103:4 110:22</p> <p><b>parked</b> 69:3</p> <p><b>parking</b> 69:8 78:9 101:1,3</p> <p><b>parks</b> 23:17 28:4 65:1,3,6,10 66:13 101:1</p> <p><b>parsippany</b> 48:3,3</p> <p><b>part</b> 10:12 15:4 21:13 36:21 58:18 62:7 65:18,19 74:9 76:16 98:3 100:21,22 105:7 108:20 111:22</p> <p><b>partially</b> 33:6,7</p> <p><b>particular</b> 63:24 76:2 86:16</p> <p><b>partner</b> 37:4</p> <p><b>parts</b> 80:21</p> <p><b>pass</b> 109:24</p> <p><b>passed</b> 49:12</p> <p><b>path</b> 65:15 66:18 80:18</p> <p><b>patrols</b> 16:15</p> <p><b>pause</b> 16:19,22 17:1 35:20 115:16</p> <p><b>pavers</b> 79:14 81:17 83:14</p> <p><b>pay</b> 12:9 58:14 83:10,12 112:18</p>	<p><b>paying</b> 57:16 58:21 59:8</p> <p><b>payment</b> 25:11,14</p> <p><b>payments</b> 48:9</p> <p><b>payroll</b> 23:18</p> <p><b>pedestrian</b> 3:3 11:1,17 12:19 16:13,14 63:10 67:3,5,11 68:8 76:3 80:10 87:2,3 90:15,16,19</p> <p><b>pedestrianized</b> 66:24</p> <p><b>pedestrians</b> 12:2 64:3 66:14 67:23 86:25 89:16,19 90:17 92:13 98:6</p> <p><b>pending</b> 6:6</p> <p><b>pennies</b> 60:25</p> <p><b>penoni</b> 57:19 58:13 59:4,5</p> <p><b>penoni's</b> 57:20</p> <p><b>pension</b> 32:15</p> <p><b>people</b> 5:6 12:9,10 13:5 14:2,8 27:1,9 39:15 40:20 41:1 59:2 60:2,5,15,17 60:17,18,20 61:3,5 61:21 65:16,22 66:5,21 68:11 69:18 70:11,17 71:1,7 72:3,4 73:1 73:9 74:15 75:13 76:11 82:25 83:10 83:16,21 85:8,19 93:18 95:2 96:23 98:23,25 99:1,5,13 100:9,17,24 101:12 102:3 103:18,22 104:11 105:1 107:2,23</p>	<p>110:16,21 114:10 114:11,17</p> <p><b>percent</b> 29:8,9 31:11,14,24 33:19 34:4,6 36:12 37:23 38:2,5,24</p> <p><b>perfect</b> 102:9</p> <p><b>perfected</b> 26:21</p> <p><b>performance</b> 63:25 68:15</p> <p><b>performing</b> 111:6</p> <p><b>period</b> 18:24 30:21</p> <p><b>person</b> 5:4,5 19:9 19:17 24:15 51:2 51:2 55:15 97:14 104:19</p> <p><b>personally</b> 63:15 75:15</p> <p><b>personnel</b> 6:8,9,23 7:1</p> <p><b>persons</b> 24:11 55:12</p> <p><b>perspective</b> 37:10</p> <p><b>pertinent</b> 51:17</p> <p><b>petracco</b> 1:16 2:19 2:20,24 3:1 5:23 7:10,11 8:16 9:19 9:20 10:4,5 15:10 15:20 17:18,19 18:8,9 21:22,23 22:15,23,24 23:8,9 24:3,4 30:3,4,15 30:16 41:15 44:10 44:11 45:2,9,10 46:3,4,23,24 47:19 47:20 49:1,2,6,7 50:19,20 52:17,18 53:17,18 54:24,25 56:5,9,12,17,21 57:1,8,10,13 78:5</p>	<p>78:9,12,14,16,19 79:5,10,12,16,22 80:17,25 81:15,19 81:21,24 82:2,5,8 82:11,16,24 83:4 83:15 89:24 90:2 95:9 96:14 97:21 97:24 98:2,5 101:4,15,21,24 102:9,24 103:3,9 103:17,24 104:4,8 104:12,14,17 106:7,12,19,23 107:2,6,12 108:8 108:11,14 111:5 112:3,9,15 115:9 115:24 116:3,10 116:11</p> <p><b>peyoni</b> 57:16,17</p> <p><b>ph</b> 4:6 18:18,22 28:23 49:10 52:21 56:22 57:16,19 66:8 77:15 78:7 79:4 80:7 87:25 94:2 97:3 102:8 106:8,13</p> <p><b>phase</b> 71:12</p> <p><b>phil</b> 78:2</p> <p><b>philosophies</b> 106:13</p> <p><b>phone</b> 14:13 28:15</p> <p><b>phones</b> 12:11</p> <p><b>physical</b> 109:15</p> <p><b>piazza</b> 70:18</p> <p><b>pick</b> 12:22</p> <p><b>picky</b> 57:25</p> <p><b>picture</b> 14:16 15:13 16:18 71:22 101:11 105:9</p> <p><b>pictures</b> 72:21 105:15</p>
---	---	---	---

<p><b>piece</b> 31:13,13,13 35:14 43:7 105:25</p> <p><b>pl</b> 19:8</p> <p><b>place</b> 12:24 60:19 78:25 83:18,25 84:1 85:10,13 86:6,14 100:8</p> <p><b>placed</b> 16:8 41:3</p> <p><b>places</b> 69:18 70:10 70:13 75:11 84:20</p> <p><b>plan</b> 11:3 69:25 91:12</p> <p><b>planned</b> 16:2 103:18</p> <p><b>planner</b> 75:23 77:24</p> <p><b>planning</b> 39:14 76:3 103:21 104:14 105:25</p> <p><b>plaques</b> 72:13</p> <p><b>platforms</b> 11:8</p> <p><b>play</b> 27:5 89:17 112:17</p> <p><b>playgrounds</b> 76:17</p> <p><b>playing</b> 27:1,9</p> <p><b>plaza</b> 68:3,7 70:8 70:9,16 71:3 76:14 108:20,21</p> <p><b>please</b> 12:13 14:3 17:9 22:14</p> <p><b>pleased</b> 34:22</p> <p><b>pleasure</b> 49:13 50:12,15</p> <p><b>plenary</b> 51:2 52:2</p> <p><b>plus</b> 42:1</p> <p><b>pm</b> 116:16</p> <p><b>pockets</b> 67:23 68:13 69:16,17 83:20,22</p>	<p><b>poet</b> 71:7</p> <p><b>point</b> 16:13 19:5 34:18 37:15 39:8 43:9 74:20 85:15 99:24 112:11</p> <p><b>points</b> 65:22 87:16 92:9</p> <p><b>police</b> 42:17,20 51:12 53:3 56:6,7 56:14,15,18,25 57:2</p> <p><b>polite</b> 98:17</p> <p><b>politely</b> 59:25</p> <p><b>pollinate</b> 108:6</p> <p><b>pop</b> 82:24 113:23</p> <p><b>popular</b> 69:14 72:4</p> <p><b>populated</b> 78:20</p> <p><b>population</b> 84:14</p> <p><b>populations</b> 113:9</p> <p><b>portion</b> 31:15 55:3</p> <p><b>position</b> 4:2 19:22 20:4 39:16</p> <p><b>positions</b> 39:15 43:8</p> <p><b>positive</b> 35:7 107:20</p> <p><b>possible</b> 16:8 62:19 110:1,3</p> <p><b>post</b> 73:14</p> <p><b>posted</b> 2:10 9:10</p> <p><b>potential</b> 92:25</p> <p><b>potentially</b> 93:12 93:12 94:8 95:18</p> <p><b>powerful</b> 12:9</p> <p><b>practicing</b> 75:24</p> <p><b>preclude</b> 27:8 111:13</p> <p><b>predicated</b> 95:14</p> <p><b>premise</b> 52:25</p>	<p><b>premises</b> 51:4</p> <p><b>prepared</b> 39:21</p> <p><b>present</b> 1:19 2:23 5:12 8:19 9:23 62:12</p> <p><b>presentation</b> 61:10 62:2,3 115:1</p> <p><b>presented</b> 77:3</p> <p><b>presiding</b> 24:20 55:21</p> <p><b>pretty</b> 28:3 37:24 38:16 61:22 69:9 75:11 78:20 79:23 85:21 102:8</p> <p><b>previous</b> 32:5</p> <p><b>previously</b> 4:21</p> <p><b>prior</b> 30:24 31:1 31:25</p> <p><b>prioritizes</b> 67:3</p> <p><b>prioritizing</b> 90:17</p> <p><b>priority</b> 27:10</p> <p><b>prize</b> 10:19 13:10 15:22</p> <p><b>probably</b> 3:21 35:22,25 36:1 37:10 38:14 61:5 92:3 93:15 99:1,1 102:7</p> <p><b>problem</b> 35:2 57:10 82:6 94:11 94:13</p> <p><b>proceedings</b> 1:6 8:6 116:15 117:4</p> <p><b>process</b> 15:5 35:23 36:2,3,12,17 37:1 38:15,25 43:4 62:7,8 84:4 85:12</p> <p><b>proclaim</b> 44:24</p> <p><b>proclamation</b> 3:1 10:7,10 11:20</p>	<p>15:11</p> <p><b>proclamations</b> 10:3</p> <p><b>producer</b> 15:12</p> <p><b>producers</b> 10:22</p> <p><b>productive</b> 35:7</p> <p><b>professional</b> 75:23</p> <p><b>proforma</b> 36:5</p> <p><b>proformas</b> 36:6,8</p> <p><b>program</b> 10:13,20 15:16 16:3 46:12 100:24 107:15 108:3</p> <p><b>programs</b> 53:25 54:3,4</p> <p><b>progress</b> 28:13 38:16</p> <p><b>project</b> 11:16 27:8 46:14 62:7 64:24 65:19 67:7,10 69:1,6,10,12,19 71:10,12 81:4 100:19,20</p> <p><b>projections</b> 95:15</p> <p><b>projects</b> 63:16 69:2 73:24 76:9 77:23</p> <p><b>prolonging</b> 26:22</p> <p><b>prolongs</b> 27:2</p> <p><b>promote</b> 66:5 68:16 109:16</p> <p><b>promoting</b> 12:18 12:18 108:2</p> <p><b>promulgated</b> 51:16</p> <p><b>proper</b> 26:24</p> <p><b>properly</b> 51:8 54:7 54:15</p> <p><b>property</b> 23:17 64:16 98:6 109:16</p>
--	---	--	--

<p><b>proposed</b> 74:3 86:8</p> <p><b>protection</b> 46:12 54:13</p> <p><b>protocol</b> 15:5</p> <p><b>proud</b> 11:19 13:21 50:5</p> <p><b>provide</b> 7:3 24:13 33:17 42:11 55:14 64:5</p> <p><b>provided</b> 48:1</p> <p><b>prudent</b> 29:15</p> <p><b>pub</b> 5:6 51:4 52:7</p> <p><b>public</b> 2:4,6,7 3:4 3:9,11,24 5:2 6:15 6:15,17,24 8:5 9:4 9:6,7 13:1 15:20 21:2 23:10,15,16 23:16,17 24:8 29:2,4,20 30:21 33:16 35:19 39:1 40:11 41:7 42:8 43:7,17,21 53:22 59:13 61:2,15 64:7 65:3,6 97:25 98:6 115:25</p> <p><b>publicly</b> 56:14</p> <p><b>published</b> 2:8 9:8</p> <p><b>pull</b> 88:23 93:21 94:12,17 97:12</p> <p><b>pulling</b> 93:7,8,18</p> <p><b>pulse</b> 113:3</p> <p><b>purchase</b> 51:21</p> <p><b>purchasing</b> 48:9</p> <p><b>purpose</b> 64:1,10 86:21,24</p> <p><b>purposes</b> 64:2 68:4</p> <p><b>pursuant</b> 2:6 9:6 19:24 20:10 48:5 48:13</p>	<p><b>push</b> 93:3</p> <p><b>put</b> 4:10 26:9 36:23 57:22 68:20 71:8,13 83:17 86:20 87:1 96:18 102:11 114:15</p> <p><b>putting</b> 67:12 71:18 102:2 109:15</p> <p style="text-align: center;"><b>q</b></p> <p><b>qualified</b> 51:14</p> <p><b>quality</b> 64:17</p> <p><b>quarries</b> 67:18</p> <p><b>quarterly</b> 25:11</p> <p><b>quarters</b> 108:17</p> <p><b>question</b> 25:22 42:18 49:15 58:6 60:21 71:14 85:5 98:14,20 99:11</p> <p><b>questioned</b> 60:21</p> <p><b>questions</b> 56:3 61:22 63:21 74:1 74:5 75:2</p> <p><b>quick</b> 27:22 73:23 88:22 102:8</p> <p><b>quickly</b> 87:11</p> <p><b>quite</b> 78:6</p> <p style="text-align: center;"><b>r</b></p> <p><b>r</b> 2:1 9:1 117:1</p> <p><b>raffle</b> 5:8 52:23 53:1,7</p> <p><b>raiders</b> 15:16 16:10</p> <p><b>railroad</b> 93:14 94:4</p> <p><b>railroads</b> 96:15</p> <p><b>rain</b> 5:17 22:13 81:25</p> <p><b>raino</b> 52:21,22 55:7,8</p>	<p><b>rains</b> 28:3</p> <p><b>raises</b> 60:17</p> <p><b>ramps</b> 86:5</p> <p><b>rate</b> 34:3 38:12 42:6</p> <p><b>rates</b> 33:23 34:5 38:9</p> <p><b>ray</b> 35:16,18,21 37:5</p> <p><b>raymond</b> 36:4 102:8</p> <p><b>read</b> 10:7 12:23 18:18 19:6 49:8</p> <p><b>reading</b> 29:2</p> <p><b>reads</b> 10:10</p> <p><b>ready</b> 4:4 36:13</p> <p><b>real</b> 49:13 60:16 61:17 106:20</p> <p><b>realized</b> 15:21</p> <p><b>really</b> 11:25 12:1,3 12:8 13:1 15:3 21:3 36:19 49:14 50:5 60:3 64:6 65:19 66:10,19 67:2 68:7,17 69:10,22 72:4 73:13 74:24 79:13 79:15,23 80:8 82:12 85:13 89:18 91:13 93:19 94:7</p> <p><b>reappoint</b> 49:8</p> <p><b>reappointment</b> 3:4 50:18</p> <p><b>reason</b> 31:9 61:5 81:7,15</p> <p><b>reasonable</b> 36:20</p> <p><b>reasoning</b> 81:8</p> <p><b>reasons</b> 68:13</p> <p><b>receive</b> 30:25 32:12</p>	<p><b>received</b> 31:25 32:17 52:24</p> <p><b>receiving</b> 13:10 27:3</p> <p><b>receptive</b> 35:10</p> <p><b>recognized</b> 13:12</p> <p><b>reconstruction</b> 67:9</p> <p><b>reconvened</b> 62:3</p> <p><b>record</b> 24:14 55:14 115:10 116:1 117:4</p> <p><b>recycling</b> 5:10 28:22 43:8 53:22 53:23,25 54:2,3,11 54:14</p> <p><b>redeveloper</b> 48:13</p> <p><b>redevelopment</b> 65:5,25 66:8 67:1 70:3 71:10 73:3 74:4 76:16</p> <p><b>redundant</b> 13:9</p> <p><b>reestablish</b> 29:15</p> <p><b>refer</b> 13:14</p> <p><b>reference</b> 61:18,20</p> <p><b>referring</b> 25:16</p> <p><b>reflects</b> 31:19 32:1 33:11,15 34:12</p> <p><b>refund</b> 4:8 47:8</p> <p><b>regard</b> 34:22</p> <p><b>regarding</b> 3:12 24:12 55:13</p> <p><b>registration</b> 27:25</p> <p><b>regular</b> 5:14 17:7</p> <p><b>regulations</b> 51:16</p> <p><b>reimbursable</b> 48:12</p> <p><b>reinforce</b> 14:14</p> <p><b>related</b> 63:17</p> <p><b>relates</b> 36:21</p>
--	--	---	---

<b>relationship</b> 81:2 <b>relative</b> 65:4 <b>relieving</b> 39:17 <b>remarks</b> 24:16 55:16 <b>remember</b> 13:4 56:13 60:5 69:7 <b>removing</b> 32:13 <b>renewed</b> 51:8 <b>rented</b> 56:6,11 <b>repeat</b> 13:24 <b>replenishing</b> 28:12 29:13 <b>repopulated</b> 99:4 <b>report</b> 3:4 4:18 5:2 23:7,10 56:7,8,15 56:19,25 57:3,7 60:6 <b>reports</b> 23:4,11 60:21 <b>represent</b> 41:23 41:24 64:12 <b>repurposing</b> 66:9 <b>request</b> 3:16,17 35:6 <b>require</b> 100:23 <b>required</b> 18:25 19:22 31:3 33:16 108:19,21,22 <b>requirement</b> 2:6 <b>requirements</b> 9:6 19:13 35:1 <b>requires</b> 19:8 <b>requisite</b> 19:2 <b>rescinded</b> 45:19 46:10 <b>rescinding</b> 4:20 <b>research</b> 41:8 <b>reserve</b> 29:13 <b>residential</b> 70:5	<b>resolution</b> 4:9,15 4:20,20,23 18:15 18:15,18 19:6 26:1 44:24 45:17 45:20 46:7,11,13 46:15 47:10,24 48:1,7,11,16 49:7 49:23 50:25 52:9 53:9 54:5,16 <b>resolutions</b> 4:1 5:4 44:21 <b>resolved</b> 11:12 20:1,7 45:15 47:5 48:14 49:18 51:24 53:4 54:8 <b>resonates</b> 65:19 <b>respect</b> 12:2 <b>respective</b> 33:14 <b>respects</b> 51:7 <b>response</b> 73:10 <b>responses</b> 57:16 <b>responsibility</b> 32:15 <b>rest</b> 36:15 111:13 <b>restaurant</b> 68:25 69:9 73:4 92:16 93:1 <b>restaurants</b> 78:10 82:18,25 106:16 106:21 114:15 <b>restored</b> 39:13 <b>restraints</b> 40:16 <b>restricted</b> 27:5 <b>result</b> 6:23 37:13 <b>resurfacing</b> 25:24 25:25 26:3 <b>retail</b> 5:5 51:2 52:2 70:5 98:10 <b>returfing</b> 4:24 26:2,3	<b>returning</b> 32:5 <b>revenue</b> 23:15 32:19 33:18 <b>reviewed</b> 51:20 53:2 <b>revitalization</b> 67:11 <b>revolutionary</b> 74:15 <b>ride</b> 15:16 16:10 101:20 <b>riding</b> 81:11 101:25 <b>right</b> 5:24 13:9,14 13:16 16:24 17:3 17:5 18:22 21:12 27:10 28:7 32:9 57:5 62:4 65:24 68:9,22,23 72:1,25 73:15 74:16 75:21 76:16 77:5,8,20,25 79:14,18 80:25 83:3,3,10,15,20 84:18,24 85:2 86:14 87:7,8,10,15 87:25 88:2,7,11,11 88:12,25 90:23,25 91:1,2,3,3,4,7,8,9 91:9,14,20 92:16 93:11,13,22 95:13 95:21,25 96:19,21 98:4,4,8,19,24 99:11,13 100:15 100:19 101:6 102:11,17 103:6,7 103:7 104:15 107:8,16 108:4,19 109:20 110:13,17 110:23 111:2 113:6,8 114:3,13 114:25	<b>risk</b> 13:8 <b>river</b> 67:16,17,18 <b>rivers</b> 28:5 <b>road</b> 40:11 48:3 65:9,15,17,18 66:11,17,18 69:20 72:15 80:23 81:5 82:13 87:1 94:17 97:21,25 105:25 110:3 <b>roads</b> 94:14,16 97:7 <b>roadway</b> 68:2 <b>roche</b> 32:7 35:12 36:17 38:11 43:13 82:17 90:3,5 101:18 106:21 <b>roe</b> 4:6 18:22 19:4 21:1,15 22:2 <b>rogers</b> 1:13 2:13 2:14 4:14,15 6:10 7:4,5 8:13 9:13,14 12:21 15:9 16:21 17:10,12,13 18:1,2 18:3 20:12,14,23 20:24 22:16,17,18 23:21,22,23 29:22 29:23 30:9,10 40:9 42:6 43:23 43:24 44:2,22,23 45:3,4,22,23 46:17 46:18 47:13,14 48:20,21 49:25 50:1 52:11,12 53:11,12 54:18,19 56:4 59:24 61:14 74:6,8,12,14,17,20 74:24 75:1 82:6 84:11,13,16,19,22 84:25 85:15,18,21 85:24 86:3 96:12
--	--	--	---

<p>96:17 98:9,12 114:20,23 116:4,5 <b>role</b> 19:3 50:4 <b>room</b> 19:7 <b>roots</b> 78:6 <b>rory</b> 24:25 56:2 57:14 <b>rosemarie</b> 4:2 18:19 19:1,6,11,14 19:17,22 20:3,7 21:9,16 <b>rosie</b> 4:4 <b>roughly</b> 32:1,3 33:11,17,25 34:10 34:16 <b>round</b> 86:8,13,20 86:20,21 87:2,18 88:6,8,16,19,23 90:6,18 91:11,22 92:11 95:14,19 102:14 103:6 <b>route</b> 94:11 <b>row</b> 38:11 <b>run</b> 73:23 89:18 89:18 101:22 <b>running</b> 28:4 <b>runs</b> 26:8 80:21 87:4 95:6 96:4 <b>rush</b> 97:16 <b>ryan</b> 10:25</p>	<p><b>sake</b> 111:14 <b>sal</b> 5:9 <b>salaries</b> 33:12 42:17 <b>salons</b> 83:1 <b>salvatore</b> 54:13 <b>sam</b> 56:22 57:5,6 <b>sanitized</b> 26:25 <b>sarinelli</b> 35:17,21 35:21 38:23 39:9 40:1 <b>satisfactory</b> 51:13 <b>saturday</b> 28:22 85:16 <b>save</b> 31:9 <b>saved</b> 12:24 <b>saw</b> 74:10 80:12 81:4 100:20 108:20 <b>saying</b> 61:23 103:3 107:16 <b>says</b> 36:4 72:14 100:6 <b>scale</b> 66:8 67:10 71:23,24 72:20 73:25 <b>scales</b> 108:23 <b>scarpelli</b> 1:17 2:2 2:21,22,24 3:7 4:13,17 5:1,19,24 6:9 7:12,13 8:17 9:2,21,22,24 12:6 13:22 14:16,20 15:20 16:12,17,23 17:2,5,20,21 18:10 18:11,13 21:24,25 22:8,25 23:1,4,8 23:11 24:5,6,8 27:16 28:1,17,20 29:17 30:5,6,17,18 32:25 39:9 40:8</p>	<p>41:14 43:3,18 44:12,13,17,20 45:11,12 46:5,6,25 47:1,3,21,22 49:3 49:4,6,24 50:21,22 52:19,20,23 53:19 53:20 55:1,2,10,25 56:3 57:15,19,21 58:1,4,8,13,17,22 58:25 59:5,8,12,15 59:20,23 61:7,25 62:4,15 75:2 76:25 77:6,9,14,18 78:4 79:8 86:7,10 87:17,24 88:4 91:16 92:17,21 94:1,9,19,22 95:1 95:5,8,10 96:22 97:1,6 103:1,14 112:20 113:14 114:13,25 115:5 115:10,13,15,25 116:12,13 <b>scenes</b> 14:20 <b>school</b> 10:9,18 11:6,9,10,23 19:2 31:13 40:14 <b>school's</b> 3:2 <b>schools</b> 10:13,20 <b>school's</b> 10:11 11:14 <b>scouts</b> 113:24 <b>scuttlebutt</b> 42:13 <b>sean</b> 10:24 <b>seating</b> 66:19 69:16,17 83:22 <b>second</b> 6:11 17:11 18:1 20:12,17,18 22:16 23:21 29:2 29:21 30:8 43:22 45:2,21 46:16</p>	<p>47:12 48:19 49:24 52:10 53:10 54:17 88:23 90:6 116:3 <b>seconded</b> 20:20 <b>seconds</b> 16:24 <b>section</b> 6:14 <b>section's</b> 61:15 <b>see</b> 3:19,20 12:16 14:8,9 31:8 38:18 43:15 57:16 58:20 59:10,10 60:16,18 60:19 65:22 66:17 66:23 67:4,17 68:1 69:9 70:19 70:20 71:1 72:6 76:11 79:13 83:17 83:18 84:22 91:24 93:4,22 94:11 95:17 97:13 98:22 101:15,19 103:6 106:14 <b>seeding</b> 28:11,11 <b>seeing</b> 27:18 29:19 33:22 43:20 61:9 61:20 106:21 <b>seen</b> 37:3,12 73:18 <b>select</b> 73:24 <b>send</b> 19:1 <b>senior</b> 84:13 85:7 <b>seniors</b> 84:17,22 85:19 <b>separation</b> 53:21 53:24 54:2 <b>series</b> 65:1 72:25 <b>serve</b> 64:1,2 <b>serves</b> 64:9 68:4 <b>service</b> 5:9 25:10 32:13 34:13 35:1 52:25 <b>services</b> 42:11,24 64:5</p>
<p style="text-align: center;"><b>s</b></p>			
<p><b>s</b> 2:1 9:1 <b>safe</b> 15:16 16:10 27:1 42:23 86:2 102:21 114:1 <b>safer</b> 103:22 <b>safety</b> 3:3,4 10:16 11:1,10,17 16:13 16:14,15 23:10,16 67:11 68:8</p>			

<p><b>serving</b> 21:10  <b>session</b> 1:5 5:15,22  7:14 17:22  <b>set</b> 11:2 70:20,22  70:24 114:4  <b>seven</b> 36:11 69:7  80:3  <b>sewage</b> 32:10,13  <b>seymour</b> 70:7  <b>shade</b> 4:18 23:6  <b>shane</b> 10:25  <b>shape</b> 87:18  <b>share</b> 41:12  <b>shares</b> 102:2,6  <b>shoe</b> 61:23  <b>shoes</b> 49:10  <b>short</b> 33:22  <b>shortfall</b> 32:19,21  33:8  <b>shots</b> 71:19,20  <b>shouting</b> 41:21  <b>show</b> 41:6 43:25  62:13 63:16 70:25  71:22 87:20 90:5  <b>showcase</b> 10:21  <b>showcases</b> 10:16  <b>showing</b> 97:11  <b>sick</b> 49:12  <b>side</b> 33:10 41:18  68:11 69:8 77:4  <b>sidewalk</b> 73:13  79:24 80:3  <b>sidewalks</b> 68:10  69:3,5,7 79:21  80:4,5  <b>sign</b> 65:21 73:11  73:13,13,15  <b>signage</b> 65:20  67:20  <b>signal</b> 86:22 96:21  97:14</p>	<p><b>signature</b> 117:7  <b>significant</b> 13:1,1  98:22 105:5 106:4  <b>signs</b> 11:10 16:8  66:3 73:5,10,19  105:7 109:15  <b>similar</b> 26:15,17  66:8 72:20 73:17  73:17  <b>simple</b> 60:20  65:15  <b>single</b> 78:25  <b>sinking</b> 80:11  <b>sit</b> 69:19 71:1  101:19 115:2  <b>site</b> 35:12 48:4  69:25 77:2 82:13  86:17 90:21 91:10  91:15,24 95:2  98:21 100:16  101:14 102:16,19  106:21  <b>sitting</b> 18:22 21:1  21:12 80:15  <b>six</b> 22:5 76:20,20  108:25  <b>sixth</b> 16:15  <b>slide</b> 97:3  <b>sliver</b> 97:4  <b>slope</b> 79:24  <b>slow</b> 89:10  <b>small</b> 41:5 88:21  89:14  <b>smaller</b> 105:8,8  <b>smallest</b> 88:18  <b>smooth</b> 110:3  <b>smoother</b> 90:13  <b>soccer</b> 46:14  <b>social</b> 11:3,8 12:23  61:20 68:18 83:22</p>	<p><b>socializing</b> 68:17  <b>soil</b> 28:12  <b>sold</b> 83:6  <b>solely</b> 69:12  <b>solve</b> 94:13  <b>somebody</b> 14:11  49:15  <b>someone's</b> 89:17  <b>somewhat</b> 36:24  <b>sorry</b> 10:6 20:14  26:16 28:11 59:6  63:5 87:13 91:19  <b>sort</b> 33:2 64:1,7,10  65:4 66:5,16  67:17 68:3 70:17  70:25 71:2,4,6  73:22 104:23  107:24  <b>sound</b> 37:9 57:24  57:25  <b>sounds</b> 83:8 112:3  <b>source</b> 51:20  53:21,24 54:2  <b>south</b> 63:14 68:23  71:15 79:9 93:22  <b>space</b> 67:5 68:7,18  68:19 70:18 71:15  99:18  <b>spaces</b> 69:22  110:16,25  <b>spacing</b> 89:3  <b>span</b> 26:6,7  <b>speak</b> 41:9 61:2  <b>speaker</b> 3:18 5:21  6:6,8,13 22:7  62:21,23 63:1,3,4  85:4 86:9 87:6,21  91:8 96:20 102:7  104:6 106:18  109:8,9,23 113:18  113:20 114:19,22</p>	<p>115:6,18,20,23  <b>speaking</b> 41:4  <b>special</b> 48:4 84:8  <b>specialize</b> 63:8,9  63:23  <b>specifically</b> 87:22  <b>speed</b> 11:10 16:8  72:8  <b>speeds</b> 14:8  <b>spend</b> 40:17,18  83:17  <b>spending</b> 40:23  <b>spent</b> 41:19  <b>spirit</b> 54:1  <b>spirits</b> 5:7 51:1  52:3,7  <b>sponsored</b> 10:13  <b>spot</b> 28:24 71:2  72:4,9 89:17  <b>spots</b> 70:14  <b>spread</b> 107:3  <b>spring</b> 110:18  <b>square</b> 69:4 78:20  <b>stage</b> 70:21,24  <b>stairs</b> 70:20,22  <b>stakeholders</b>  15:25  <b>stand</b> 97:14  <b>standard</b> 92:11  <b>standards</b> 51:15  89:22  <b>standing</b> 3:13  19:16 20:9  <b>star</b> 2:9 9:9  <b>starbucks</b> 68:24  <b>start</b> 10:3 43:5,12  75:14 103:19  110:13  <b>started</b> 31:7 37:6  43:5 50:10 76:4,6  76:6</p>
--	--	---	---

<b>starting</b> 38:1 71:13 <b>starts</b> 36:3 68:3 <b>state</b> 3:12,12,21 4:21,24 6:19 11:14 13:10 15:23 20:3 27:3 30:24 30:25 32:5,16 35:6,6,8 36:18 38:14,16 39:3,5,6 39:13 40:15,16 44:16 45:16 46:11 47:6 48:16 49:19 53:5 54:10 <b>station</b> 73:7,8 92:23 <b>statute</b> 7:3 18:25 31:3,23 <b>statutes</b> 51:16 <b>statutorily</b> 19:22 29:11 33:16 <b>stay</b> 37:23 38:2 101:13 <b>steep</b> 79:24 <b>step</b> 19:3 21:4 29:14 100:3 <b>stepped</b> 75:19,20 <b>steve</b> 5:23 <b>steven</b> 8:13 <b>stipend</b> 57:17,23 57:25 58:1,21 <b>stipends</b> 59:2 <b>stop</b> 12:14,15 73:13,15 86:23 87:1 97:15,16,19 <b>store</b> 79:20 80:11 80:11,14 <b>stores</b> 64:16 98:10 <b>story</b> 67:19 <b>straight</b> 90:12	<b>streams</b> 28:4 <b>street</b> 22:11,11 24:25 49:13 56:2 63:9,22 64:12 67:25 68:2,4,6,16 68:23 69:2,10,13 70:2,7,7,16 71:15 71:20 72:4 73:14 76:3,7,10,12 79:3 79:21 80:15,20 81:12 82:16,22 96:24 101:9 102:22 <b>streets</b> 63:9,24,25 63:25 64:5,6,7,17 64:18,20,21 67:24 69:15 110:19 <b>strength</b> 15:22 <b>stretch</b> 79:6 <b>strike</b> 39:18 41:23 43:1 <b>string</b> 68:1 <b>strong</b> 61:19 93:19 <b>struggle</b> 38:2 <b>stuck</b> 71:11 <b>student</b> 15:24 16:3 <b>students</b> 10:9,11 10:15,18,22 11:18 11:24 12:10,12 13:18 14:25 15:5 15:11 68:9 <b>studies</b> 95:24 <b>studio</b> 63:23 <b>stuff</b> 78:21 81:19 81:25 106:15 <b>style</b> 70:18 <b>subject</b> 31:5 52:5 <b>submission</b> 54:11 <b>submitted</b> 22:10 45:1 51:6 56:24	<b>substantial</b> 28:14 <b>succeed</b> 111:17 <b>success</b> 95:13 <b>suddenly</b> 49:12 <b>sued</b> 81:14 <b>suggested</b> 62:5 <b>suite</b> 48:3 <b>sullivan</b> 11:1 <b>summary</b> 35:16 <b>sun</b> 2:9 9:9 <b>support</b> 14:22 60:24 64:3,14,16 <b>sure</b> 12:14 14:10 19:2 21:16 38:17 49:10 58:23 59:21 59:23 65:12 66:12 77:3 90:3 93:20 94:7 96:7 114:7 <b>surprise</b> 32:18 <b>survive</b> 106:9 <b>suspect</b> 28:10 <b>sustain</b> 15:8 16:5 <b>sustainability</b> 64:15 <b>switch</b> 18:13 <b>system</b> 65:9,21 72:24 73:17	102:12 113:8 114:9 <b>talked</b> 94:19 <b>talking</b> 40:21 92:4 <b>taped</b> 28:14 <b>tax</b> 4:2,8 18:19,25 19:9,9,12,19,22 20:4 31:11,12,19 36:21 38:12,19 42:6,9 47:8 <b>taxes</b> 40:14 41:3 <b>taxpayers</b> 37:14 39:21 41:24 43:2 <b>taylor</b> 48:3 <b>tbg</b> 51:3 52:2 <b>teaching</b> 11:25 <b>team</b> 13:20 60:10 78:2 <b>technical</b> 46:8 87:16 <b>technically</b> 89:22 <b>teenage</b> 10:17 11:17 <b>tell</b> 13:4 25:2,9 50:3 57:17 66:5 75:4 83:5 <b>telling</b> 67:19 <b>tells</b> 60:15 <b>temporary</b> 31:2 39:17 <b>ten</b> 26:11,18,19 34:4,5 42:1 64:20 66:3 76:4 80:3 <b>term</b> 3:5 19:23 20:5 33:22 49:21 51:9 108:9 109:12 113:23 <b>terms</b> 33:1 52:6 78:24 83:24 <b>texting</b> 12:2
		<b>t</b>	
		<b>t</b> 117:1,1 <b>table</b> 39:5 44:14 44:15,17 101:18 <b>tabled</b> 72:2 <b>take</b> 14:16 15:13 18:21 19:4 22:2 36:17 38:17 39:7 110:8 <b>taken</b> 10:12 31:17 33:13 <b>takes</b> 73:1 <b>talk</b> 6:21 33:9 74:5 75:16 87:17 96:22	

<p><b>thank</b> 3:8 4:6,13 5:1 9:3 10:5 13:6 14:7,20 15:10,16 16:1,6,10,12 18:17 18:21 19:4 21:5 21:15 22:7 27:14 28:19 35:1 38:22 39:9 40:7 41:13 41:15,17 42:14 43:2,3 44:5 47:4 49:5 52:22 55:8 55:11 57:9 61:6 61:24,25 62:16,17 63:5 74:25 76:22 112:25 113:5 115:3,4,5 <b>thanks</b> 62:14 <b>theater</b> 70:2,6 71:10 <b>thereunder</b> 51:16 <b>thing</b> 12:8,17 21:1 40:10 42:10 43:25 59:20 60:23 61:1 71:16 72:18 80:7 81:6 83:7 84:7,11 86:5,15 89:7 90:20 93:7 104:18 109:12,20 114:11 114:16 <b>things</b> 21:4 31:4 32:9 43:6 58:10 59:2 60:16 63:17 68:20 69:16 71:16 71:25 72:1 76:17 76:25 77:2 78:23 82:9 83:24 85:6 100:15 102:2 104:18 105:4,25 108:4 109:13,14 109:17 110:1 111:12,23</p>	<p><b>think</b> 5:24 12:17 26:7 31:12 37:6 37:22 38:15 39:18 41:22 56:17,19 59:21 60:3,4 61:3 64:18,21 65:19 74:21 76:23,24 77:9 78:12,25 80:2,10,12 82:17 83:16 85:6,11 86:7,14,16,17,19 88:4 96:8 98:13 99:22 100:15 101:11,25 103:11 106:7,17 107:9,9 107:11,15,25 108:7 109:6,19,21 110:2,12,14 112:9 112:24 113:2 114:10,17 115:11 <b>thinking</b> 35:23 <b>thirds</b> 36:2 <b>thomas</b> 8:15 <b>thought</b> 26:11 62:11 65:3 73:24 82:12 85:12 103:12 105:6,21 105:22 107:18 112:6 114:4 <b>thoughts</b> 86:11 <b>thousands</b> 87:14 87:14 99:5 110:20 <b>thread</b> 15:21 <b>three</b> 3:5 5:4 24:15 32:8 34:4,6 49:21 56:3 77:23 79:7 80:2 89:3,3,17 92:9 <b>thursday</b> 22:12 58:9</p>	<p><b>time</b> 2:5 6:23 9:5 16:14 24:14 26:7 27:11 30:25 31:10 34:11 35:25 37:8 55:6,15 56:15,18 56:23 60:18 62:17 71:14 74:10,18 76:8 87:22 90:14 101:16,18 104:25 108:11 109:22 114:25 115:2,3 116:14 <b>timeframe</b> 3:22 <b>timely</b> 54:7 <b>times</b> 40:4 41:19 41:20 60:1,3 73:6 <b>tired</b> 112:7 <b>title</b> 51:15,18 <b>today</b> 3:13 12:25 14:2,9,14 35:5 43:6 98:25 100:12 <b>today's</b> 35:10 <b>told</b> 56:21 <b>tomorrow</b> 57:2,6 <b>ton</b> 81:1 89:20 <b>tonight</b> 2:25 3:2,9 15:8 18:18,18 19:5,7 30:21,23 31:4 38:25 62:12 63:12 <b>tonnage</b> 53:23 54:3,12 <b>tons</b> 83:17 <b>top</b> 10:19 28:11,11 67:4 68:2 92:8 <b>topic</b> 10:16 <b>topology</b> 77:12,13 77:24 <b>total</b> 23:18,19 <b>tow</b> 105:24</p>	<p><b>town</b> 2:10 9:10 12:20 15:16,19,22 16:6 27:23 32:12 34:24 35:1 42:21 42:23 50:5 64:8 64:15 65:2,7,10 67:13,20 69:3,4,15 70:2 73:20 74:10 80:12,22 82:14 84:6,14 111:14 113:14,15 <b>towns</b> 27:4,9 37:18,21 38:1,7 83:17 105:8 113:3 <b>township</b> 1:1 6:19 7:1 8:1 11:5,13 12:19 19:20,21,23 20:2 21:11 35:22 37:13 45:16 47:6 48:10,15 49:19,21 51:12,25 53:5 54:9,10,14 66:4 <b>track's</b> 96:12 <b>tracks</b> 93:15 94:1 94:4,5 110:10 <b>trading</b> 5:7 51:4 52:7 <b>traditional</b> 72:19 <b>traffic</b> 59:6,9,16 59:17 67:10 80:9 86:22 94:24,24 95:3,14,18,19,20 95:24 96:21 98:23 99:16 <b>trail</b> 65:8 <b>trails</b> 63:10,24 83:5,5 <b>train</b> 73:7,8 96:13 96:17 <b>training</b> 40:19 59:7,9,16,19,19</p>
--	--	---	---

<p><b>transcribed</b> 1:25 8:25 <b>transcript</b> 1:5 8:5 117:3 <b>transfer</b> 5:5 51:2,7 52:1 <b>transferred</b> 52:6 <b>transition</b> 43:12 <b>transitional</b> 32:2 <b>treasurer</b> 47:7 <b>tree</b> 4:18 23:6 <b>trees</b> 71:21 72:21 82:4,5 <b>trenton</b> 3:13 14:10 39:2 43:11 <b>tried</b> 70:14 73:24 80:1 81:16 <b>trimmed</b> 33:19 <b>trip</b> 26:5 <b>troops</b> 72:14 <b>truck</b> 56:11 <b>trucks</b> 56:6 <b>true</b> 117:4 <b>try</b> 41:22,25 43:1 63:18 84:4,8 110:3 <b>trying</b> 26:4 36:15 36:25 37:23 39:19 41:19 76:23 87:5 89:10 94:13 95:7 96:5 100:3 <b>tucci</b> 1:14 2:15,16 4:17,18 5:1,16 7:6 7:7 8:14 9:15,16 13:8 17:14,15 18:4,5 20:18,20,22 21:7,8 22:4,9,19 22:20 23:5,6,24,25 25:22,23,25 26:2,4 26:8,12,14,16,19 27:7,15 28:2,19</p>	<p>29:21,24,25 30:8 30:11,12 39:12 40:10 43:22 44:6 44:7 45:5,6,13,14 45:24,25 46:7,19 46:20 47:2,12,15 47:16 48:19,22,23 50:8,9 52:10,13,14 53:10,13,14 54:17 54:20,21 55:9 74:21 75:4,7,10,16 75:20 76:22 77:5 77:8,11,13,17,19 77:21,25 78:3 82:4 85:17 87:4,7 87:9,12 88:9 89:2 89:5 92:1,19,23 95:6,12,17,21,23 96:1,4,7,15 97:18 101:8 102:14,18 102:21 103:16,20 104:1,10,13,16 107:21 110:12,24 111:3,6,8,11,16,19 111:22,25 112:6 112:13,17,23 113:2,6,12,17,19 113:22 114:6 115:7 116:2,6,7 <b>tucci's</b> 13:25 <b>tuesday</b> 2:4 9:4 <b>turf</b> 26:9,22 45:18 46:14 <b>turn</b> 89:9,13 92:5 92:6 <b>turned</b> 28:4 69:10 70:16 <b>turning</b> 68:17 70:8 <b>tv</b> 10:11 11:6,14 15:15 41:6 43:25</p>	<p><b>tv3</b> 3:2 <b>tv's</b> 11:9 <b>twitter</b> 11:8 <b>two</b> 21:10 28:7,21 29:12 33:7 36:2,6 37:23 38:2,5 42:20 57:15 60:10 60:13,21,24 62:8 76:15,19 77:14 80:2 85:2 89:16 92:8 93:11 99:15 <b>tying</b> 74:9 <b>type</b> 73:23 78:24 84:7 <b>types</b> 66:3 76:13 <b>typically</b> 26:8 27:7</p> <hr/> <p style="text-align: center;"><b>u</b></p> <hr/> <p><b>u</b> 10:12 <b>uh</b> 60:12 62:14 77:8 92:17 100:14 111:10 <b>unaffordable</b> 31:16 <b>unbelievable</b> 28:15 78:14 <b>uncomfortable</b> 86:6 <b>understand</b> 3:15 41:2 104:21 106:4 106:13 <b>understanding</b> 48:12 105:8 <b>unfortunately</b> 39:14 <b>unfounded</b> 81:8,9 <b>unidentified</b> 3:18 5:21 6:6,8,13 22:7 62:21,23 63:1,3,4 85:4 86:9 87:6,21 91:8 96:20 102:7 104:6 106:18</p>	<p>109:8,9,23 113:18 113:20 114:19,22 115:6,18,20,23 <b>union</b> 72:11,12 <b>unique</b> 40:22 69:19 84:5 <b>uniqueness</b> 83:25 <b>update</b> 28:2 <b>urban</b> 62:9 63:7 68:24 75:24 76:13 <b>usage</b> 32:20,21 <b>use</b> 27:12,12 29:10 29:14 33:22 48:13 54:2 66:18 70:5 <b>usually</b> 14:19 36:3 43:5 85:15 <b>utility</b> 23:18 32:19 32:25 33:8 <b>utilize</b> 11:3</p> <hr/> <p style="text-align: center;"><b>v</b></p> <hr/> <p><b>vacancies</b> 69:11 69:14 <b>vacant</b> 92:20,21 92:22 <b>vacating</b> 70:8 <b>valid</b> 3:17 <b>valuable</b> 19:18 <b>value</b> 3:17 <b>values</b> 64:16 <b>various</b> 65:10,23 <b>varying</b> 108:23 <b>vendors</b> 48:9 <b>versus</b> 32:2 104:19 <b>video</b> 10:15 <b>view</b> 37:1 67:6 70:25 71:4 <b>viola</b> 49:10,11 <b>visibility</b> 93:7 <b>visit</b> 106:17,17 <b>visiting</b> 15:19 82:25</p>
--	---	--	--

<p><b>vital</b> 14:2  <b>vitality</b> 64:15 66:6  <b>voice</b> 14:4  <b>volume</b> 87:1 88:15  98:23 103:21  <b>volumes</b> 68:11  <b>vote</b> 11:20 20:24  21:6,8,19 44:5,17  50:7,15,17</p>	<p><b>wanted</b> 4:3 65:12  69:3 71:5,22  72:10,11,16 87:24  <b>wants</b> 13:17 70:11  91:20 100:21  113:7  <b>war</b> 74:15  <b>warranty</b> 26:8,17  <b>washed</b> 28:12  <b>watch</b> 37:14 60:22  85:8,14,17  <b>watches</b> 41:6  <b>watching</b> 41:7  71:7  <b>water</b> 23:17 32:19  32:20,21,25 33:8  <b>way</b> 14:5 21:2  26:25 28:17 36:2  36:16 64:22 72:23  73:7,8 78:9 80:22  83:1 88:13,14  89:8,21 91:17  93:15,21,25 94:5  94:24 96:19 98:7  98:9 99:12 100:11  100:12 102:22  105:6 110:15  112:12,13  <b>ways</b> 12:11 38:8  65:14 93:11  106:12  <b>we've</b> 12:19 19:1  26:21 28:6 31:6  31:17 33:21 35:24  37:7 39:14,18  41:10 62:7 63:13  63:18 74:14 76:8  76:17,19,20 79:1,2  81:16 87:12  100:18</p>	<p><b>wear</b> 61:24  <b>wears</b> 106:24  <b>webster</b> 48:2  <b>weeds</b> 88:2  <b>week</b> 4:16 28:24  45:1 58:15  <b>weekend</b> 68:6  <b>weeks</b> 56:5 78:7  <b>welcome</b> 27:15  61:10  <b>wellmont</b> 70:2,6  71:9 108:18  <b>went</b> 32:20,21  80:3 108:18  <b>wheel</b> 89:14  <b>white</b> 93:23  <b>wide</b> 33:11 72:8  90:16  <b>widen</b> 99:18  <b>widened</b> 68:10  69:3,4  <b>width</b> 65:17 69:19  80:3  <b>willing</b> 4:6 41:1  42:5  <b>wind</b> 43:15  <b>winners</b> 15:22  <b>winter</b> 71:21  <b>wish</b> 20:25 55:5  <b>wishes</b> 19:21  48:10  <b>woman</b> 42:19  81:11  <b>women</b> 42:20 50:5  <b>wonderful</b> 13:15  <b>word</b> 112:16  <b>words</b> 14:17 15:12  44:2  <b>work</b> 10:8 12:25  13:5,7,12,15 15:1  15:18 18:24 28:7</p>	<p>31:5,22 33:4  39:19 43:10,14  49:13 60:5,15,15  60:18 63:13 73:23  74:2 75:7,13  77:22 78:1,25  79:1 80:24 81:2  97:8 100:18  110:14,15  <b>worked</b> 11:6 35:4  43:9  <b>workers</b> 41:25  <b>working</b> 14:23  21:13 28:9 30:23  31:16 32:4 33:21  35:25 36:5 37:12  39:16 40:4 50:12  70:1 108:1,5,8,12  <b>works</b> 5:3 23:16  43:7 59:13 90:7,8  <b>world</b> 36:15 42:16  60:16,16 61:2  <b>woroco</b> 28:23,24  <b>worst</b> 37:16  <b>worth</b> 33:6,17,25  <b>wound</b> 43:7  <b>writing</b> 56:7,15  <b>written</b> 45:1  108:24  <b>wyciskala</b> 48:2</p>
<b>w</b>			
<p><b>wait</b> 31:25 39:6  41:2  <b>waiting</b> 5:25 10:6  71:21  <b>walk</b> 63:12 66:2,3  68:9 72:6 73:4,5,6  73:9 74:15 83:5  86:6 100:25 101:1  101:2,4,7,18,19  102:7 103:18  <b>walking</b> 12:16  <b>walsh</b> 34:19  <b>want</b> 3:15 12:16  14:3,6,17,20 15:8  18:18,21 19:4  31:21 34:21,23  35:18 36:5 37:9  40:6 43:24 44:3  61:14 62:23 66:1  66:11,12 70:11,13  70:23 73:1,3,4,12  74:1 77:4,23 84:5  85:14,14 87:3,19  87:21 88:2,3  90:19 91:14 93:2  93:18,19,19 98:17  100:12 101:4,6,7  101:11 107:25  109:23,24 110:9  111:16 112:17  113:7 114:2</p>	<p><b>watch</b> 37:14 60:22  85:8,14,17  <b>watches</b> 41:6  <b>watching</b> 41:7  71:7  <b>water</b> 23:17 32:19  32:20,21,25 33:8  <b>way</b> 14:5 21:2  26:25 28:17 36:2  36:16 64:22 72:23  73:7,8 78:9 80:22  83:1 88:13,14  89:8,21 91:17  93:15,21,25 94:5  94:24 96:19 98:7  98:9 99:12 100:11  100:12 102:22  105:6 110:15  112:12,13  <b>ways</b> 12:11 38:8  65:14 93:11  106:12  <b>we've</b> 12:19 19:1  26:21 28:6 31:6  31:17 33:21 35:24  37:7 39:14,18  41:10 62:7 63:13  63:18 74:14 76:8  76:17,19,20 79:1,2  81:16 87:12  100:18</p>	<p><b>wear</b> 61:24  <b>wears</b> 106:24  <b>webster</b> 48:2  <b>weeds</b> 88:2  <b>week</b> 4:16 28:24  45:1 58:15  <b>weekend</b> 68:6  <b>weeks</b> 56:5 78:7  <b>welcome</b> 27:15  61:10  <b>wellmont</b> 70:2,6  71:9 108:18  <b>went</b> 32:20,21  80:3 108:18  <b>wheel</b> 89:14  <b>white</b> 93:23  <b>wide</b> 33:11 72:8  90:16  <b>widen</b> 99:18  <b>widened</b> 68:10  69:3,4  <b>width</b> 65:17 69:19  80:3  <b>willing</b> 4:6 41:1  42:5  <b>wind</b> 43:15  <b>winners</b> 15:22  <b>winter</b> 71:21  <b>wish</b> 20:25 55:5  <b>wishes</b> 19:21  48:10  <b>woman</b> 42:19  81:11  <b>women</b> 42:20 50:5  <b>wonderful</b> 13:15  <b>word</b> 112:16  <b>words</b> 14:17 15:12  44:2  <b>work</b> 10:8 12:25  13:5,7,12,15 15:1  15:18 18:24 28:7</p>	
<b>x</b>			
<b>x</b> 109:1			
<b>y</b>			
<p><b>yawn</b> 1:25 8:25  117:3,8  <b>yeah</b> 12:6 25:18  26:11,12 29:3  40:9 43:24 56:12  62:25 63:4 74:13  74:25 77:16 78:11</p>			

78:13,15,18 79:11 79:15,22 81:1,18 81:20,23 82:1 83:7 84:12,15,21 85:4,20,23,23,25 86:3,9 87:7,21,24 88:4 89:4,5 90:5 92:1 93:24 94:3,7 94:21,25 95:4,6,11 95:16,22 96:22 97:1,18,20,23 98:2 98:11,12,24,25 99:6,6,10,14,21 100:1,1,5,10,14,14 101:23 102:9,21 102:23 103:8,8,14 103:16,17,20 104:1,6,16 105:10 105:16,19,21,23 106:2,11,18,22,22 107:1,5,12,23 108:10 109:23 111:7,10,15,21,24 112:2,2,13,19 113:5,11,13,17,19 114:5,9,22 115:11 115:14 <b>year</b> 3:5,25 10:11 10:15,18,22 15:17 15:23 20:5 25:18 25:20 29:5,8 31:7 31:25 32:3,4,4,11 32:21,21 34:5,9,10 35:13 36:8,25 37:1 38:10 49:21 60:6,13 67:7 <b>years</b> 12:21 13:6 13:14,16 18:23 19:23 26:9,18,20 29:12 30:24 34:5 36:1,20 38:1,1,11	42:2,14 49:17 63:15 64:19,21 75:25 76:4,20 81:24 <b>yep</b> 62:16 79:5 92:19 <b>young</b> 14:2 50:5 85:18,19 <b>younger</b> 85:7 113:10 <b>yous</b> 12:4 <b>youtube</b> 11:9
	<b>z</b>
	<b>zero</b> 69:11,14 <b>zone</b> 11:10 <b>zones</b> 11:10 <b>zoning</b> 21:11