

TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

ORIGINAL

PUBLIC MEETING

) TRANSCRIPT OF

) PROCEEDINGS

**REVISED**

July 1, 2014

7:07 p.m.

BEFORE:

Commissioner Thomas Evans

Commissioner Joseph Scarpelli

Mayor Alphonse Petracco

Commissioner Mauro Tucci

Commissioner Steven Rogers

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P R O C E E D I N G S

1  
2 MADAM CLERK: Tuesday, July 1, 2014. Pursuant to  
3 the requirements of the Open Public Meeting Law, Chapter  
4 231, P.L. 1975, notice of this meeting was published in the  
5 December 12, 2013 issues of the Nutley Sun, the Star Ledger  
6 and the Herald News. A copy of this notice has been posted  
7 on the Nutley Town Hall bulletin board and a copy is  
8 available in the Municipal Clerk's Office.

9 Commissioner Rogers?

10 COMMISSIONER ROGERS: Here.

11 MADAM CLERK: Commissioner Tucci?

12 COMMISSIONER TUCCI: Here.

13 MADAM CLERK: Commissioner Evans?

14 COMMISSIONER EVANS: Here.

15 MADAM CLERK: Commissioner Scarpelli?

16 COMMISSIONER SCARPELLI: Here.

17 MADAM CLERK: Mayor Petracco.

18 MAYOR PETRACCO: Here.

19 MADAM CLERK: Gentlemen, please speak clearly. We  
20 do have the microphones on (indiscernible).  
21 Mayor, all present.

22 MAYOR PETRACCO: Thank you. The first thing, I  
23 have a proclamation for an Eagle Scout Sergio Ciccolello  
24 that I would like to do as soon as possible.

25 We have some guests here tonight, right?

1           MADAM CLERK: Mayor, we have Mr. Paul Ricci and  
2 Mr. Phillip McGovern who is going to discuss matters  
3 involving Ordinance #3286, which was introduced by  
4 Commissioner Scarpelli at our meeting held on June 10th.

5           MAYOR PETRACCO: Okay. Are we going to do that  
6 first? Do you guys want to go around and read what we have  
7 on our agenda first?

8           COMMISSIONER TUCCI: Let's go to the agenda and  
9 then we'll go to that and then it will flow better.

10          MAYOR PETRACCO: Okay. Commissioner, thank you.

11          Okay. So we have a couple communications and  
12 correspondence on. Commissioner Evans, you have an  
13 introduction this evening?

14          COMMISSIONER EVANS: Yes, Mayor. One, I have an  
15 ordinance introduction for Grant monies received for the  
16 purchase of generators in the amount of \$556,000. Because  
17 grants are rewarded off cycle with our budget process, they  
18 have to introduce as an ordinance and then do the budget  
19 amendment to accept the funding. So this would allow the  
20 purchase of generators that I believe through Public Safety  
21 they are looking at them as one for backup here, one for the  
22 police, I think one for the --

23          COMMISSIONER TUCCI: It was actually a joint  
24 application between public safety and the parks department.

25          COMMISSIONER EVANS: Was it? Yeah.

1           COMMISSIONER TUCCI: Yeah. And we have generators  
2 for public safety, for town hall, for the parks department,  
3 the rescue squad --

4           COMMISSIONER EVANS: Right, for the warming  
5 center.

6           COMMISSIONER TUCCI: Right.

7           COMMISSIONER EVANS: Right.

8           COMMISSIONER TUCCI: It's all shelter related in  
9 the event that we go down. The power, again, we have the  
10 capability of staying up five days.

11          COMMISSIONER EVANS: Yeah.

12          UNIDENTIFIED SPEAKER: Five days?

13          COMMISSIONER TUCCI: Yeah. And there was a match  
14 that was tagged along on this federal money, but the match  
15 is being satisfied by the state.

16          COMMISSIONER EVANS: So, (indiscernible) the  
17 introduction of the ordinance (indiscernible) the  
18 administration (indiscernible) so we can accept the money?

19          MAYOR PETRACCO: Okay.

20          COMMISSIONER EVANS: The next ordinance that I  
21 have is actually to amend some of the fees in the tax  
22 collector's office. So, we have a lot of requests for tax  
23 sales certificates. We have a lot of repeating requests for  
24 that. Nutley historically doesn't charge a fee  
25 (indiscernible). We're just adjusting our fees to be

1 consistent with the neighboring towns for those things. It  
2 primarily affects tax lien holders. It won't really affect  
3 residents because most of the time if we have that, it's  
4 only one time if they need it. This is -- addresses those  
5 repeat requests that we get. It's a small ordinance for  
6 that purpose.

7 I also have an ordinance introduction, which  
8 modifies Chapter 700 of the zoning code, which modifies the  
9 setback requirements for filters, pumps and things that  
10 relate to pools from 8 feet to 4 feet. And also since we  
11 allow now outside cafés to be open year-round, it sets up  
12 some requirements for what would be necessary for those  
13 outdoor cafés, but restricts the addition of doors or  
14 windows so that it remains outside.

15 So just really all of this has been discussed with  
16 the planning board and voted on. We obtained the approval.  
17 Given the timing of the year, we just pulled this out of all  
18 the administrative adjustments. People are interested in  
19 pools, we wanted to have this ordinance on the books.

20 The other administrative changes will be on the  
21 books before the first meeting I August.

22 UNIDENTIFIED SPEAKER: So this ordinance has to do  
23 with outside seating?

24 COMMISSIONER EVANS: Structural elements for  
25 outside cafés. So, it sets up border requirements, but it

1 prevents people from -- since it's year round, it prevents  
2 them from putting up something that's a more permanent  
3 structure where you add doors and windows, which seals it  
4 in, which basically creates a room. So, it allows it --  
5 allows the set up of it, but it doesn't allow for the  
6 extension of the building itself, because that would fall  
7 under a different criteria.

8 UNIDENTIFIED SPEAKER: So, I understand, so if you  
9 have a café or whatever and you have outdoor and you get the  
10 canvas walls that are, say you have a -- how can I say it,  
11 like a rollup -- I'm lost for words, not shade --

12 UNIDENTIFIED SPEAKER: Awning.

13 UNIDENTIFIED SPEAKER: -- awning. Thank you. You  
14 have an awning and then you put the sides and things like  
15 that. So is that going to be allowable if it's removable or  
16 --

17 COMMISSIONER EVANS: Yes. If I'm getting it right  
18 that if it rolls down to allow for blocking the wind so  
19 people can sit outside, it's a temporary thing, I think  
20 that's allowable. But --

21 UNIDENTIFIED SPEAKER: Or keeping bugs out.

22 COMMISSIONER EVANS: Yeah, keeping bugs out,  
23 screening. But, just keep your --

24 UNIDENTIFIED SPEAKER: Brick walls are out.

25 COMMISSIONER EVANS: Brick walls are out, windows

1 or -- storm doors are out, heating and plumbing and air  
2 conditioning are out, because it's basically outdoor. So it  
3 just allows for, one, setting our and demarking what the  
4 boundaries are for it, with planters and structure, but you  
5 can't put up walls, you can't put up --

6 UNIDENTIFIED SPEAKER: But you can have heating  
7 and cooling apparatus --

8 COMMISSIONER EVANS: Apparatus.

9 UNIDENTIFIED SPEAKER: -- as long as it's not  
10 closed and meets the definition of a room.

11 COMMISSIONER EVANS: Exactly. Exactly. And  
12 really, it's the idea is that it goes far enough for it to  
13 allow for the temporary accommodation, but doesn't allow for  
14 a permanent structure.

15 UNIDENTIFIED SPEAKER: And what about the pool  
16 part of it?

17 COMMISSIONER EVANS: Basically today, under our  
18 ordinance, you need an 8 foot setback from the border for a  
19 replacement of a pool filter, pump and others. So, given a  
20 lot of lots, one of the things that was coming up is a lot  
21 of people were being sent to board of adjustment for a pool  
22 simply because of the 8 foot setback requirement, so there  
23 is an expense to the taxpayer to do that. This ordinance  
24 amendment reduces that to 4 feet, which should eliminate a  
25 lot of that.

1           COMMISSIONER TUCCI: And just for the record, this  
2 was not initiated by me, but what it does, it gives people  
3 relief, because now instead of sighting their pools 11 feet  
4 from the property line, because there's also a regulation  
5 that the (indiscernible) has to be 6 foot away from the pool  
6 and the filter can't be any closer than 3 foot to the pool.  
7 This allows them to put it in that 4 foot area.

8           COMMISSIONER EVANS: Exactly.

9           COMMISSIONER TUCCI: So it gives a lot of people  
10 relief. And usually when they go to the board of adjustment  
11 anyway, they're granted the variance, so this just makes it  
12 much more convenient.

13           COMMISSIONER EVANS: And this is just really part  
14 of a lot of the things that we realize that need to be  
15 cleaned up in our zoning and going through that with the  
16 board and getting their support for it, it's just executing  
17 it now.

18           MAYOR PETRACCO: Do you have one more is that --

19           COMMISSIONER EVANS: That was it. You want to do  
20 public hearings at the same time?

21           UNIDENTIFIED SPEAKER: Yeah.

22           COMMISSIONER EVANS: I have a public hearing for  
23 no stopping or standing in two locations, one on New Street,  
24 one on Franklin Avenue to allow for handicap bus drop off to  
25 preserve access in those two spots and that's a -- I have a

1 public hearing on that ordinance tonight.

2 MAYOR PETRACCO: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: I have an ordinance  
4 introduction for appropriating and acquiring \$237,000 grant  
5 from the Department of Transportation and that's for  
6 construction of Park Avenue from Washington to Union.

7 I also had scheduled a public hearing on the M-2  
8 zone. We're going to table that public hearing to the next  
9 meeting if that's okay with counsel, but we want to have the  
10 discussion tonight. So, after we get done with our agenda,  
11 we can discuss the zoning and questions and answers.

12 MAYOR PETRACCO: Okay. Commissioner Tucci, I  
13 believe.

14 COMMISSIONER TUCCI: I just have a public hearing  
15 this evening on the ordinance allowing me to spend \$150,000  
16 grant that we received from Essex County Open Space. And  
17 this money is going to be to repurpose the former roller  
18 hockey rink and a portion of the dollars will go towards the  
19 new bleachers (indiscernible).

20 MAYOR PETRACCO: Commissioner Rogers?

21 COMMISSIONER ROGERS: I have a resolution tonight  
22 that will authorize us to hire a consultant to work with us  
23 on specifications for solid waste bids. It's a necessity  
24 now. There are so many complex laws and policy that frankly  
25 we're not aware of and we should be aware of, so we're going

1 to have to bring a consultant in. In the long run, it will  
2 save us. It is something that I think is going to be a  
3 (indiscernible).

4 MAYOR PETRACCO: Okay. I have a public hearing  
5 myself tonight. Items #3287. This is to fix the salaries,  
6 the one that I introduced, I guess, a couple of meetings ago  
7 for the attorneys.

8 I also have a couple raffle applications for Holy  
9 Family. I have a renewal of a liquor license resolutions  
10 and I think that's all we have.

11 Commissioner Evans, you read your --

12 COMMISSIONER EVANS: I didn't comment on my  
13 resolutions. I just have three.

14 MAYOR PETRACCO: Would you like to?

15 COMMISSIONER EVANS: Yes. Thank you. One is just  
16 a resolution that we need to -- on the Audit report for the  
17 (indiscernible) for 2013. And then an overpayment of some  
18 property taxes. I also have a resolution for the payment of  
19 some Gov I bills that have been outstanding and we're now  
20 satisfied that they should be paid.

21 MAYOR PETRACCO: Okay. All right. I just want to  
22 make an announcement if I can just to keep the board up to  
23 speed. Commissioner Tucci and I attended the board  
24 education meeting on Monday night, which was last night, it  
25 seems like it was just yesterday and it was, to offer them

1 help as we discussed as a board as far as (indiscernible) on  
2 the Township's name would it be or -- what would be the  
3 proper terminology?

4 COMMISSIONER TUCCI: Basically what we're talking  
5 about is a paper transfer.

6 MAYOR PETRACCO: Exactly.

7 COMMISSIONER TUCCI: Of the (indiscernible) from  
8 the Board of Education to the Township, which opens up a lot  
9 of grant opportunities for us, including Green Acres, Open  
10 Space, CDBG, just I happen to have a list here. I have all  
11 my notes from last night. Historic preservation, if  
12 necessary, Township capital, private foundations and major  
13 sports grants.

14 Now, for them, for anyone who may have any  
15 trepidation about doing this, what we also offered as an  
16 option to them was for their attorney to draw up an  
17 agreement for 99 years with an option for 99 more 99 year  
18 terms for them to have care, custody and control. Nothing  
19 will change. They'll still schedule it, they'll still  
20 program it. The only thing we want to do is fix it. And  
21 this gives us opportunities that they don't have to bring in  
22 non-tax dollars -- well, non-local tax dollars to get that  
23 done.

24 UNIDENTIFIED SPEAKER: It's in essence, the same  
25 thing we did with the squad building.

1           COMMISSIONER TUCCI: Exactly. Exactly. And we  
2 were received very well last night and we're waiting to hear  
3 back from them. And then once we do, we'll set up a  
4 mechanism to sit down and discuss what we believe it should  
5 be, it's pretty obvious, but we can get into greater  
6 specificity.

7           MAYOR PETRACCO: If they do want to go forward.

8           COMMISSIONER TUCCI: If they want to go forward  
9 with it, yeah.

10          MAYOR PETRACCO: So, and we were invited there to,  
11 you know --

12          COMMISSIONER TUCCI: Yes.

13          MAYOR PETRACCO: -- and I think that it's -- what  
14 I said was, obviously I still have kids in the school  
15 system, every time I go to (indiscernible) somebody is  
16 grabbing at me, grabbing at you, I'm sure they grab at  
17 everybody that goes about the appearance of it. And for  
18 that to be our centerpiece jewel, so to speak, I think it's  
19 something that if we can correct it and really if we can  
20 correct it without going to the taxpayers, I think we're  
21 obligated to do that in any way we can. So, we're hoping  
22 for a quick response and to be able to file some grants.

23          COMMISSIONER TUCCI: Yeah, this way we can get  
24 moving on it. There is one deadline that's going to be  
25 tight. Green Acres that ends the end of July. So depending

1 on how quick a response we get, we'll have to check with our  
2 grants people to see if we can submit an application while  
3 the transaction is pending if in fact they agree to it. But  
4 the reality was and the bottom line was that they need to  
5 take their dollars and direct their dollars to education to  
6 make our school system the best it can be. We can help in  
7 this area in a lot of different ways. We've done it before.  
8 Back in, what, 2000, when we got the money from the state  
9 and --

10 UNIDENTIFIED SPEAKER: (Indiscernible).

11 COMMISSIONER TUCCI: Exactly was involved. This  
12 is a no-brainer. So, they should do what they do best and  
13 we can help them in some areas that we have a bit of  
14 expertise in.

15 MAYOR PETRACCO: Thank you. Okay. So that's our  
16 announcement. Are we going to -- do you want to go through  
17 with the presentation now?

18 COMMISSIONER SCARPELLI: Yeah.

19 I gave everybody a map, but just for clarity, the  
20 M-1 zone is all these properties here. This is East Center  
21 Street, this is Washington Avenue, Park Avenue. So it's all  
22 M-1 now. M-1 allows for everything in the B-4 zone,  
23 everything in the manufacturing zone and garden apartments.  
24 So, to make this as simple as possible, the lots that are in  
25 yellow, that will be the M-2 zone. All that dos is take out

1 the garden apartments out of that allowable use.

2 That map, which I also gave you kind of picks out  
3 and goes through each of the blocks and lots from the  
4 zoning. So, you can look at that on your own. I think  
5 that's a little bit harder to understand and may take some  
6 time to look at it, but that's basically it.

7 Why do I think this is a good idea? One, it's  
8 what the master plan calls for. I think we have too much  
9 intensity and density in that area in my opinion. And I  
10 think when we look at what we have going on with the  
11 overcrowding in the schools, I think we have to somewhere  
12 stem the tide of open family residential.

13 And I also gave you a handout, which dictates all  
14 the multi-family dwellings in that area along with Cambridge  
15 Heights and where the children are coming from and how many  
16 are in each of the schools. And that came from Board of  
17 Education. So that's the gist of why I wanted to -- what we  
18 wanted to -- what I proposed in the ordinance and on request  
19 of the mayor, I've postponed the public hearing, but I did  
20 bring Mr. Ricci, our planner and Mr. McGovern from the  
21 planning board to give their perspective on the proposed  
22 ordinance.

23 UNIDENTIFIED SPEAKER: Before we get into the  
24 presentation, could I just ask one very simple question?  
25 Can you tell me what the definition is of a garden

1 apartment? Because I have a picture in my mind of what a  
2 garden apartment is and I don't think it's exactly what the  
3 definition describe.

4 COMMISSIONER SCARPELLI: I'd have to look up the  
5 exact definition, but essentially it is an apartment style  
6 living, I guess it would be three stories or left with a  
7 maximum density of 20 units per acre.

8 UNIDENTIFIED SPEAKER: And is that state wide or  
9 is that just --

10 COMMISSIONER SCARPELLI: That's specific to your  
11 M-1 Zone, also your R-3 Zone as well. So --

12 UNIDENTIFIED SPEAKER: And what is that average  
13 around the area and --

14 COMMISSIONER SCARPELLI: In that general area  
15 itself? I --

16 UNIDENTIFIED SPEAKER: Not in our area. I mean,  
17 what is average, like, throughout Essex County or  
18 (indiscernible)? I mean, what do we -- what's the density?  
19 You said it's 20 per acre?

20 COMMISSIONER SCARPELLI: Well, in your M-1 Zone  
21 and the R-3 zone, it allows for a density of 20 units per  
22 acre. That's going to vary in the area in the state  
23 dramatically obviously it's the more urban to more suburban  
24 you get. That's the character (indiscernible). That's why  
25 your master planning zone it's a zone for a character that

1 you're looking for in your community.

2 To give you a barometer, like townhouses start to  
3 max out in terms of (indiscernible) about -- at around 20  
4 units per acre, you can't really lay out a townhouse much  
5 denser than that. So, relatively speaking for apartment  
6 style development, 20 acres wouldn't be considered an overly  
7 -- a high standard for that style of (indiscernible) per se.  
8 But if you're in a rural area of the state, obviously 20  
9 acres -- 20 units per acre, they would obviously see that  
10 differently.

11 If you're obviously get into more urban areas and  
12 around transit, per se, it's not uncommon for densities to  
13 exceed 100 units (indiscernible) per se. But for a garden  
14 apartment, density -- for garden apartments, generally  
15 speaking, 20 units is not a high density for that type of  
16 (indiscernible).

17 Where to begin. I wasn't aware that there were  
18 going to be graphics available, so I put together a quick  
19 graphic. And what I did, I was given some information about  
20 -- because I know school children is an issue in a township.  
21 I did a site survey, looked at the land uses out there, saw  
22 how the site is developing. I also reviewed the master plan  
23 and what the master plan recommendations were for that area.  
24 If people don't know, I was the principal author of that --  
25 of similar statements. I know that they did change from

1 what I wrote to the final form and there are a couple of  
2 modern inconsistencies in what the master plan is saying.  
3 But I'm going to do my best to walk us through what's out  
4 there, how the proposed changes would potentially cause an  
5 impact of resulting in zoning changes to the properties and  
6 maybe some -- and what really that means in everyday terms,  
7 per se.

8           What I did was I took the aerial photography that  
9 allows me to place the lot lines on this map. And so this  
10 aerial photograph is taken in approximately 2012. In  
11 orange it shows your existing zoning and I labeled the  
12 existing zoning in place. And then clearly the properties  
13 that are in color are clearly the properties that are being  
14 considered to be rezoned today.

15           If you look to the left, I essentially identified  
16 what those land uses are. If I could take a step back, your  
17 master -- the ordinance discusses the master plan. I just  
18 want to pull that section out. And there is another section  
19 in the master plan that I believe is more centrally focused  
20 to this area because the section that's mentioned in the  
21 ordinance, in my opinion, focuses more on the Washington  
22 Avenue corridor of the overlay. But all the conclusions are  
23 the same that what you see in the ordinance and they're  
24 raised on Paged 322 to 334 in the master plan. And the  
25 master plan does make specific recommendations for this

1 zone.

2           And to put this all in context -- I'm going to  
3 discuss the implications in a second, but this is a starting  
4 point, the first thing as a planner, traditionally an  
5 ordinance would refer to the planning board. The first  
6 thing that I'm traditionally asked to do is to make a  
7 determination in my opinion whether any proposed ordinance  
8 is consistent with the master plan. Your attorney would  
9 advise you as to that. If something is inconsistent with  
10 your master plan, traditionally require a majority plus one  
11 vote. If something is consistent, it would just be majority  
12 vote of the committee as part of your voting process.

13           I'm going to do my best to summarize this. And I  
14 don't want to be -- if I have a few minutes here, I'll kind  
15 of go through this slowly, but it discusses that under the  
16 issue section, it goes back to in 2003, 120 unit garden  
17 apartment complex was approved at 57 East Center Street. In  
18 December 2007, a 71 unit garden apartment complex was  
19 approved at 65 (indiscernible). This was started to be  
20 prepared in 2000 in April when it was adopted in 2012.

21           The new developments adjoin existing garden  
22 apartment complexes located in -- it identifies several  
23 blocks, 113 River Road, and 25 River Road. Recent  
24 development approvals and existing land uses in the M-1  
25 district kind of transforms the M-1 district from primarily

1 a manufacturing district to a district containing numerous  
2 medium to high density residential development.

3 During the public visioning meeting, the public  
4 expressed concern over the number of high density  
5 developments that have recently been approved in the  
6 township. And they expressed the desire to evaluate the  
7 impact that continued construction of medium to high density  
8 residential housing would have on the townships  
9 infrastructure.

10 It goes on to say -- and it makes several  
11 recommendations and -- may I read this whole thing? Because  
12 it's really right on point for what you're --

13 MAYOR PETRACCO: Sure.

14 COMMISSIONER SCARPELLI: -- you're discussing.  
15 And then we need to talk about what has happened since the  
16 master plan was adopted. We think to, I think, evaluate  
17 everything that's gone on in the community in my opinion.

18 COMMISSIONER TUCCI: And the basis for the  
19 recommendation.

20 COMMISSIONER SCARPELLI: Yes. Portions of the M-1  
21 District south of East Centre Street lack frontage on East  
22 Centre Street with the exception of one property located at  
23 the intersection of River Road and East Centre Street. So,  
24 if you look at the map, clearly we're talking about the one  
25 property is Block 9700, Lot 9 shaded in orange and then the

1 properties that lack frontage on East Centre Street would  
2 include the purple 9604, 14 and properties that are behind  
3 the row of smaller lots on East Centre Street into B-4.

4 So we're really talking about the M-1 portion  
5 specifically here.

6 MAYOR PETRACCO: So, I gotta stop you, because  
7 this is getting a little confusing.

8 COMMISSIONER SCARPELLI: Yeah, I agree with you.

9 MAYOR PETRACCO: So, 9700, the lot there, that's  
10 on the corner of East Centre and River Road. So what is  
11 that, the security building there, I believe?

12 COMMISSIONER SCARPELLI: (Indiscernible) office.

13 MAYOR PETRACCO: Office space? Okay. Then from  
14 there, you jump to 9604, which is in purple.

15 COMMISSIONER SCARPELLI: Yes.

16 MAYOR PETRACCO: Okay. So, why is that orange and  
17 why is that purple?

18 COMMISSIONER SCARPELLI: If you look to the left  
19 under the existing land use chart, it shows --

20 MAYOR PETRACCO: Commercial?

21 COMMISSIONER SCARPELLI: -- yes, how those  
22 properties are being utilized currently as industrial or as  
23 an office space. That's how they're being utilized today.  
24 If you go out to the back of 9604, I was out there it's a --  
25 it's identified industrial. It's eyewitnesses a building

1 where people pretty much staging cars out there, but it's  
2 considered industrial (indiscernible).

3 MAYOR PETRACCO: And that's part of the M-1 zone?

4 COMMISSIONER SCARPELLI: That is correct.

5 MAYOR PETRACCO: Okay.

6 COMMISSIONER SCARPELLI: The building that  
7 adjoins, that's the building that's being under construction  
8 right now. That fronts to -- if I could point it out, the  
9 property right here just to the north and straight up of the  
10 purple 9604-14, that's the property that's currently being  
11 developed right now, by Mr. Mecket (ph) as part of a recent  
12 improvement.

13 MAYOR PETRACCO: For how many units?

14 COMMISSIONER SCARPELLI: That was approved as -- I  
15 wasn't part of that approval, but it's identified as --

16 UNIDENTIFIED SPEAKER: It's around 80.

17 COMMISSIONER SCARPELLI: Something 4? Give me a  
18 second here.

19 MAYOR PETRACCO: And was that part of that  
20 warehouse that was there? Are we looking at that whole --

21 COMMISSIONER SCARPELLI: It's 82.

22 MAYOR PETRACCO: Are we looking at this here,  
23 these here, this whole group?

24 COMMISSIONER SCARPELLI: Yes.

25 UNIDENTIFIED SPEAKER: (Indiscernible) approved

1 for redevelopment (indiscernible).

2 MAYOR PETRACCO: Well just to -- excuse me. If I  
3 go through and look at the whole area, just so I'm clear and  
4 if I start on the upper right side, 6801, 2 and 3, which are  
5 in yellow, that's the proposed new M-2 zone, that's  
6 currently within the M-1 zone?

7 COMMISSIONER SCARPELLI: Correct.

8 MAYOR PETRACCO: Correct. And what we're looking  
9 at there is the existing apartment buildings that are there  
10 and these are two single family homes? They're yellow.

11 COMMISSIONER SCARPELLI: Actually the apartment  
12 buildings there are not proposed to be rezoned.

13 MAYOR PETRACCO: I understand, but I'm saying in  
14 the yellow --

15 COMMISSIONER SCARPELLI: Single family, red  
16 represents commercial or restaurant.

17 MAYOR PETRACCO: Right. Just so I know what I'm  
18 looking at.

19 COMMISSIONER SCARPELLI: Yes.

20 MAYOR PETRACCO: 6801, 2, and 3, those are two  
21 single family homes that are being proposed to change the  
22 zone in that area from the M-1 to M-2, correct?

23 COMMISSIONER SCARPELLI: Correct.

24 UNIDENTIFIED SPEAKER: But that's commercial it  
25 says here according to your chart, 6801.

1           MAYOR PETRACCO: And 2, those are yellow or single  
2 family?

3           COMMISSIONER SCARPELLI: 6800 (indiscernible).

4           MAYOR PETRACCO: So those are yellow, right? And  
5 those are proposed to change or no?

6           COMMISSIONER SCARPELLI: Yeah.

7           MAYOR PETRACCO: They're proposed to change  
8 (indiscernible). So those are proposed to change, so two  
9 single family homes are proposed to change.

10          COMMISSIONER SCARPELLI: Everything that's showing  
11 color is proposed to be changed. That's what I'm showing.  
12 This is the proposed lots. That are being contemplated for  
13 rezoning.

14          MAYOR PETRACCO: No, it can't be. No, because  
15 that's -- what the -- the apartment building that's existing  
16 that's not proposed to change, so that's just --

17          COMMISSIONER SCARPELLI: Yeah, but just the  
18 colored ones.

19          MAYOR PETRACCO: Right. It's the same, two, 1-  
20 family houses.

21          UNIDENTIFIED SPEAKER: Yeah, just the two homes.  
22 The two on the corner.

23          MAYOR PETRACCO: And next to that on the corner of  
24 River Road and Park Avenue --

25          UNIDENTIFIED SPEAKER: Is a bank.

1           MAYOR PETRACCO: That's the bank. And then behind  
2 that is -- isn't that the town building? So it's town  
3 property. Across the street is Dunkin Donuts, right?

4           UNIDENTIFIED SPEAKER: Right. On the corner.

5           MAYOR PETRACCO: And then next to that is --

6           UNIDENTIFIED SPEAKER: Warehouse.

7           MAYOR PETRACCO: -- I think is it warehousing?

8           UNIDENTIFIED SPEAKER: Yeah, now it is. It's new.

9           UNIDENTIFIED SPEAKER: I have the warehouses one  
10 further down.

11          UNIDENTIFIED SPEAKER: Okay. Body shop.

12          UNIDENTIFIED SPEAKER: Yes.

13          UNIDENTIFIED SPEAKER: And then the warehouse.

14          MAYOR PETRACCO: And then the warehouse. And then  
15 behind that is the paving company?

16          UNIDENTIFIED SPEAKER: Correct.

17          MAYOR PETRACCO: And then if you go up -- if you  
18 go up Park Avenue, you hit the carpet store and then parkway  
19 auto body and then east of College, right? And that's all  
20 development.

21                 We come down River Road, there's a little sort of  
22 pie slice that is being proposed to --

23          COMMISSIONER SCARPELLI: Right, 9701.

24          MAYOR PETRACCO: -- right, change to M-2. And  
25 then on the corner of River Road, 9700, that's being

1 proposed to change.

2 If you go up to 9701-4, the big blue, that's town  
3 property, correct?

4 UNIDENTIFIED SPEAKER: Correct.

5 MAYOR PETRACCO: And then next to that is a -- I  
6 think a commercial office building?

7 UNIDENTIFIED SPEAKER: With a weird, it's encased  
8 in another zone so it's (indiscernible).

9 MAYOR PETRACCO: It sort of splits over the --

10 UNIDENTIFIED SPEAKER: It's a lot within a lot.

11 MAYOR PETRACCO: And then if we continue then over  
12 in the corner is 9604. That's PNC, isn't it?  
13 Manufacturing?

14 UNIDENTIFIED SPEAKER: Yes.

15 MAYOR PETRACCO: That's sort of slice.

16 UNIDENTIFIED SPEAKER: Right. It's the one in the  
17 back of the curve.

18 MAYOR PETRACCO: Okay. All right. Fine. I know  
19 what I'm looking at.

20 COMMISSIONER SCARPELLI: Thank you. I'm just  
21 going to read quickly again from the master plan so you know  
22 what the master plan said. It says, portions of the M-1  
23 District south of East Centre Street lack (indiscernible) on  
24 East Centre Street (indiscernible), with the exception of  
25 one property located at the intersection of River Road and

1 East Centre Street. The limited roadway frontage and lack  
2 of exposure to a primary roadway limit the attractiveness of  
3 a number of non-residential uses within the balance of the  
4 M-1 district south of East Centre Street for redevelopment.

5 However, given the proximity to Route 21 and Route  
6 3, a potential for a warehouse or self storage facility  
7 exists. The range of permitted uses, should therefore be  
8 expanded to permit self storage facilities, which are  
9 relatively passive non-residential uses. While self storage  
10 facility or similar use may locate in this area in  
11 accordance with the change in zoning, consideration should  
12 be given to determining if the area meets the criteria to be  
13 designated in need of redevelopment or a redevelopment plan  
14 can be (indiscernible) for the entire area. Such action may  
15 result in a (indiscernible) of additional economic  
16 development (indiscernible).

17 And then it goes on to make some other statements  
18 (indiscernible) specific and it recommends to rezone the  
19 existing M-1 district on Park Avenue (indiscernible) to B-4,  
20 (indiscernible) zone. Rezone the portion of the M-1  
21 district near Park Avenue and River Road to B-4. Properties  
22 on River Road south of Park Avenue should remain M-1. Those  
23 River Road properties north of Park Avenue should be rezoned  
24 B-4.

25 The planning board should analyze the existing M-1

1 districts and their uses. The existing property directly  
2 behind the B-4 zone properties on East Centre Street should  
3 be rezoned B-4. And it goes on to say that some of the lot  
4 sizes should be increased and the like.

5 So, (indiscernible) is that this is consistent  
6 with the master plan, the changes. I have to point out  
7 though that since the national plan was adopted immediately  
8 right after that, the property that I was talking to that's  
9 just north of 9604-14, that was approved by the zoning board  
10 and there was a couple actions in the area that were  
11 approved by the zoning board to permit residential there.  
12 So, essentially the M-1 district in this area here currently  
13 today upon it being built out, with the exception of the  
14 purple property, and maybe this triangular piece in the  
15 corner on the north western side in that zone is pretty much  
16 all (indiscernible) and that is the prevailing land use.

17 When I look at this in practical terms and believe  
18 as Commissioner Evans kind of pointed to some of the land  
19 uses, most of the proposed changes, particularly -- with the  
20 exception of 6801 and 2, which are single family homes, the  
21 properties on Park Avenue, they're all commercial. So by  
22 rezoning all of those, essentially what you're doing is you  
23 would recognize the existing character of those properties  
24 as being non-residential. Essentially you're limiting the  
25 potential for maybe future residential development there.

1           Realistically speaking, when we look at this --  
2 when you look at really the soft sites, the easier and  
3 developed sites out there where you may see, I think what  
4 you're really looking at as part of this rezoning is -- and  
5 I think this may be mislabeled, so I rely on sometimes  
6 digital information. What I'm showing as Block 6800, Lot 2,  
7 which is the painting facility, that actually may be 6800,  
8 Lot 1. That's a potential soft site that I can see becoming  
9 apartments. 9701-3, the purple sites, that's a site that  
10 could potentially be partially used to add on to the  
11 adjoining site in the M-1 Zone. And clearly, 9604, Lot 14,  
12 that's the most attractive site.

13           UNIDENTIFIED SPEAKER: Which one was that? I'm  
14 sorry.

15           COMMISSIONER SCARPELLI: The purple site. That  
16 would be the most attractive site for residential  
17 development given that it's completely surrounded currently  
18 by residential development.

19           This site is a site that you also have to consider  
20 because you can see that the access to this site is by what  
21 I refer to as a pole -- it's a flag lot, per se, I think  
22 it's really an easement that's giving access from East  
23 Centre Street to that rear portion. So whatever gets  
24 proposed there, you're going to have vehicular activity of  
25 that use going by those residential apartments. And that's

1 something to consider as well.

2 And if you look at -- I also was provided some  
3 school information regarding recent developments that  
4 occurred. They were from 57 East Centre Street, building  
5 2014, 65 River Road, Riverview Court, built in 2009, 101 and  
6 113 River Road, was built in 1981 and 25 River Road, which  
7 was built in 1968, 181 River Road, which was built in 1962  
8 and 121 River Road, Arbor Hills, which was built in 1970.

9 I was provided with this information by Mr. Barry.  
10 I'd be happy to let you speak to him, but essentially what  
11 it said was out of the total of 737 units, there were 115  
12 school children generated there. And what I did was, I took  
13 from -- if I was a planner and I was asked as part of my  
14 planning review to estimate the number of school children  
15 that would be created during the project, planners readily  
16 rely on a methodology that's prepared by the State, the  
17 Center for Urban Policy Research. And in that book, it has  
18 multipliers that you apply to different forms of  
19 development. I applied those multipliers for these forms of  
20 development basing them on rental apartments and if I was  
21 going to guesstimate how many children would be based on the  
22 state numbers. Where you have 115 students, the State's  
23 numbers are pretty accurate. It said there would be 123.4  
24 students there.

25 UNIDENTIFIED SPEAKER: Where do we have --

1 UNIDENTIFIED SPEAKER: Okay. I have new numbers,  
2 so that's probably -- I have numbers as of June.

3 COMMISSIONER SCARPELLI: So I'm just trying to say  
4 -- what I'm trying to give you a barometer for is what's out  
5 there if 9701-3 -- I think you need to understand potential  
6 impact. If 9703 and 9604-14, for example, were developed as  
7 apartments, 9604-14 at 1.25 acres, I raised the numbers a  
8 little bit to be conservative in the analysis. That would  
9 generate roughly 31.25 units there based on land area. And  
10 9701-3 is 1.64 acres. It's surrounded by industrial space,  
11 so it doesn't lay out well for apartments by itself. But if  
12 you just on raw land area there in theory approximately 72  
13 units could be generated, which would generate around 11  
14 kids. If that went just say the zoning board approved the  
15 variances there or whatever. That's what you would  
16 anticipate at a build out there.

17 MAYOR PETRACCO: So that just raises a question  
18 for me. So, say somebody buys that lot, 9701, right. They  
19 put how many apartments did you say?

20 COMMISSIONER SCARPELLI: Well, this is the thing,  
21 the way the property is proposed to be rezoned, I kind of  
22 have a couple qualifying questions. It's surrounded by a  
23 building. And I mean, I'm not sure if it could really ever  
24 be built in that fashion, because it's essentially the outer  
25 portion of the build out around the central building. So --

1 UNIDENTIFIED SPEAKER: (Indiscernible) soft spot  
2 in there. But if the building comes down -- I mean, if the  
3 center building is that meant to be included in the  
4 rezoning?

5 UNIDENTIFIED SPEAKER: Sure.

6 UNIDENTIFIED SPEAKER: Okay. Because I had that  
7 as not being part of it.

8 UNIDENTIFIED SPEAKER: If you add that center in,  
9 it would add an additional 2.6 kids to the total based on  
10 these numbers. So you're looking at around -- I'm just  
11 trying to tell you pros and cons.

12 UNIDENTIFIED SPEAKER: Yeah, about 14

13 MAYOR PETRACCO: And based on how many apartments  
14 on that specific lot?

15 COMMISSIONER SCARPELLI: And that would be  
16 applying 0.71 acres to that portion is times -- I upped it a  
17 little bit to be conservative -- 25 units per acre where 20  
18 would be --

19 MAYOR PETRACCO: So what would be the total number  
20 you think they could put on that specific property, 9701?

21 MAYOR PETRACCO: 9701-3, both pieces, the whole  
22 part?

23 MAYOR PETRACCO: Both pieces.

24 COMMISSIONER SCARPELLI: It would be 1.64 plus  
25 .071. Just give me a quick second here.

1           MAYOR PETRACCO: You don't have to add it up. I  
2 mean, approximately.

3           COMMISSIONER SCARPELLI: I combined it as all  
4 three -- if you did all three together, you would see about  
5 -- based on the averages we're seeing -- about 14 children  
6 in those areas.

7           UNIDENTIFIED SPEAKER: I think the question we  
8 have to ask ourselves, do we want to increase the potential  
9 for more school children knowing what we know? No matter  
10 what the number is.

11          MAYOR PETRACCO: But we can't control that.

12          UNIDENTIFIED SPEAKER: I'm just trying to --

13          UNIDENTIFIED SPEAKER: Can you define for me the  
14 concept of fiscal zoning?

15          COMMISSIONER SCARPELLI: Fiscal zoning is a  
16 concept when you make land use decisions based upon fiscal  
17 implications, not on what is technically the best use for a  
18 specific piece of property.

19          UNIDENTIFIED SPEAKER: So my question is, if we  
20 were to sit here and introduce an ordinance based on an  
21 consideration that says it would increase capacity,  
22 enrollments in our school which would require us to address  
23 those capacity issues, are we allowed to consider that in  
24 making a zoning decision?

25          UNIDENTIFIED SPEAKER: Okay. Let me answer that

1 question in two ways. The zoning board, planning board when  
2 reviewing an application for variance in that capacity  
3 cannot consider fiscal implications.

4 When you master plan and when you look at your  
5 community from a master planning perspective, you're allowed  
6 to have areas that you design for economic development,  
7 preservation, and conservation. So, under a master plan the  
8 cost of the fiscal zoning is no longer an issue because you  
9 can plan for your -- like I said, areas of growth and  
10 preservation.

11 When I mentioned the school children, I mention it  
12 because when you make decisions, whether it's even at the  
13 planning or the zoning board level, it's important for a  
14 school board or a community to understand the implications  
15 of it, so it can be, in theory, properly planned for  
16 accordingly. And that's why typically you'll see maybe a  
17 fiscal impact statement as part of certain types of  
18 development. And that's the reason, not -- we shouldn't be  
19 making land use decisions (indiscernible).

20 UNIDENTIFIED SPEAKER: I'm just trying to  
21 understand. If the intent of this ordinance is to restrict  
22 apartments in part because of the implication it has of  
23 increased volume in our schools, then we as a board, are  
24 making the decision, not under the master planning process,  
25 but under an ordinance and zoning process that says, we want

1 to introduce an ordinance that limits the additional  
2 capacity of the school. And I'm not sure --

3 COMMISSIONER SCARPELLI: If you're going to  
4 introduce an ordinance --

5 UNIDENTIFIED SPEAKER: I don't think that's what  
6 the ordinance is saying. I think it's one of the  
7 considerations, but I don't think that's -- that's a little  
8 --

9 UNIDENTIFIED SPEAKER: (Indiscernible)

10 UNIDENTIFIED SPEAKER: It's eliminating  
11 residential. It's eliminating the garden apartments in that  
12 zone. That's what it's doing. There's an intensity abuse,  
13 there's density. There's issues with police, fire, besides  
14 all the issues with the school.

15 UNIDENTIFIED SPEAKER: What are the police and  
16 fire issues?

17 UNIDENTIFIED SPEAKER: You don't think with more  
18 intense use and more density, we're going to have increase  
19 of fire and police?

20 UNIDENTIFIED SPEAKER: I don't have an opinion.  
21 It's (indiscernible).

22 UNIDENTIFIED SPEAKER: The only thing I'll comment  
23 about that is, I mean, specifically this area, we haven't  
24 had an uptake in calls to those properties, fire, the only  
25 thing and even with fire, the planning for fire, all these

1 buildings are now sprinklered, so you're taking down  
2 warehouses that were not sprinklered, to my knowledge and  
3 putting in all -- the best fire rating possible and bringing  
4 it up to code.

5 I think -- I just want to listen.

6 UNIDENTIFIED SPEAKER: (Indiscernible). Whatever  
7 you guys decide is what you decide.

8 UNIDENTIFIED SPEAKER: I mean, I think it's --  
9 when it comes down to it, the way I see it when you talk  
10 about the master plan, the master plan is (indiscernible),  
11 but we have to recognize is there have been changes since  
12 the master plan in terms of new units being developed.

13 UNIDENTIFIED SPEAKER: I'm just trying to ask  
14 questions so I understand. Given what reality of what is  
15 here today, is the master plan, as it's written, still  
16 relevant today or should it be refreshed because of -- to  
17 recognize what's happened?

18 UNIDENTIFIED SPEAKER: Well, I mean, I think we're  
19 really talking about a few properties. I think a majority  
20 of the properties, they're established businesses and uses  
21 that are non-residential. And I think they really don't  
22 have much of a need for discussion. I think it's clear that  
23 the properties next to the university that they can easily  
24 be rezoned to the new M designation. You're talking about  
25 Dunkin Donuts and those properties, they're all commercial.

1 I don't think -- at least from a planning standpoint and my  
2 perspective, I think they are easy properties to resolve. I  
3 think really the area focus is really on 9604-14, 9701-13  
4 and the remaining part in the middle, possibly 9700-9 but  
5 that's an office building. Maybe not as much and  
6 potentially I'll defer so much to local knowledge here, but  
7 the (indiscernible) site as well may be a soft site we could  
8 see a change in land use over time. I think that's really  
9 the heart of the discussion here, whether everything should  
10 be rezoned M-2 or should there be consideration of not  
11 anything going.

12 Keeping in mind by rezoning all the properties I  
13 mentioned, you are taking away in theory redevelopment  
14 opportunities of those sites for residential, but they are  
15 established businesses. (Indiscernible) the municipal land  
16 use law is quite clear and it says that specifically  
17 reasonable consideration should be given to the existing  
18 character of the area. So as a planner, when I see  
19 established land uses in place, you're recognizing that  
20 existing character in the area and you're rezoning as such.  
21 So I think that's also consistent, very clearly consistent  
22 with the master plan. So I think you have a very strong  
23 public purpose involved in the rezoning of those properties.  
24 The reason I say and that's why in your elected officials  
25 and you get to make the difficult decisions, 9604-14 I mean,

1 that area, I mean, has changed since the master plan was  
2 adopted in multiple residential developments occurred in  
3 that area. And my concern for that property is that I just  
4 would not personally like to see an intensive use that is  
5 non-residential surrounded with being accessed from East  
6 Centre Street --

7 UNIDENTIFIED SPEAKER: So are you saying then that  
8 should be a residential piece?

9 UNIDENTIFIED SPEAKER: Well I'm saying it's  
10 surrounded by residential and I would be -- in anything  
11 else, if it's not residential, you want to really encourage  
12 low intensity use there.

13 (Indiscernible)

14 UNIDENTIFIED SPEAKER: Such as what?

15 (Audio cutting out)

16 UNIDENTIFIED SPEAKER: In the master plan at that  
17 point mentioned like a self storage facility because once  
18 it's filled it has very little vehicular (indiscernible).

19 UNIDENTIFIED SPEAKER: So you would say -- so I'm  
20 clear on this. So we have all pretty high end apartments  
21 over here now and people are paying anywhere from 1800 to  
22 2500, \$3000 so you're saying that this piece here should be  
23 a storage facility?

24 (Audio cutting in and out)

25 (Break between workshop and meeting)

1           MADAM CLERK: Mayor, would you like to move to the  
2 front now? Mayor, are we moving to the front or are we  
3 going to --

4           MAYOR PETRACCO: Yes.

5           MADAM CLERK: I just need a few seconds to set up  
6 the machine.

7           MAYOR PETRACCO: Okay.

8           (Pause) 8:40:38

9           MAYOR PETRACCO: Everyone please stand for the  
10 flag salute.

11           (Pledge of Allegiance)

12           MAYOR PETRACCO: Madam Clerk?

13           MADAM CLERK: Yes, Mayor. Tuesday, July 1, 2014.  
14 Pursuant to the requirements of the Open Public Meeting Law,  
15 Chapter 231, P.L. 1975, notice of this meeting was published  
16 in the December 12, 2013 issues of the Nutley Sun, the Star  
17 Ledger and the Herald News. A copy of this notice has been  
18 posted on the Nutley Town Hall bulletin board and a copy is  
19 on file in the Municipal Clerk's Office.

20           Commissioner Rogers?

21           COMMISSIONER ROGERS: Here.

22           MADAM CLERK: Commissioner Tucci?

23           COMMISSIONER TUCCI: Here.

24           MADAM CLERK: Commissioner Evans?

25           COMMISSIONER EVANS: Here.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Here.

3 MADAM CLERK: Mayor Petracco.

4 MAYOR PETRACCO: Here.

5 MADAM CLERK: All present, Mayor.

6 MAYOR PETRACCO: Thank you so much and I apologize  
7 for the big long wait tonight. I have a special guest here,  
8 my friend Sergio. Sergio, can you come up to the podium. I  
9 have a proclamation for Sergio. Sergio is someone -- come  
10 on up. Come right to that mic. Sergio is someone that I've  
11 known for a long, long time. How old are you now, Serg?

12 MR. CICCOLELLO: 35.

13 MAYOR PETRACCO: 35. I think when he was 15, he  
14 worked at Petracco's Deli for me and he brought a lot of  
15 sunshine there and a lot of joy to all of us, especially my  
16 mom. So I'm very pleased to announce tonight that Sergio  
17 has become an Eagle Scout and his family is here to  
18 celebrate our proclamation.

19 I was at the ceremony. You did fantastic there  
20 Serg. I was never so proud of you in my life. You really,  
21 really were great there. So I have a proclamation that I'm  
22 going to read for you tonight.

23 (Applause)

24 MAYOR PETRACCO: They're all clapping for you,  
25 Serg, not me.

1 MR. CICCOLELLO: All right.

2 MAYOR PETRACCO: So I'm going to read your  
3 proclamation now if I could see it.

4 Whereas Sergio Michael Ciccolello was born May 8th  
5 -- I'm sorry, May 3rd, 1979, and whereas Sergio, son of Tina  
6 and Iggie Ciccolello and brother of John and Nikko, lived in  
7 Nutley for 38 years before recently moving to Lincoln Park.

8 And whereas Sergio became interested in the Boy  
9 Scouts 20 years again and is now a member of Troop #364 in  
10 Bellville. And whereas Sergio attained rank within the Boy  
11 Scout establishment and recently performed a service project  
12 for the Eagle Scout pledge.

13 And whereas Sergio's service project required him  
14 to make 100 -- that's 100 baskets for distributions to the  
15 senior citizens at Valentine's Day luncheon and whereas in  
16 addition to being recognized by the Boy Scout of America,  
17 Sergio also received awards from the Nutley Elks, the Double  
18 Elks, the General Lodge Order of the Elks and the New Jersey  
19 State Council of the Knights of Columbus.

20 Now, therefore be it resolved by the Board of  
21 Commissioners, Township of Nutley, County of Essex, State of  
22 New Jersey, that Sergio Ciccolello be commended and  
23 recognized for his outstanding completion of his Eagle Scout  
24 service project and for providing good will and kindness to  
25 Nutley's senior citizens.

1           This is a proclamation, so we don't need a vote.  
2           Serg, will, you come up front?

3           (Applause)

4           (Pause)

5           (Applause)

6           MAYOR PETRACCO: Serg, if you guys would like to  
7           leave if you don't want to stay for the whole meeting, we  
8           can give you guys a little opportunity to go, if you want  
9           to. I figured that.

10          Also, in attendance, we have Bike Mike here. Hi,  
11          Bike Mike. I just wanted to say hello. Thank you so much  
12          for coming, guys. Bye you guys. By Serg.

13          MR. CICCOLELLO: Bye.

14          MAYOR PETRACCO: Bye Michael. That is  
15          unbelievable. God bless him.

16          Now, we're going to take Mr. Scalera out of order.  
17          Thank you for waiting, sir.

18          (Pause)

19          MR. SCALERA: Thank you Mayor and good evening to  
20          the Commissioners. First, I'd like to introduce my  
21          assistant in our Homeland Security on this project. His  
22          name is Will Drew.

23          He's been traveling the state with me. We've been  
24          down to -- we were in Hamilton, down to Camblin and back up  
25          here to Nutley tonight. So we're all over the state working

1 on this project.

2 So, first I'd like to first thanks for making time  
3 tonight. I understand that you had a longer meeting in the  
4 back, so I apologize. This is a very important project in  
5 the State of New Jersey and actually to the federal  
6 government.

7 So, a few years ago, back in after the 9/11 report  
8 was written we started working on (indiscernible) and public  
9 safety nationwide. Around 2005 and (indiscernible) we had  
10 done the first trial at the public safety building with an  
11 18 foot tractor trailer from (indiscernible) from New  
12 Jersey. And before FirstNet was even thought about where we  
13 are today, we actually did phone to radio, radio to phones  
14 over all technology.

15 From there, thanks to a lot of senators and  
16 congressmen of the United States and in (indiscernible), we  
17 were able to get Spectrum to be able to build a public  
18 safety network nationwide.

19 When I was still in the legislature and the  
20 chairman of Homeland Security, we actually brought this  
21 initial funding in. The project had a few hiccups. The  
22 federal government found out it wasn't being built right.  
23 They stopped it. It's now formed. They call it FirstNet.

24 FirstNet is the new national carrier. They're  
25 under the Department of Commerce. They will own the public

1 safety network nationwide. And I try to explain that  
2 FirstNet will be like the Verizon is to the public sec, to  
3 the commercial people. FirstNet will be building the  
4 national network.

5 They have two billion currently available.  
6 They're going through a spectrum auction. By the end of  
7 July they will have \$7 billion to begin building that  
8 national network.

9 Back to 2010 under the original legislation, seven  
10 entities were given waivers in funding to begin building  
11 pilot projects across the country. New Jersey, Charlotte,  
12 North Carolina, Adams County, excuse me, New Mexico, Adams  
13 County, Colorado, two in Los Angeles in Bay (indiscernible)  
14 it's called, the bay area, (indiscernible) Harris County,  
15 Texas.

16 Harris County, Texas is currently partially live.  
17 Adams County is currently live with nine sites. New Jersey  
18 should be the next one live if everything goes right. Ours  
19 is a total deployable test network for the United States.  
20 So we are building deployables.

21 There will be trailers that will be permanently  
22 deployed as a real network for at least three years. They  
23 were made up and the fee -- all of the costs for maintaining  
24 them and the insurance and all that stuff is borne by the  
25 state. The back wall, the network, all that supplied. The

1 municipalities will get use of the system for free.

2 Communities that will host a tower get free  
3 equipment for every police car, fire truck and EMS in their  
4 municipality. Townships that do not, so right now I could  
5 tell you that coming down from -- and it would cover the  
6 Route 21 corridor where we are and you'll hear it in the  
7 presentation that Passaic is hosting a site, excuse me,  
8 Patterson is hosting a site, Clifton is hosting a site,  
9 Bellville is hosting a site and then we have multiple sites  
10 in Newark.

11 We're looking for a site in this area. It can be  
12 on this side of the river or the other, but in this area.  
13 I'm going to go through the presentation. I'm from Nutley.  
14 I'd like us to get the free equipment. We'll talk about  
15 that.

16 So, if it's a town let's say right now Lyndhurst  
17 isn't getting a site. They will get two routers, one for  
18 each police car, one for a fire truck, one for an ambulance.  
19 They can try things and do things on the network, but won't  
20 be able to switch over and save funds, because you can  
21 actually cut back on the Verizon bills.

22 So, I'm going to go through the presentation, let  
23 you see what the network can do, how it can -- how it will  
24 work. You have packages in front of you that has JerseyNet  
25 as its termed in New Jersey. There's a website for it.

1 There's information. You'll see the website, the front page  
2 is there.

3 You'll also find out all of the documents from  
4 FirstNet that are there on how that will work.

5 So, there was legislation and governance in place,  
6 so the national public safety network was borne by a house  
7 resolution.

8 FirstNet is responsible for (indiscernible) and  
9 operating the network and as a technology advisory board  
10 defined by FirstNet. The funding, as I said, there will be  
11 \$7 billion. There's \$135 million that's also gone out to  
12 the states. That's separate from this pot of money. That's  
13 for us to prepare to build a rural network. And there's up  
14 to \$300 million for research and development.

15 Currently, New Jersey has \$39 million in a grant,  
16 \$10 million in matching funds coming from New Jersey  
17 transit. Our project is about \$50 million.

18 The spectrum is -- and (indiscernible) block in  
19 the 20 megahertz, so I try and break that down so that  
20 Verizon is in Band 13, your cell phone, AT&T is in Band 17.  
21 Band 14 nationwide is for public safety, transportation and  
22 energy only and we'll talk about some of that.

23 We have 20 megahertz of spectrum available. If  
24 you're in the commercial spectrum today, you may have five  
25 up and five down. We're going to have 10 up and 10 down for

1 public safety only. A large amount of spectrum available.  
2 It's 700 megahertz narrow band, but it's not, as you know a  
3 radio. So, a radio was a frequency, your devices in the  
4 future will be all IP addressed. Your radio will look like  
5 a radio, feel like a radio, but it will actually be smart  
6 technology inside as we move forward.

7 The public safety -- if we're in the T-Band, it  
8 doesn't affect Nutley, but in the T-band in 11 years,  
9 whoever is on that, also has to give up their frequencies,  
10 town close to us in that problem is Montclair, some channels  
11 in New York City, Camden, Atlantic City are all in that T-  
12 band, it creates a different problem for them than we have.  
13 And then the secondary use is all by legislation and we'll  
14 talk about transportation energy as we go forward.

15 So public safety, LT, public safety gets to ride  
16 on LT economy scale. The equipment is not new. It's the  
17 same equipment that Verizon and AT&T are using, just in a  
18 different band, so it's much more available and much less to  
19 maintain than if we have hundreds of P25 radio networks all  
20 across the state and interoperability.

21 Tracing devices and equipment, one spectrum  
22 nationwide. So, can you imagine I have -- my device, I was  
23 a 9/11 responder, Katrina responder. We had no  
24 communications. And you get there with your radio, well it  
25 doesn't work when you go in another jurisdiction. Just

1 Nutley alone, if we go to Bloomfield, or Bellville or  
2 Lyndhurst, we all need different radios, different  
3 spectrums, we have to hold two radios as the chief, three  
4 radios, depending on who they are, set up a communications  
5 vehicle. Well, as communications moves forward in the next  
6 three to five years over this network, your one device --  
7 your one device and mission critical, right, we're talking  
8 two types of voice.

9 We can do voice today and some of these  
10 applications will be given out in the trial process. So,  
11 for an example if your detectives are sitting watching a  
12 house tomorrow, they'll have their radio with them. They'll  
13 be able to use this, which cannot be picked up by a scanner  
14 and it's visually encrypted, to talk between themselves of  
15 who they're watching, how they're watching. They can send  
16 pictures between each other, talk video between each other  
17 on devices such as this.

18 But it's not mission critical, meaning you can't  
19 go running into the fire. We can't be stopping cars on the  
20 road and police, we must maintain our P25 system. And  
21 that's really going to be a three to five to ten year  
22 transition. But we can do LT over this.

23 In the future though, if we went on  
24 (indiscernible) A to Bellville, you would go to the command  
25 post. And as you go into a mall today, you'll see scan code

1 and barcodes, you can see what's going on in the mall.  
2 You'll scan a code that will put this on the channel  
3 Bellville wants you on. You're in the right talk group.  
4 You can get text messaging, (indiscernible) and emergency  
5 alerts from that scene.

6 When you leave that scene and go two networks  
7 away, it's wiped out and you can't access them anymore. So,  
8 it will be an automatic thing.

9 So mutual aid if we go to New York City, I would  
10 go to command post, same device I used in Nutley. I could  
11 always talk back in Nutley. I go up and scan my code and I  
12 can now have the New York City channel that I need to talk  
13 on at that (indiscernible). That's how smooth it will be.

14 Think about how that would have worked on 9/11.  
15 Think about how that would work in a lot of emergencies.  
16 Let's just talk -- we had a meeting the other day, a recap  
17 with what happened with the (indiscernible) shooting. Three  
18 different command posts showed up, threw everybody on radio  
19 channels. They had different communications officers  
20 running between vehicles trying to figure out who is on what  
21 channel, how to get them together, how the guys from RHSP  
22 were going to talk to (indiscernible) police. It was a  
23 large problem.

24 Can you imagine, we set up, we say, okay you're  
25 with this mutual aid group, scan that bar code. You're with

1 fire, scan that bar code and they go all in the same talk  
2 groups and we could send information by text and email also.  
3 That's the future that's three to five to ten, but that's  
4 the network we're talking long term.

5 (Audio going in and out). His battery was running  
6 dead. Sorry about that.

7 So, as I'm waiting for that, what we're building  
8 is a total deployable network. So as we talk about the  
9 commercial network today, how many cell phones worked truly  
10 through Sandy here? Right. They went down after 12 hours,  
11 they went down. They came out and got some generators up,  
12 some companies and some cell towers took longer. As the  
13 national network gets built, the commercial network has --  
14 is connected by either single fiber -- which you know about  
15 fiber you're installing here. But single fiber or single  
16 path microwave, it has 12 hours of battery.

17 So, if we lose one link, if the microwave went  
18 down, that tower is down. Fiber went down, the tower is  
19 down. Twelve hours it goes down.

20 As the real towers, the national network gets  
21 built, it will be triple redundant through a path microwave  
22 and fiber with sub 50 milliseconds fail over. So you'd have  
23 to lose this one path of fiber, the second path of fiber and  
24 you have to also lose, excuse me, both paths of microwave  
25 and you'd lose the fiber.

1           On top of that, besides 12 hours of batter, it  
2 will have 72 hours of generator. So the network is much  
3 more resilient and hardened. The deployables we're doing  
4 are very similar to that. So, our deployables, the  
5 (indiscernible), which is actually going to be up at  
6 Montclair State University, which is the big system, will  
7 have satellite backup, fiber backup and microwave. That  
8 will be very difficult to take down because it has direct  
9 satellite that will go all the way back to the State Police  
10 (indiscernible) and be able to keep communications up. I  
11 don't care if the state was cut in half, we'd be able to  
12 keep that up.

13           All of our units will have dual path microwave  
14 though. So, if a unit was in Nutley, it would be dual path,  
15 redundant microwave without the fiber because they're  
16 deployables. And still have 12 hours of battery and 72 hours  
17 of generator. So, even if the storm came through, it would  
18 be much more resilient than a commercial network.

19           Let's say the real network is built and we have a  
20 tower go down in north Jersey. We will then bring a  
21 deployable up and one -- you might need two deployables for  
22 one tower, because a 420 foot tower covers a large are, two  
23 deployables, because you need two to replace one. We'd  
24 bring two deployables up and within six hours, roughly, by  
25 the time we drive them up and set them up, the whole network

1 is back. So the public safety network is going to be very  
2 redundant also have backups and the capacity to come up  
3 (indiscernible). So it will be much more resilient and  
4 redundant for that.

5 The equipment in the vehicles, so there's a couple  
6 things. So the things that are ready for prime time -- and  
7 we're only going to buy on our money, as I call it, the  
8 government right now, is the devices that will transition to  
9 the national network. So if you were to host a site, you  
10 would get a router for every one of the vehicles, police,  
11 fire and EMS. Those routers connect to this national  
12 network.

13 They also create a 200 foot wifi around the  
14 vehicle. And as more vehicles come together, that becomes a  
15 larger area network. So, you can get out of the vehicle and  
16 take tablets with you out of the vehicle. You can do video  
17 sharing. We're going to supply applications called Vivio  
18 (ph), that allows you to do -- seven officers can video  
19 conference at a scene without using a radio and do that.  
20 You'd be able to, for example, if you have access to the  
21 system, into the school video. We've done active shooters.  
22 So we can actually, we've done this.

23 We can have Google glasses on and shoot the video  
24 of the school (indiscernible). And when officers go in,  
25 with a gun in his hands, there's a lot of prototype. Where

1 we're going to do that, how we're going to do that. NJIT is  
2 in the Governor's Executive Order to be the clearance for  
3 Homeland Security for technology. They're going to be our  
4 LT and applications and communications lab. And tomorrow,  
5 this network has drawn a lot of attention, tomorrow, the  
6 Department of Justice is here. They're going to bring a  
7 grant and personnel to work with NJIT to work on this  
8 network with us and write a paper on the New Jersey network.

9           So, that's a really big plus for us that the feds  
10 want to be involved. The Department of Homeland Security is  
11 bringing Google here in a contract to work with NJIT over  
12 our network.

13           But after we test things there up at the Morris  
14 County Police and Fire Academy we have the 911 center,  
15 police, fire, EMS training. So I'll give you an example.  
16 There's been a shirt developed for a firefighter. The  
17 firefighter puts the shirt on when he comes on duty. When  
18 he goes to the scene, the incident commander or safety  
19 officer can open up a tablet or a computer and check all the  
20 vitals on the officers and geolocate them, so if there's a  
21 collapse, you'll know that they're 25 feet in and maybe 5  
22 feet up. You won't know exactly because they don't have  
23 building plans, but it will track the firefighter remotely  
24 for safety. And that can be used for bomb squads, hazmat  
25 teams, regular officer, it wouldn't be practical.

1           So, the benefits for this LTE is a powerful new  
2 technology, has greater interoperability, enhances  
3 interagency cooperation. So, can you imagine now that we  
4 have video here in Nutley that -- on a camera and we'll get  
5 to some of that and we want to show it to Bellville. Well,  
6 over the network, we do it live. And not so that it's just  
7 in the dispatch center, so that we can show it to the  
8 officer in the car. We can show it portably to the officer  
9 in the field.

10           We're also working on facial recognition in the  
11 state of New Jersey with New York City. It's actually a  
12 live working project. So, we will have -- we are doing a  
13 joint agreement, so when we do a facial recognition search  
14 in Jersey, it will also search in New York City at the same  
15 time and vice versa.

16           And by next year, we will have a mobile app on  
17 this network that will allow facial recognition live out  
18 over the air also on this live network.

19           So, as standard protocols built in. Built in  
20 roaming, so as I told you, we can go to California, we can  
21 to go Bellville. As we get there, it will work. So even,  
22 let's say this, you want a fire chief or a police chief to  
23 always be on duty. He can be in California and be listening  
24 to the police channel in Nutley if he needed to like he was  
25 standing in Nutley. It would roam across the network.

1           Has great quality of service. It has high  
2 capacity. It has low latency and it's a much faster  
3 technology and 3G will be just rolling out 4G when this  
4 rolls out.

5           It's cost effective, so it's a simplified all IP  
6 architecture. It's lower operating costs on this type of  
7 system. Compliments existing narrow band networks.

8           So, can you imagine this, we talked about mission  
9 critical is not coming soon, but let's say -- and I've done  
10 this all over and I've really asked this question of Chief  
11 Stromolo (ph), but most police chiefs do not carry radios,  
12 but sometimes they need to be on the radio. So we can  
13 actually put an application on a commercial device that will  
14 connect over to this LTE device that will allow this phone  
15 to talk on a P25 radio.

16           So we can make handheld LTE devices talk on radio,  
17 non-mission critical, right. I don't want to be running  
18 down the street trying to talk to the guy the P25, but if a  
19 chief or the detectives needed to do that, they could do it  
20 from their LTE device and that equipment is all also coming  
21 in the network. So it supports geographically redundant, so  
22 it's a little bit different, right.

23           On a radio system, we have today, it's a repeater  
24 of the (indiscernible) park and the line goes down, we can  
25 go to a local system off the building or we can go to

1 simplex. With this type of system because LTE is in range,  
2 you would never lose the whole community. And if it can't  
3 be repaired readily, they can bring out a deployable in the  
4 two hours, the deployable arrives, set it up, again any  
5 place and bring the network back up. So even after a storm,  
6 we can become much more resilient.

7 As well as, let's say the -- if we had this  
8 equipment and the super bowl was coming for the situation,  
9 as the Super Bowl, Verizon and AT&T brought in extra  
10 (indiscernible) to boost up their network. We could do the  
11 same thing to boost up the network for public safety.

12 In fact, what happened at the Super Bowl, nine  
13 Homeland Security cameras were set up for the Super Bowl.  
14 Verizon came over and said, how are you receiving those  
15 cameras. They said, over the Verizon network. They said,  
16 we're not allowing them to use the spectrum, because they  
17 were making money on Verizon that day.

18 We had to rig up a mesh network to receive the  
19 Homeland Security cameras. Those came cameras went to the  
20 Miss America pageant. They were all (indiscernible) up.  
21 Guess what happened (indiscernible) cell phones, the  
22 security cameras went down. Burlington, New Jersey, we just  
23 had the air show. Three cameras down there. The first two  
24 days it was cloudy, no problem. The last day everybody  
25 showed up. Guess what went down? The cameras because they

1 work over the commercial network. Public safety cannot rely  
2 on the commercial network, that's why this whole process is  
3 being (indiscernible).

4 So, transition from P25. So, P25 radio the  
5 officers carry today can only do voice. But as we get to  
6 LTE, we can take (indiscernible) and I'm using -- we're  
7 integrating a lot of other things, Atlantic City, over 2000  
8 cameras. How to receive it, where do we store it, so we're  
9 going to do it electronically now. They don't have to watch  
10 it all, it's going to be in vehicles, but they can get  
11 access any car or any place over the LTE network at any  
12 time.

13 The field personnel. I love talking about that.  
14 So an officer gets out on a motor vehicle stop and he  
15 doesn't have back up there yet. All of the sudden,  
16 something's going wrong, he needs help. He hits his panic  
17 button. The camera on the front of the car comes live and  
18 transmits into the police desk. The police desk now sees  
19 what's happening so they can tell the backup car what's  
20 going on.

21 Or say maybe he got shot from another direction.  
22 They can also call into the electronic unit in the car and  
23 look at all four of the cameras looking back. So, maybe it  
24 was a car came from another direction and hit him. Maybe it  
25 was something else that occurred, so it gives greater access

1 and accountability.

2 So the way we do vehicle data in the cars today is  
3 they tape all day long. We get to the public safety  
4 building, upload it at the end of the day, we wind up with a  
5 storage capacity problem. Not just here, everybody does.  
6 Now the way it works, the car is getting an electronic MDVR,  
7 you never ever download it. It sits in the car for 30 days,  
8 but any of those 30 days you need to see it over LTE, you  
9 can access that car at any time.

10 So, it also creates that you don't have to have  
11 all that storage and capacity on hand.

12 Sure, that's okay.

13 Street individual surveillance. We can talk about  
14 -- so we can -- so for an example, through our existing  
15 street cameras in Nutley we can bring them into the system.  
16 But I'll give you an example of what's being built for this  
17 network. So, we're doing a lot of work with a lot of  
18 federal agencies as well as the state police surveillance  
19 (indiscernible).

20 Verizon has raised the rates and we've kind of  
21 changed the way we're doing business (indiscernible). We  
22 actually are going to be building for this -- and I'll use  
23 for an example, and I'll use Commissioner Tucci. We want a  
24 watch a (indiscernible), but we have no cameras there, but  
25 we want to watch it for the next week or two. You can go

1 down and mount this on the pole. It's solar powered -- you  
2 put the bracket on the pole, drop it on, it looks like a  
3 Cable Vision box. It's solar powered. It has the  
4 electronic storage inside and the officer can access it over  
5 LTE. Even a car arriving on scene, if he wants to see what  
6 was just there, can access the box. So you can mount them  
7 and move them around the town (indiscernible).

8 (No sound)

9 Sure.

10 (No sound)

11 MR. SCALERA: Cameras you want, we're not telling  
12 you where to put them. It's if you want to put them up,  
13 there's a way to access it.

14 (No sound)

15 MR. SCALERA: Right. It's your choice. So --

16 MAYOR PATRACCO: (indiscernible) could, but as we  
17 discussed, Fred, and I -- we talked privately, I mean, for  
18 the police department, it is a very good tool, like you  
19 said, how they had to go up on poles in the past for hours  
20 to get something like that. Now, in a few minutes they  
21 could use that for surveillance, which we could desperately  
22 use.

23 MR. SCALERA: Say you have a complaint of speeding  
24 on a block and you don't know if it's going on and you want  
25 to see it. You can mount this camera, just go up with the

1 fire department bucket truck, mount it there and see what's  
2 really happening at night on that street or who is drag  
3 racing, are they drag racing.

4 If there's damage -- somebody is damaging the park  
5 each night or we're having a break in every night in the  
6 municipal parking lot on a car, we can put up a portable  
7 unit for a day, two, three, you could technically leave it  
8 up full time. You can mount it and leave it up 24/7 if you  
9 want to -- and it will store up there electronically and the  
10 only time you could see it is when you access it over the  
11 network.

12 MAYOR PATRACCO: And it's solar.

13 MR. SCALERA: And it's solar powered. So you  
14 don't wire it, you don't do anything with it.

15 So we're supplying the devices. We're not buying  
16 cameras for everybody, but well I just have to be honest  
17 about that. We're buying the devices. We'll give you the  
18 connections for that, because that takes a different unit  
19 than the car takes. We'll supply all that, so, in Atlantic  
20 City, just large -- they have 2000 cameras.

21 UNIDENTIFIED SPEAKER: So, excuse me, that's more  
22 cameras than they have gamblers there, but that's another  
23 story.

24 MR. SCALERA: Well, (indiscernible).

25 UNIDENTIFIED SPEAKER: So if we wanted to purchase

1 cameras --

2 MR. SCALERA: Yes.

3 UNIDENTIFIED SPEAKER: And site them around town,  
4 whether it's in our parks, you know, different crime areas  
5 or areas that we just want to watch, we have that ability to  
6 do that?

7 MR. SCALERA: That's correct.

8 UNIDENTIFIED SPEAKER: All right. And this is all  
9 wireless?

10 MR. SCALERA: All wireless.

11 UNIDENTIFIED SPEAKER: And how quickly could  
12 something like that be realized?

13 MR. SCALERA: Well, we're making -- so I don't  
14 want to talk about what they're going to look like, but  
15 they'll be discreet.

16 UNIDENTIFIED SPEAKER: No, no, I don't care what  
17 would they look like, how long before the system is in place  
18 where we could utilize that.

19 MR. SCALERA: This whole network will be fully  
20 operational by June of next year. We start installing --  
21 it's out on scope of work on state contract right now. We  
22 will hopefully have the first systems, that's the brains,  
23 the first four of those arriving in November. And then  
24 between November and next June, all the other 27 sites will  
25 come up.

1 UNIDENTIFIED SPEAKER: So, you're going to have  
2 the -- I'll call them the portable units, for lack of a  
3 better term?

4 MR. SCALERA: That is correct, sir.

5 UNIDENTIFIED SPEAKER: The cows and what have you.  
6 And then what do you move to after the cows?

7 MR. SCALERA: So, that's -- they will stay up.  
8 The commitment that Homeland Security Director was making is  
9 that they will stay up until the national FirstNet network  
10 comes in.

11 UNIDENTIFIED SPEAKER: And that's that three to  
12 five years?

13 MR. SCALERA: (Indiscernible) three to five. So  
14 we're hopefully going to be on the earlier side of three.  
15 So, in Los Angeles, and here is what we're working towards  
16 because we're going to be this demo site. We're going to  
17 have a lot of data. Los Angeles is trying to build  
18 under a pilot project, needs 200 towers for Los Angeles  
19 County.

20 The state of New Jersey needs between 120 to 150  
21 through the whole state, so we're a much easier build than a  
22 lot of other areas. Even New York City is higher because of  
23 the density in the buildings. So we think after proving out  
24 our pilot, we're in very good shape to look to be one of the  
25 early deployments.

1           Again, Will and I are working full time on that  
2 second project to get everything required and to be eligible  
3 to be one of the first out of the box on the net.

4           Now, there's a good and bad to that. So, why we  
5 have the network up, you can use all this bandwidth and  
6 everything for free. And we're going to be cutting a  
7 contract. So right now it's your Verizon air cards in the  
8 car, \$50 or \$60 a month. If you break over the bandwidth  
9 the fees are going. Every community is being notified,  
10 state contract is going to be changing, that's going up.

11           So, for an example, the state police this year, if  
12 they kept using Verizon the way they were, their fees would  
13 go up \$250,000 for the year on the Verizon network.

14           We just met with a federal agency today. Each one  
15 of their wireless deployments that currently use Verizon for  
16 their short term use is running \$10,000 because of the  
17 spectrum and bandwidth.

18           So, what -- let me come back with your current.  
19 So, your Verizon today will become only roaming, meaning  
20 that when you go out of the network, so you'll have coverage  
21 most of Montclair, most of Bloomfield, all of Bellville, all  
22 of Lyndhurst, all around your local around, but say you went  
23 to -- the chief went to Livingston. Livingston wouldn't  
24 have the network. By statute even permanently after the  
25 real network comes, as a backup, you roam over to the

1 commercial, but you only get that limited bandwidth and only  
2 your old applications. You wouldn't get all the video and  
3 all those things.

4 So, Harris County, which is the first that's  
5 currently working with Verizon now, so we'll know those  
6 rates soon. So what's it going to be just have them in the  
7 car, but not use it on standby, so if you need it's there?  
8 So, they estimate that to be about 1/3 the cost of what  
9 you're currently paying for in Verizon in the usage case  
10 today. So you cut the Verizon air card bill by about a  
11 third.

12 So, Harris County is doing -- one good thing,  
13 they're up first, they're in the middle of negotiations with  
14 Verizon. In the next month or two, I'm sure we'll have an  
15 idea what that cost is.

16 The commercial carriers, the only money they're  
17 going to have left in the market place is the roaming.  
18 Because everybody will be going over to the national  
19 network.

20 UNIDENTIFIED SPEAKER: Fred, just very quickly,  
21 the mobile unit,

22 MR. SCALERA: Trailer?

23 UNIDENTIFIED SPEAKER: Trailer, where would they  
24 be located?

25 MR. SCALERA: So the one and I had seen

1 Commissioner Tucci, he gave me permission to drive around  
2 with Jason. So, the spot we located, so outside the fenced  
3 in area, you have a big dumpster and behind it, there's a  
4 bunch of old benches piled up. We -- that's two parking  
5 spaces. We need two parking spaces. It would fit behind  
6 that dumpster.

7 UNIDENTIFIED SPEAKER: Okay. So we don't run into  
8 -- and I see Alan (ph) twitching over there -- so we don't  
9 run into a similar problem that we ran into with the staging  
10 area, because this is a state and federal initiative, will  
11 this exempt us from any green acres regulations?

12 MR. SCALERA: I was prepared for that question.  
13 So, two things, one is because it's a temporary structure in  
14 the first place and the state is also exempt from that and  
15 that's a supplying we're handling all the permits, yes. But  
16 remember something, these will come into the -- they will  
17 come into the building department in Nutley and apply for a  
18 temporary structure permit.

19 So, one other thing, why they're also allowed, is  
20 these trailers -- and believe me, we've put a lot of design  
21 into them -- we are not allowed to break the ground. So, we  
22 are not allowed to put a stake in the ground. We are not  
23 allowed -- so let me just tell you about the design of the  
24 trailer.

25 So the trailer is physically 8x16. The

1 (indiscernible) will come out four feet each side to make it  
2 a 16x16 square. Under the (indiscernible) similar to what  
3 you see on the fire truck, we've come out with 3x3 plates so  
4 that if it's on soil or on pavement, it has a bigger  
5 dispersion.

6 When the tower goes up the guide wires will attach  
7 to the top of the jacks. I wanted to do a way to prepare it  
8 for a -- we have designed it for 60 mile an hour winds. I  
9 wanted the hurricane strapping. Hurricane strapping means  
10 that I have to put a stake in the ground, so we can't do  
11 that. So the hurricane straps will come off to a post and  
12 1000 pound plates wills it on those posts, so that it's  
13 stable through those winds. So there's no stakes, there's  
14 no ground breaking, no problem with green acres because it's  
15 one state, two it's a temporary structure it's exempt and  
16 three, is we're not breaking the ground.

17 UNIDENTIFIED SPEAKER: Fred, would there be  
18 fencing around it or any protection around it?

19 MR. SCALERA: We're going to have cameras --

20 UNIDENTIFIED SPEAKER: (Indiscernible) Necessary.

21 MR. SCALERA: So there's nothing really necessary  
22 to be around. It's just like sitting next to the dumpster,  
23 it's a trailer. It's an all enclosed system. If it goes  
24 forward, we bring you an MOA between the state, so we are  
25 physically insuring the trailers. The only thing that's

1 asked of the municipality is that we go on your insurance  
2 rider if somebody was to climb on it and fall. That's  
3 basically --

4 UNIDENTIFIED SPEAKER: So it just in summary, what  
5 I'm hearing is a mobile unit --

6 MR. SCALERA: Sure.

7 UNIDENTIFIED SPEAKER: -- that would be parked  
8 somewhere, which would not violate anything with green acres  
9 or things like that.

10 MR. SCALERA: Right.

11 UNIDENTIFIED SPEAKER: It has a tower. The tower  
12 will go up how many feet?

13 MR. SCALERA: (indiscernible) feet.

14 UNIDENTIFIED SPEAKER: (Indiscernible) Feet. So,  
15 how -- is that higher than the towers that we --

16 MR. SCALERA: No, that's 120 tower down there.

17 UNIDENTIFIED SPEAKER: So it's shorter than the --

18 MR. SCALERA: Half the height.

19 UNIDENTIFIED SPEAKER: So it would be half the  
20 height.

21 UNIDENTIFIED SPEAKER: there would be no conflict  
22 with the existing tower that's there?

23 MR. SCALERA: No, none whatsoever, because you can  
24 actually (indiscernible). So, we -- if I could, we're not  
25 allowed to even touch terrestrial, I would love to just --

1 because I can mount on that tower because we actually own it  
2 and so -- but we're not -- I'm -- for example, Garfield is a  
3 beautiful water tower to use, but I can't (indiscernible),  
4 I'm putting a trailer lower than the water tower because I'm  
5 not allowed to mount on terrestrial.

6 It has to be -- the goal of this deployable is  
7 tested deployable, not to say it wasn't deployable when we  
8 put things on physical structures.

9 UNIDENTIFIED SPEAKER: And given the Verizon cards  
10 that we use today, the mobile cards that are required, that  
11 with this system, we have the potential to reduce or  
12 eliminate that cost?

13 MR. SCALERA: We're estimating about a third,  
14 you'll be paying a third of what you're paying. I'll know  
15 that probably in about two real months when Harris County is  
16 going through the first test of that right now.

17 UNIDENTIFIED SPEAKER: So, reduced cost and all  
18 the equipment that's necessary to support this, the State  
19 provides that at no cost to the municipality?

20 MR. SCALERA: You get all the equipment for free  
21 and that equipment when the real network comes -- it  
22 transitions to the real network, so the cars are all set up  
23 for the permanent network.

24 UNIDENTIFIED SPEAKER: Does that equipment become  
25 the ownership of the municipality or does it stay --

1 MR. SCALERA: Ownership of the municipality and we  
2 include like one year -- we're covering the one year  
3 warranty and service. In our contract, the vendor will do  
4 the installation, so it's installed by the vendor, so it's  
5 installed properly, all that stuff.

6 UNIDENTIFIED SPEAKER: And replacement of  
7 equipment as it needs to for the cars, the cameras, all the  
8 things you're referring to?

9 MR. SCALERA: I'm sorry?

10 UNIDENTIFIED SPEAKER: You're referring to cameras  
11 and different things.

12 MR. SCALERA: Well, so we can't go out and replace  
13 everybody's camera, so what we've done and that's why I kind  
14 of go back. So in Atlantic City they have a large project  
15 going. They were about to buy routers for their cars.  
16 We've stopped it. They're going to buy the new compliant  
17 ones.

18 We're having them now as they buy their video  
19 systems, buy the ones that you don't need to download  
20 anymore, it will be stationary. As well as license plate  
21 recognition and that's really -- the problem here is Passaic  
22 runs theirs differently than Burgan, Essex doesn't have a  
23 central place, so we have some issues. But we're going to  
24 do -- I'd like to do the 21 corridor with them. I don't  
25 know if we will, but I'll explain what we're doing, what's

1 different than everybody's doing today in Camden Atlantic  
2 City because we're definitely doing it there, because it's a  
3 straight run.

4 UNIDENTIFIED SPEAKER: Just more specifically, as  
5 far as the equipment is concerned, the initial equipment  
6 that we're provided comes from the state.

7 MR. SCALERA: That's correct.

8 UNIDENTIFIED SPEAKER: We get to keep that  
9 equipment?

10 MR. SCALERA: Correct.

11 UNIDENTIFIED SPEAKER: But in the future, we'd  
12 have to pay for the replacement of that equipment?

13 MR. SCALERA: Well, it's going to last you at  
14 least -- I mean, it's a router. It's going to last you  
15 multiple years.

16 UNIDENTIFIED SPEAKER: So initially it's a thank  
17 you from the state. The follow-up is we have to support  
18 that.

19 MR. SCALERA: That's correct.

20 UNIDENTIFIED SPEAKER: Whatever that -- and do we  
21 know what those equipment costs would be?

22 MR. SCALERA: Each router will be going out on bid  
23 and they'll be on contract. So even if you're a large city,  
24 the most we're going to have to a city is 50 because we can  
25 only buy so many inside the grant. So the (indiscernible)

1 50 range here so 50 is our max, even if we go to Patterson,  
2 then we'll have them on state contract, they can buy more if  
3 they'd like to do that, but we'll get at least 50 of their  
4 vehicles live in Patterson. Fifty is our magic number as  
5 the max, because -- so it's -- and it's more difficult Route  
6 21 corridor because we didn't have to, but Will and I in  
7 doing the design work did, so the Route 21 corridor is what  
8 the state got approval to cover. We made the decision  
9 though that that's ridiculous if Patterson comes on Route 21  
10 they have coverage, they go back into Patterson, they have  
11 no coverage. Well the same thing in Nutley. You go  
12 (indiscernible) 21.

13 So, if Nutley takes this site, Nutley will be  
14 triangulated. There's a site going at the Clifton Fire  
15 House by Route 3 by Kohl's. There's a site going to go at  
16 the Bellville Fire House on Franklin Avenue in Bellville.  
17 And then this site in Nutley. That would actually  
18 triangulate and then there's a major site going up at  
19 Montclair State that will come through the top of Passaic,  
20 Patterson, Montclair and even touch up in the Bloomfield  
21 area. So, Nutley will have triangulated coverage throughout  
22 the whole community from those three sites.

23 UNIDENTIFIED SPEAKER: And what would that cost  
24 me? Just to follow up on what Commissioner Evans said, what  
25 would that cost me to replace that router?

1 MR. SCALERA: The router for the vehicle we  
2 estimate they'll come in -- we're not -- about \$1500.

3 UNIDENTIFIED SPEAKER: Okay.

4 MR. SCALERA: That's the ones we're giving for  
5 free.

6 UNIDENTIFIED SPEAKER: \$1500 per router?

7 MR. SCALERA: Per router.

8 UNIDENTIFIED SPEAKER: Okay. So if we had 50  
9 routers at \$1500 --

10 MR. SCALERA: Right, so you're getting those for  
11 free. Besides the routers, though, you're also going to get  
12 -- and we don't get -- air cards and dongles. So if you  
13 want to -- so let's just say the police chief wants to have  
14 a tablet he can carry around all over the town in his hand.  
15 So, most tablets and things aren't made in band 14 and  
16 that's three to five years out on devices.

17 UNIDENTIFIED SPEAKER: Right.

18 MR. SCALERA: You know, I talk about that, but  
19 with a dongle, so we bought these tablets here, Windows that  
20 will take a dongle on the side. My office building where I  
21 am in the Homeland Security in Newark fully in the network  
22 and I'll be able to go around the city of Newark with a  
23 tablet in my hands and do anything the car can do. So,  
24 we're also going to supply a lot of those smaller devices,  
25 they're much -- they're probably in the hundred dollar

1 range.

2 UNIDENTIFIED SPEAKER: And the commitment for  
3 funding moving forward, 100 percent on both the federal  
4 level and the state level?

5 MR. SCALERA: So the sustainment of this project  
6 in the agreement is the state has to maintain it. Homeland  
7 Security will be picking up the sustainment costs until the  
8 national network comes in.

9 UNIDENTIFIED SPEAKER: So, it sounds like at a  
10 federal level, funding comes from a federal level until the  
11 network is in place and then it becomes a state  
12 responsibility.

13 MR. SCALERA: So, a couple of things. So, the only  
14 federal funding is to build the network. The state had to  
15 do the agreement to sustain it. That's one part.

16 Then when the national network comes through, of  
17 course you have to pay per unit to be on, but we -- so, for  
18 -- I'll get into a different model, but the trailers stay  
19 with the State so that they become our emergency deployment  
20 if a tower goes down from a Sandy or a storm.

21 UNIDENTIFIED SPEAKER: Just a final question, and  
22 it's more of a summary type question. By moving to this  
23 type of system, I'm hearing two things. One is that in the  
24 event of an emergency, we have a better ability to  
25 communicate.

1 MR. SCALERA: And recover if it was done.

2 UNIDENTIFIED SPEAKER: Right. Which we had a lot  
3 of difficulty with during Sandy.

4 MR. SCALERA: Sure.

5 UNIDENTIFIED SPEAKER: And so it's basically in an  
6 emergency. The other that I was hearing is that in addition  
7 to the emergency type service, there's an improved  
8 capability day to day in the use of these -- the vehicles  
9 and the equipment to provide police services or public  
10 safety services.

11 MR. SCALERA: (Indiscernible) bandwidth can't  
12 share all that video out to the cars, but you will be able  
13 to do video out to the cars. We're going to supply some of  
14 the video applications like Vivio (Ph) that allows the  
15 officer -- say he's out there before -- he's one 21 and the  
16 rescue squad is coming and they have an extrication, he can  
17 take a tablet out of the car, be sending the video back and  
18 the squad could see, wow, we're not calling enough things or  
19 unsecured need this tow truck or the fire is larger than  
20 this. They can actually send live video from a handheld  
21 device at a scene.

22 So the capability -- and that's only touching the  
23 surface, so just if I can have just two more minutes to  
24 cover two different issues and I guess we'll go back. This  
25 is kind of the transition from the (indiscernible) to the

1 terrestrial as a FirstNet slide. But, let's take license  
2 plate recognition the way it works today and the way it can  
3 work.

4 So, the way we're setting it up and we had units  
5 down in Atlantic City, they're not operational right now.  
6 But, crimes happen in Atlantic City and they go from  
7 Atlantic City to (indiscernible) or they go up and down the  
8 parkway. So we're going to have now -- so an incident  
9 occurs and we have a license plate in Atlantic City. When  
10 they enter in the computer it's live at the units that are  
11 stationary on Route 130 and the expressway. They're  
12 stationary out at the parkway north and south and east and  
13 west. And then there's stationary at the entrance to Camden  
14 as well as in one or two cars in Camden Atlantic City.

15 So you'll know if a guy did something bad in  
16 Atlantic City and he goes out the expressway, you'll know he  
17 went north or south, call the state police, he went off the  
18 parkway. You'll know if he went past there -- let's see  
19 what happens, you'll know if he goes into the city of  
20 Camden. It's going to alert that he just drove in Camden.  
21 And then a car -- if a car drives past him, police car in  
22 Camden or they may see him, it will pick the plate up.

23 That doesn't work in live time today because of  
24 bandwidth. That's that -- we all want to do that in this  
25 car in the north but because there's three counties and

1 every county operates differently, we may not able to bring  
2 that live in the north, that's an issue.

3 And one last thing on -- about transportation and  
4 energy, we just met with the BPU this week and the BPU has  
5 been talking about to do smart grid. Now, not in the  
6 northeast, but in other parts of the country, Chattanooga,  
7 Tennessee and you can look it up online is the most  
8 connected community in America. You buy your water, your  
9 electric, your sewer, your TV, your cable, you buy  
10 everything from the City of Chattanooga and they have fiber  
11 to your home.

12 So, we are going to be developing -- we met with  
13 the BPU, we're going to be bringing the five utilities in  
14 the state together for a test. And I've actually done it  
15 live out in Las Vegas. So, your electric meter now is live  
16 over LTE. So no more meter readers, they read the meter  
17 live any time they want. So if you're doing a house closing  
18 and you want a real reading, you call them on the phone,  
19 they can give you a reading. But let's take the important  
20 point.

21 Take a fire. When we have a fire, we need the  
22 truck to show up and disconnect the electric from the house.  
23 A lot of times they can't get to the wire because the hoses  
24 are in the way, the trucks in the way. If the building is  
25 unsafe, they can't go pull the meter off the house because

1 they can't go near the building. What does public service  
2 do? They have to shut down a grid. Now, the public service  
3 or in our case, public service shows up with an iPad or a  
4 tablet and he stands next to the commander (indiscernible)  
5 house, hits a button. There's a meter panel, there's a  
6 (indiscernible) and there's a meter. The (indiscernible)  
7 disconnects (indiscernible), they pull the meter off the  
8 house and the electric is off. Much safer for the  
9 responders.

10 SWAT teams want power off, power on. I'm standing  
11 next to the incident commander. SWAT teams go in, I hit the  
12 button it turns the power off on the house. They go in,  
13 they have the guy, I hit the button, power comes back on.

14 Now, let's take a Sandy. How many emergency  
15 responders did we pay to stand in buildings because wires  
16 were on a house and they might be sparked. We couldn't shut  
17 the power off. Now, during those disasters, over LTE, right  
18 from Public Service's main station, they'll be able to turn  
19 the power off on the meter without even coming out. Or on a  
20 gas meter, it's being developed for gas also.

21 So we've actually met with BPU already. They're  
22 going to work on this. We're going to do a three year pilot  
23 with BPU and testing for a roll out in the future as the  
24 national network comes through also. Why is that good for  
25 us? I won't even go through the rest of the slides, I think

1 you've heard enough. So Com (ph) energy in Michigan made  
2 that change. Com energy owns all -- is the energy company  
3 for the state of Michigan. In the 2009 town legislation,  
4 they testified and said, listen, if energy, if we can use  
5 this for smart grid, we'll build it and let public safety  
6 use it for free. So the government saw it as a way of some  
7 more money. So our goal is if the utilities come on board,  
8 public safety will wind up paying less for use of the  
9 national network as it comes through.

10 It's also going to tie into the Next Gen 911 and  
11 the new dispatch consoles that are coming out with a white  
12 paper in August. So, Next Gen 911, you'll be able to send  
13 video and pictures in so the desk would have them, but now  
14 with the LTE, and an LTE connected console, you'll be able  
15 to send that also out to the officer in the field, the  
16 person you're looking for. So it's really a network of the  
17 future for public safety.

18 In closing, we were ahead of this for many years,  
19 England just signed a contract with Votophone (ph) there is  
20 a votophone to build this network and have it running  
21 nationwide in England by 2016 with mission critical voice.  
22 So I'll be interested to see how they do that and how it  
23 works out. So we were the leader in deploying it. England  
24 right now is kind of jumped out and is going to be the  
25 first, probably, in the market in operation as a nation.

1 Canada is not far behind it.

2 Sorry we're not so long, Mayor. I want to be sure  
3 I answered --

4 MAYOR PATRACCO: No, listen, do you know what,  
5 Fred, as always I can't thank you enough and I know that you  
6 look out for our town unconditionally. So, I'm very excited  
7 about it. When I met with the chief and Freddy and the  
8 deputy chief of the fire department, (indiscernible), they  
9 were really, really foaming at the mouth to bring this in.  
10 So, I mean, for first responders, I think it's really an  
11 upscale, state of the art, in the future technology that is  
12 great that we're getting it for free. I mean, you know the  
13 saying, if it's for free it's for me, so --

14 MR. SCALERA: And Mayor --

15 UNIDENTIFIED SPEAKER: It's for free for now.

16 MR. SCALERA: That's what I said, no, no. When  
17 the national network comes you have to make your own  
18 decision anyhow, so you can go back to Verizon or go to the  
19 national network.

20 UNIDENTIFIED SPEAKER: And this is basically a  
21 statewide network that inheritably will benefit Nutley  
22 because of all things that you've outlined for us tonight.  
23 Can you get us what some of the costs will be on an  
24 annualized basis as to what our requirements would be to  
25 maintain the system and to continue participating?

1 MR. SCALERA: Well, this one you have no cost.  
2 It's the national network.

3 UNIDENTIFIED SPEAKER: No this one, I'm talking  
4 about the national network.

5 MR. SCALERA: The national network --

6 UNIDENTIFIED SPEAKER: That's three to five years  
7 out.

8 MR. SCALERA: The general manager hasn't even been  
9 hired to FirstNet yet. Those figures haven't been compiled  
10 --

11 MAYOR PATRACCO: And Fred, Fred, and that's three  
12 to five years out?

13 MR. SCALERA: Yes, it is.

14 MAYOR PATRACCO: So we have -- we'll have a free  
15 service for the next three to five years?

16 MR. SCALERA: This is free, the state paying for  
17 it until that comes and then by mandate we have to turn this  
18 (indiscernible). So --

19 UNIDENTIFIED SPEAKER: Okay.

20 MR. SCALERA: We don't control that end.

21 UNIDENTIFIED SPEAKER: Just consistent with  
22 Commissioner Tucci's question, you don't have to provide it  
23 tonight, just a better sense of what the downstream costs  
24 could be so we better understand that.

25 MR. SCALERA: So I think the first one will be

1 with the Verizon roaming costs is going to be out of Harris  
2 County because they're doing that now. So, I figure some of  
3 these -- Adams County, Colorado -- that's Harris County -  
4 Adams County, Colorado just went live. They're next going  
5 to be looking at the roaming features and costs. But  
6 they're terrestrial pilots, so we may be able to learn a  
7 little bit more about the costs. Because just costs we'll  
8 be paying, so the (indiscernible) require them and that's  
9 why we're in Camden today. We have to install new fiber.  
10 We're covering satellite cost for backup. The state is  
11 putting quite a bit of funds in for this pilot to make this  
12 also work.

13 So I think maybe we can take some of that and  
14 break it down (indiscernible) costs per user on this  
15 network. Not charge you, but give you a cost of whatever it  
16 costs just with those costs.

17 UNIDENTIFIED SPEAKER: Yeah, if we have a general  
18 idea.

19 MR. SCALERA: We might be able to do that in the  
20 future.

21 UNIDENTIFIED SPEAKER: The bottom line is that we  
22 do have a capital plan in place for the township. We have  
23 to make choices as a result of that, so just in the future  
24 this becomes another choice around what we have to invest in  
25 each year. So for my sake, I just want to be more aware of

1 what that future cost is as to what kind of choice that's  
2 going to be.

3 MR. SCALERA: So the one good thing also though  
4 is, so now Will and I are working now to identify sites --  
5 our next year and a half project is working on identifying  
6 Government owned sites because Government owned sites will  
7 be the best way and most affordable for New Jersey. So let's  
8 say this (indiscernible) site works and we want to use the  
9 real tower also Nutley would pay a lower fee -- anybody who  
10 brings infrastructure to the project permanently on the big  
11 network also pays a different fee than somebody who doesn't  
12 bring infrastructure. The federal government knows they  
13 can't build everything.

14 So people who bring something to the  
15 infrastructure also wind up with lower costs on the national  
16 network.

17 MAYOR PATRACCO: Right. Just a question about the  
18 costs, am I thinking correctly, as we turn to this  
19 technology, are we going to be able to save some money in  
20 public safety by eliminating those roaming charges and  
21 things such as that?

22 MR. SCALERA: Well, you're only going to  
23 (indiscernible) roaming charges, you're not paying the full  
24 usage. We're estimating with Harris County talking about  
25 the roaming charges is about a third of what they're

1 currently paying for their bill.

2 UNIDENTIFIED SPEAKER: If I understood you  
3 correctly, I think the answer is yes. Because there's a  
4 lower cost associated with the installed routers over time  
5 versus the costs we incur today with Verizon.

6 MAYOR PATRACCO: So then what would we need to  
7 prepare for the future in capital? Are we thinking from  
8 three to five years as the national turns on?

9 UNIDENTIFIED SPEAKER: That's the questions we  
10 just asked for more information to better understand what  
11 that future costs.

12 MAYOR PATRACCO: Excuse me one second, so I  
13 understand it clearly. So, for the next three to five  
14 years, there should not be a cost associated with this, but  
15 moving forward into the fifth year, that's when the national  
16 --

17 UNIDENTIFIED SPEAKER: Actually if I heard  
18 correctly, for the next three to five years, there actually  
19 should be a cost reduction with an uptake in costs for the  
20 capital requirements. Based upon the need, based upon the  
21 routers or whatever the need to do those replacements and  
22 that could be staged.

23 MR. SCALERA: So let me just say and  
24 (indiscernible) question about capital. So let's say  
25 mission critical voice -- comes out in five years, you would

1 need a capital budget then if you wanted to take voice and  
2 everything to this one device. A device that's coming out  
3 next year that's being tested at the -- the public safety  
4 lab is actually Boulder, Colorado. It's a device that's  
5 going to be P25 radio, so it does have mission critical  
6 embedded with the band 14, LTE device inside it. So, those  
7 will be available probably in two years on the market. So,  
8 we wanted to go to those that could be a capital cost if you  
9 wanted to tie the technologies together. So, except for --  
10 so that might be some costs, but that's not now, that would  
11 be down the road. And again, you don't have to go to that  
12 equipment.

13 UNIDENTIFIED SPEAKER: Right and with the  
14 reduction in costs we do have the potential for this to be  
15 awash.

16 MR. SCALERA: Sure over the years, yes.

17 UNIDENTIFIED SPEAKER: Yeah, if you average it  
18 over time, absolutely.

19 MR. SCALERA: Averaging over time, yes that could  
20 be true also.

21 UNIDENTIFIED SPEAKER: I think that's important to  
22 point out because all this sounds great, but obviously  
23 there's always a cost associated with it. But as long as  
24 there is a cost savings on the other side, I think it's a  
25 win-win.

1 MR. SCALERA: So, Mayor, you don't have to  
2 (indiscernible) tonight. You can meet around the  
3 commissioners for the next two to three weeks you just let  
4 me know. Otherwise, I have to -- I mean, I have to -- I'll  
5 say it honestly, (indiscernible) goes to me, because they  
6 know I'm (indiscernible) here. They'll say, we'll take two  
7 if you give us more stuff. So, you know, I'm like  
8 (indiscernible).

9 UNIDENTIFIED SPEAKER: They're real good that way.

10 MR. SCALERA: They're good that way, you know. So  
11 I (indiscernible) we're still on for Nutley, but I'll let  
12 you know. But my point is, you don't have to let me know  
13 tomorrow, but (indiscernible).

14 MAYOR PATRACCO: Well, I could tell you that I'm a  
15 yes now. So if you guys want to --

16 MR. SCALERA: I don't want to put the commission  
17 on the spot, sir.

18 MAYOR PATRACCO: No. I'm just saying after  
19 reviewing everything that we talked about the other day and  
20 tonight I know that I'm a yes. I know that my department  
21 benefits the most being public safety, but if these guys  
22 want to commit to you tonight or get back to you, whatever  
23 you want to do.

24 UNIDENTIFIED SPEAKER: Yeah, I'd like to see  
25 whatever information you can find us. It sounds phenomenal,

1 but I'd just like to see what that cost --

2 MR. SCALERA: So all you have to do is if you give  
3 me a tentative yes, the MOA that has to be done between us,  
4 you have to -- it's under the department of purchasing, so  
5 you'd actually just adopt a resolution for it. So we can  
6 come out with a separate, maybe one of the premeetings in  
7 the back. We'll come in with the MOA, discuss the MOA and  
8 then you can make it final that night.

9 UNIDENTIFIED SPEAKER: That's not going to be  
10 another ten minute presentation, is it? Okay.

11 (Laughter)

12 UNIDENTIFIED SPEAKER: I think it's a great idea.  
13 I think we're all inclined to sign on and to reap all the  
14 benefits of this, and in the mean time, pending that  
15 additional information we asked for if you want to go ahead  
16 and start developing that MOA or (indiscernible) for Nutley.

17 MR. SCALERA: So the general one is being finished  
18 now and we'll be glad to come back out and I'll work it  
19 through the mayor if that's okay.

20 And I just have to, one last plug I have to give,  
21 the governor that actually asked me to come back or brought  
22 me back to do this project and with Will here, he gets a lot  
23 of credit for this, because he's really made a serious  
24 commitment to get this public safety up for the state, so he  
25 deserves a lot of credit also.

1 UNIDENTIFIED SPEAKER: Just from my standpoint  
2 tonight, I think what you've described has a lot of  
3 potential. I would be more inclined to support it if I just  
4 had more specifics as to what the initial start up costs  
5 are, what the longer term (indiscernible) costs are.

6 MR. SCALERA: There's no start up.

7 UNIDENTIFIED SPEAKER: I understand, but I'd just  
8 like to -- you shared all of that very quickly in this --

9 MR. SCALERA: That's the MOA, all that's in  
10 writing.

11 UNIDENTIFIED SPEAKER: And I appreciate we're only  
12 going through a ten minute presentation on this. So, the  
13 essence of that, if you can provide that data and summarize  
14 that, that would help me as I think about the long term  
15 implications.

16 MR. SCALERA: So that's what's going to come out -  
17 - we did that all (indiscernible) the MOA so that you'd  
18 understand that up front.

19 UNIDENTIFIED SPEAKER: It's all included in that  
20 (indiscernible).

21 MR. SCALERA: It's all included, so if you adopt  
22 it, you know all the rules.

23 UNIDENTIFIED SPEAKER: If preparing the MOA lays  
24 out all of that information then I would support preparing  
25 an MOA because we would need that information for a

1 decision.

2 MR. SCALERA: So the MOA is -- so what we did is  
3 the MOA will be the same one we give to your community as  
4 well as (indiscernible) state or NJIT and then we -- if you  
5 need to attach an addendum to it when you pass the  
6 resolution or something, you just attach addendum. It goes  
7 back to the DAG, if he signs off, then we're  
8 (indiscernible).

9 UNIDENTIFIED SPEAKER: So, just an MOA would  
10 provide the commissioners with the ability to read the  
11 agreement, understand what's in it and counsel if we need to  
12 do any addendums to it, fine. I'm fine with following that  
13 process.

14 MR. SCALERA: That's correct. That's the policy.  
15 So we're actually -- so we spent -- again, all the hours  
16 Will and I spend in a day around the state doing this and  
17 working on this, but the MOA again, we were -- originally it  
18 was going to be an MOU and you know what MOUs get to be  
19 like. So finally we put it under the purchasing department  
20 of the State, which you're used to adopting resolutions for  
21 and drew up all the MOA. It also allows you to say, listen,  
22 we want some changes and it should be not that difficult. So  
23 we've done it, they limit the paperwork, but tell you  
24 everything you're getting up front and what the costs are.

25 UNIDENTIFIED SPEAKER: So, Fred, if you could

1 forward me the MOA, I'll hand it out.

2 MR. SCALERA: So it's been all approved up to the  
3 top -- the attorney general himself is actually just  
4 reviewing it. We probably should have it in the next week  
5 or two and then I'll forward it out and then you can forward  
6 it out and let us know.

7 UNIDENTIFIED SPEAKER: Mr. Genitempo, do we need  
8 to do anything officially to give a tentative yes or --

9 MR. GENITEMPO: No, I don't think we can do that.

10 MAYOR PETRACCO: Okay. Thank you, Fred.

11 UNIDENTIFIED SPEAKER: Thank you, Fred.

12 UNIDENTIFIED SPEAKER: Thank you so much.

13 UNIDENTIFIED SPEAKER: Appreciate it.

14 MAYOR PETRACCO: Thank you.

15 (Pause)

16 UNIDENTIFIED SPEAKER: Aren't you proud he's a  
17 Nutley boy?

18 UNIDENTIFIED SPEAKER: He's done well.

19 MAYOR PETRACCO: Thank you so much, Fred. Thank  
20 you, Will. Appreciate you coming out tonight.

21 UNIDENTIFIED SPEAKER: Fred, one more thing, could  
22 you get me a diagram of what the unit will look like and  
23 where it will be cited?

24 MR. SCALERA: So I will send you -- so we have it  
25 out on the scope of work now. They come in July 11th, so we

1 put the rough -- I can probably almost give you, so if you  
2 give me another week or two with that, if I'm down close  
3 I'll put one of those two out and I'll send you over what  
4 somebody submitted.

5 UNIDENTIFIED SPEAKER: At your convenience.

6 MR. SCALERA: No, but I'm just saying to you, but  
7 if you go on the website, you could see some similar ones of  
8 what --

9 UNIDENTIFIED SPEAKER: I know you're working  
10 through the mayor's office and I have no problem with that,  
11 but I just want to see where it's going and how it's going  
12 to interact with everything else that (indiscernible).

13 MR. SCALERA: No problem.

14 UNIDENTIFIED SPEAKER: I'm going to hold on my  
15 other questions. I don't want to go over the ten minutes.

16 UNIDENTIFIED SPEAKER: Sorry for prolonging it.

17 MAYOR PETRACCO: Madam clerk, are you still with  
18 us?

19 (Laughter)

20 MAYOR PETRACCO: Thanks for looking at for Nutley  
21 as you always do. Thank you so much. Thank you for  
22 attending.

23 UNIDENTIFIED SPEAKER: Motion to adjourn. No, no.

24 UNIDENTIFIED SPEAKER: Second.

25 (Laughter)

1           MAYOR PETRACCO: Okay. We did the proclamation.  
2 I believe we have to move on to minutes, Madam Clerk?

3           MADAM CLERK: Yes, Mayor. I have meeting minutes  
4 from meetings held May 6th and May 20th, 2014. I need a  
5 motion please.

6           UNIDENTIFIED SPEAKER: Motion

7           UNIDENTIFIED SPEAKER: Second.

8           MADAM CLERK: Commissioner Rogers?

9           COMMISSIONER ROGERS: Aye.

10          MADAM CLERK: Commissioner Tucci?

11          COMMISSIONER TUCCI: Aye.

12          MADAM CLERK: Commissioner Evans?

13          COMMISSIONER EVANS: Aye.

14          MADAM CLERK: Commissioner Scarpelli?

15          COMMISSIONER SCARPELLI: Aye.

16          MADAM CLERK: Mayor Petracco.

17          MAYOR PETRACCO: Aye.

18          MADAM CLERK: That's all for meeting minutes this  
19 evening, Mayor.

20          MAYOR PETRACCO: Okay. Move on to the -- oh, I'm  
21 sorry, I see communications.

22          MADAM CLERK: Yes, Mayor. I have two items of  
23 communication this evening. The first one is from the Holy  
24 Family Church. Holy Family Church has requested permission  
25 to hold the following raffles on Thursday, September 25th,

1 2014 through Sunday, September 28th, 2014. It would be for  
2 an on premise super 50/50 cash raffle, on premise hourly  
3 50/50 cash raffle and the games of chance, the money wheel.

4 I need a motion, please?

5 UNIDENTIFIED SPEAKER: Move it.

6 UNIDENTIFIED SPEAKER: Second.

7 MADAM CLERK: Commissioner Rogers?

8 COMMISSIONER ROGERS: Aye.

9 MADAM CLERK: Commissioner Tucci?

10 COMMISSIONER TUCCI: Aye.

11 MADAM CLERK: Commissioner Evans?

12 COMMISSIONER EVANS: Aye.

13 MADAM CLERK: Commissioner Scarpelli?

14 COMMISSIONER SCARPELLI: Aye.

15 MADAM CLERK: Mayor Petracco.

16 MAYOR PETRACCO: Aye.

17 MADAM CLERK: The second item of communication I  
18 have is also from Holy Family Church. They're submitting an  
19 application for a social affair permit to serve alcohol at  
20 their event scheduled for September 25th, 2014 through  
21 September 28th, 2014.

22 I need a motion, please?

23 UNIDENTIFIED SPEAKER: Move it.

24 UNIDENTIFIED SPEAKER: Second.

25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.  
2 MADAM CLERK: Commissioner Tucci?  
3 COMMISSIONER TUCCI: Aye.  
4 MADAM CLERK: Commissioner Evans?  
5 COMMISSIONER EVANS: Aye.  
6 MADAM CLERK: Commissioner Scarpelli?  
7 COMMISSIONER SCARPELLI: Aye.  
8 MADAM CLERK: Mayor Petracco.  
9 MAYOR PETRACCO: Aye.  
10 MADAM CLERK: That's all for communications  
11 correspondence this evening, Mayor.  
12 MAYOR PETRACCO: Let's move on to the bills.  
13 MADAM CLERK: Yes, Mayor. Bill list July 1st,  
14 2014.  
15 Public Affairs: \$71,394.83  
16 Revenue and Finance: \$2,002,310.59  
17 Public Safety: \$61,816.60  
18 Public Works: \$391,685.90  
19 Parks and Public Property: \$659,475.64  
20 Payroll as of June 20th, 2014: \$864,108.03  
21 For a grand total bill list of: \$4,480,791.51.  
22 And that's all for bills this evening, Mayor.  
23 UNIDENTIFIED SPEAKER: Move the bills.  
24 UNIDENTIFIED SPEAKER: Second.  
25 MADAM CLERK: Commissioner Rogers?

1 COMMISSIONER ROGERS: Aye.

2 MADAM CLERK: Commissioner Tucci?

3 COMMISSIONER TUCCI: Aye.

4 MADAM CLERK: Commissioner Evans?

5 COMMISSIONER EVANS: Aye.

6 MADAM CLERK: Commissioner Scarpelli?

7 COMMISSIONER SCARPELLI: Aye.

8 MADAM CLERK: Mayor Petracco.

9 MAYOR PETRACCO: Aye.

10 MADAM CLERK: Thank you, Mayor.

11 MAYOR PETRACCO: Thank you. Okay. We'll move on  
12 to ordinance introductions. Commissioner Evans.

13 COMMISSIONER EVANS: Ordinance 3290, which I'll  
14 read by title.

15 "Ordinance providing for the acquisition of  
16 generators by the Township of Nutley, in the county of  
17 Essex, New Jersey appropriating \$556,240.00 therefore from  
18 grant monies received from the New Jersey department of law  
19 and public safety for the cost therein." So it's not a  
20 municipal appropriation. It's acknowledging the receipt of  
21 a grant.

22 I move that this ordinance be passed to a second  
23 reading and advertised in the Nutley Sun together with the  
24 notice required by law and that further consideration of  
25 said ordinance for final passage by the Board of

1 Commissioners be held at its second reading on August 5th,  
2 2014, so move.

3 COMMISSIONER TUCCI: 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 Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Mayor Petracco.

13 MAYOR PETRACCO: Aye.

14 COMMISSIONER EVANS: "An ordinance to amend an  
15 ordinance codified in the code of the Township of Nutley,  
16 chapter 320 entitled fees."

17 I move that this ordinance be passed to a second  
18 reading and advertised in the Nutley Sun together with the  
19 notice required by law and that further consideration of  
20 said ordinance for final passage by the Board of  
21 Commissioners be held at its second reading on August 5th,  
22 2014, so move.

23 COMMISSIONER TUCCI: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Mayor Petracco.

8 MAYOR PETRACCO: Aye.

9 COMMISSIONER EVANS: "An ordinance to amend an  
10 ordinance codified in the code of the Township of Nutley,  
11 chapter 700, entitled zoning, particularly Article V,  
12 general regulations and article vii, use regulations."

13 I move that this ordinance be passed to a second  
14 reading and advertised in the Nutley Sun together with the  
15 notice required by law and that further consideration of  
16 said ordinance for final passage by the Board of  
17 Commissioners be held at its second reading on August 5th,  
18 2014, so move.

19 COMMISSIONER ROGERS: Second.

20 MADAM CLERK: Commissioner Rogers?

21 COMMISSIONER ROGERS: Aye.

22 MADAM CLERK: Commissioner Tucci?

23 COMMISSIONER TUCCI: I abstain.

24 MADAM CLERK: Commissioner Evans?

25 COMMISSIONER EVANS: Aye.

1 MADAM CLERK: Commissioner Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Mayor Petracco.

4 MAYOR PETRACCO: Aye.

5 COMMISSIONER EVANS: Thank you, Mayor.

6 MAYOR PETRACCO: Okay. Thank you. Commissioner  
7 Scarpelli.

8 COMMISSIONER SCARPELLI: Ordinance #3292.

9 "Ordinance providing for reconstruction of the roadway  
10 on Park Avenue (section 2), in the Township of Nutley,  
11 county of Essex, New Jersey appropriating \$237,000.00  
12 therefore from grant monies received from the New Jersey  
13 department of transportation for the cost thereof."

14 I move that this ordinance be passed to a second  
15 reading and advertised in the Nutley Sun together with the  
16 notice required by law and that further consideration of  
17 said ordinance for final passage by the Board of  
18 Commissioners be held at its second reading on August 5th,  
19 2014. I move the ordinance.

20 COMMISSIONER ROGERS: Second.

21 MADAM CLERK: Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Aye.

25 MADAM CLERK: Commissioner Evans?

1 COMMISSIONER EVANS: Aye.

2 MADAM CLERK: Commissioner Scarpelli?

3 COMMISSIONER SCARPELLI: Aye.

4 MADAM CLERK: Mayor Petracco.

5 MAYOR PETRACCO: Aye.

6 UNIDENTIFIED SPEAKER: Public hearing.

7 MAYOR PETRACCO: Is that all you have?

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

9 MAYOR PETRACCO: Okay. We will move on to public  
10 hearings. Commissioner Tucci?

11 COMMISSIONER TUCCI: Yes. This is an ordinance  
12 providing for improvements to Monsignor Owens Park. The  
13 improvements will consist of repurposing what was formerly  
14 the roller hockey rink into a mini-soccer rink. And also  
15 the non-handicap portion of the bleachers that we will be  
16 installing at Monsignor Owens Park.

17 MAYOR PETRACCO: Is there anyone here this evening  
18 that would like to comment on Ordinance #3284? Being no  
19 one.

20 COMMISSIONER TUCCI: I move we close the public  
21 hearing.

22 COMMISSIONER EVANS: Second.

23 MADAM CLERK: Commissioner Rogers?

24 COMMISSIONER ROGERS: Aye.

25 MADAM CLERK: Commissioner Tucci?

1 COMMISSIONER TUCCI: Aye.  
2 MADAM CLERK: Commissioner Evans?  
3 COMMISSIONER EVANS: Aye.  
4 MADAM CLERK: Commissioner Scarpelli?  
5 COMMISSIONER SCARPELLI: Aye.  
6 MADAM CLERK: Mayor Petracco.  
7 MAYOR PETRACCO: Aye.  
8 COMMISSIONER TUCCI: Move the ordinance.  
9 MAYOR PETRACCO: Second.  
10 MADAM CLERK: Commissioner Rogers?  
11 COMMISSIONER ROGERS: Aye.  
12 MADAM CLERK: Commissioner Tucci?  
13 COMMISSIONER TUCCI: Aye.  
14 MADAM CLERK: Commissioner Evans?  
15 COMMISSIONER EVANS: Aye.  
16 MADAM CLERK: Commissioner Scarpelli?  
17 COMMISSIONER SCARPELLI: Aye.  
18 MADAM CLERK: Mayor Petracco.  
19 MAYOR PETRACCO: Aye.  
20 COMMISSIONER TUCCI: That's all I have, Mayor.  
21 MAYOR PETRACCO: thank you. Commissioner Evans?  
22 COMMISSIONER EVANS: Yes. 3285 is an ordinance to  
23 eliminate allowable parking in front of an address on New  
24 Street and an address on Franklin Avenue to preserve this  
25 space for medical services drop off for handicapped

1 individuals so that they have easy access to the curb.

2 MAYOR PETRACCO: Is there anyone here this evening  
3 that would like to address the Board of Commissioners on  
4 Ordinance #3285?

5 COMMISSIONER EVANS: Move to close the public  
6 hearing.

7 COMMISSIONER TUCCI: Second.

8 MADAM CLERK: Commissioner Rogers?

9 COMMISSIONER ROGERS: Aye.

10 MADAM CLERK: Commissioner Tucci?

11 COMMISSIONER TUCCI: Aye.

12 MADAM CLERK: Commissioner Evans?

13 COMMISSIONER EVANS: Aye.

14 MADAM CLERK: Commissioner Scarpelli?

15 COMMISSIONER SCARPELLI: Aye.

16 MADAM CLERK: Mayor Petracco.

17 MAYOR PETRACCO: Aye.

18 Okay. We are tabling tonight --

19 MADAM CLERK: You need to move the ordinance,  
20 Mayor.

21 MAYOR PETRACCO: I'm sorry.

22 COMMISSIONER EVANS: Move the ordinance.

23 COMMISSIONER TUCCI: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Mayor Petracco.

8 MAYOR PETRACCO: Aye.

9 Okay. We're tabling Commissioner Scarpelli's  
10 ordinance #3286.

11 COMMISSIONER TUCCI: We're going to postpone that  
12 to the next commission meeting.

13 MAYOR PETRACCO: Okay. We're postponing it.

14 MADAM CLERK: Okay. Mayor, for the record,  
15 Ordinance #3286 we're going to postpone the public hearing  
16 to the next meeting scheduled for Tuesday, July 15th, 2014.

17 MAYOR PETRACCO: Yes, we are. Okay. And I have  
18 an Ordinance #3287, Ordinance to amend an ordinance entitled  
19 an ordinance to fix the salaries of certain officers and  
20 employees of the Township of Nutley, county of Essex, State  
21 of New Jersey, effective January 1st, 2014.

22 Is there anyone this evening that would like a --  
23 is there anyone this evening that would like to address the  
24 Board of Commissioners on Ordinance #3287?

25 MS. LANDRY: No, but I have a question. Penny

1 Landry, 135 Lakeside Drive. If someone in the public showed  
2 up for a public hearing to address something and now it's  
3 postponed, so they've sat here three hours and it just gets  
4 postponed and they can't speak to it? Is that the law, Mr.  
5 Genitempo?

6 I showed up here to speak to Ordinance #3286,  
7 which was scheduled and publicized as a public hearing. And  
8 now it's been postponed. So --

9 MAYOR PETRACCO: 3286?

10 MS. LANDRY: Yes.

11 MAYOR PETRACCO: I mean, if I -- it's the zoning  
12 ordinance. I mean, counsel, I have --

13 MS. LANDRY: So, now if the public shows up to  
14 speak to something that was publicized, can we speak to it?

15 MAYOR PETRACCO: Excuse me, one second.

16 Counsel, I personally have no problem if she wants  
17 to ask a question about the ordinance, she has been here, as  
18 long as we're not breaking any kinds of laws.

19 MR. GENTITEMPO: No, it's just not part of the  
20 public hearing because the public hearing is not open on it.  
21 So --

22 MS. LANDRY: But it was publicized.

23 UNIDENTIFIED SPEAKER: But it will be part of the  
24 public record.

25 MR. GENTITEMPO: It will be part of the record of

1 this --

2 UNIDENTIFIED SPEAKER: Of this meeting, but not  
3 specific --

4 MR. GENTITEMPO: That's correct.

5 MAYOR PETRACCO: So then you --

6 MR. GENTITEMPO: My suggestion would be to do it  
7 under the public comment portion.

8 MS. LANDRY: Okay. I'll do it under public  
9 comment. Thank you.

10 MAYOR PETRACCO: Thank you and I'm sorry about  
11 that.

12 Okay. Seeing no one for Ordinance #3287, I move  
13 the ordinance.

14 COMMISSIONER EVANS: Second.

15 MAYOR PETRACCO: I'm sorry, I close the public  
16 portion of the meeting, Madam Clerk. My mistake.

17 MADAM CLERK: Mayor Petracco made a motion to  
18 close the public hearing and --

19 COMMISSIONER ROGERS: Second.

20 MADAM CLERK: Seconded by Commissioner Rogers.  
21 Commissioner Rogers?

22 COMMISSIONER ROGERS: Aye.

23 MADAM CLERK: Commissioner Tucci?

24 COMMISSIONER TUCCI: Hold on a second.

25 MADAM CLERK: We're voting on Ordinance #3287.

1 COMMISSIONER TUCCI: Aye.  
2 MADAM CLERK: Commissioner Tucci, that was Aye?  
3 COMMISSIONER TUCCI: That was an eye, yes.  
4 MADAM CLERK: Commissioner Evans?  
5 COMMISSIONER EVANS: Aye.  
6 MADAM CLERK: Commissioner Scarpelli?  
7 COMMISSIONER SCARPELLI: Aye.  
8 MADAM CLERK: Mayor Petracco.  
9 MAYOR PETRACCO: Aye. I move the ordinance.  
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 Scarpelli?  
18 COMMISSIONER SCARPELLI: Aye.  
19 MADAM CLERK: Mayor Petracco.  
20 MAYOR PETRACCO: Aye.  
21 Thank you. Commissioner Rogers, we'll move on to  
22 resolutions.  
23 COMMISSIONER ROGERS: Resolution #159-14 it's an  
24 award contract consultant solid waste disposal, recycling  
25 and public affairs and law and policy DeFeo and Associates,

1 15 Washington Valley Road, Warren Township, New Jersey not  
2 to exceed \$17,500, so move.

3 COMMISSIONER SCARPELLI: 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 Scarpelli?

11 COMMISSIONER SCARPELLI: Aye.

12 MADAM CLERK: Mayor Petracco.

13 MAYOR PETRACCO: Aye.

14 MADAM CLERK: Okay. Thank you.

15 COMMISSIONER TUCCI: That was an aye, Madam Clerk,  
16 I had my mic off.

17 MADAM CLERK: I'm sorry, Commissioner, did I --

18 COMMISSIONER TUCCI: I said, that was an aye. I  
19 had my mic off, for the record.

20 MADAM CLERK: Thank you, Commissioner.

21 MAYOR PETRACCO: Okay. Is that all you have,  
22 Commissioner Rogers?

23 COMMISSIONER ROGERS: That's all I have, Mayor.  
24 Thank you.

25 MAYOR PETRACCO: Commissioner Tucci has no

1 resolutions this evening. We should move on to Commissioner  
2 Evans.

3 COMMISSIONER EVANS: Whereas N.J.S.A. 40A:5-4  
4 requires the governing body of every local unit to have made  
5 an annual audit of Its books, accounts and financial  
6 transactions and;

7 Whereas, the Annual Report of Audit the 2013 has  
8 been filed by the Registered Municipal Accountant with the  
9 Municipal Clerk pursuant N.J.S.A. 40A:5-6, and a copy has  
10 been received by each member of the governing body: and

11 Whereas, R S. 52:27BB-34 authorizes the Local  
12 Finance Board of the State of New Jersey to prescribe  
13 reports pertaining to the local fiscal affairs, and the  
14 Local Finance Board has promulgated N.J.A.C. 5:36.5, a  
15 regulation requiring that the governing body of each  
16 municipality shall, by resolution, certify to the Local  
17 Finance Board of the State of New Jersey that all members of  
18 the governing body have reviewed, as a minimum the sections  
19 of the annual audit entitled General Comments and  
20 Recommendations; and

21 Whereas the members of the governing body have  
22 personally reviewed, as a minimum, the Annual Report of  
23 Audit and specifically the sections of the Annual Audit  
24 entitled General Comments and Recommendations, as evidenced  
25 by the group affidavit loan of the governing body attached

1 hereto;

2           Whereas, such resolution of certification shall be  
3 adopted by the Governing Body no later than forty-five days  
4 after the receipt of the annual audit, pursuant to N.J.A.C.  
5 5:30-6.5; and

6           Whereas all members of the governing body have  
7 received and have familiarized themselves with, at least,  
8 the minimum requirements of the local Finance Board of the  
9 State of New Jersey, as stated aforesaid and have subscribed  
10 to the affidavit, as provided by the local Finance Board,  
11 and;

12           Whereas failure to comply with the promulgations  
13 of the Local Finance Board of the State of New Jersey may  
14 subject the members of the local governing body to the  
15 penalty provisions of RS 52:27BB-52 to wit a local officer  
16 or a member of a local governing body who after a day fixed  
17 for compliance fails or refuses to obey an order of the  
18 director of the local governmental services under the  
19 provisions of this article, shall be guilty of misdemeanor  
20 upon conviction and may be fined not more than \$1000 or  
21 imprisoned for not more than one year or both in addition  
22 shall forfeit his office.

23           Now, Therefore Be it Resolved, that the Board of  
24 Commissioners of the Township of Nutley, hereby states that  
25 that it has complied with N.J.A.C. 5:30-6.5 and does hereby

1 submit a certified copy of this resolution and the required  
2 affidavit said Board to show evidence of said compliance.

3 So move.

4 COMMISSIONER TUCCI: Second.

5 MADAM CLERK: Commissioner Rogers?

6 COMMISSIONER ROGERS: Aye.

7 MADAM CLERK: Commissioner Tucci?

8 COMMISSIONER TUCCI: Aye.

9 MADAM CLERK: Commissioner Evans?

10 COMMISSIONER EVANS: Aye.

11 MADAM CLERK: Commissioner Scarpelli?

12 COMMISSIONER SCARPELLI: Aye.

13 MADAM CLERK: Mayor Petracco.

14 MAYOR PETRACCO: Aye.

15 COMMISSIONER EVANS: Be it resolved by the Board  
16 of Commissioner of the Township of Nutley, County of Essex,  
17 State of New Jersey the treasurer be and she is hereby  
18 authorized to refund overpayments of property taxes for  
19 Block 8204, Lot 36 in the amount of \$1,648.75 for the year  
20 2014. So move.

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 Scarpelli?

4 COMMISSIONER SCARPELLI: Aye.

5 MADAM CLERK: Mayor Petracco.

6 MAYOR PETRACCO: Aye.

7 COMMISSIONER EVANS: WHEREAS, the Township of  
8 Nutley entered into a contract with C3 Holdings, LLC located  
9 at 548 Franklin Avenue, Nutley, NJ by way of Resolution  
10 number 285-10 dated December 21, 2010 and Gov Interact  
11 located at 548 Franklin Avenue, having acquired C3 Holdings,  
12 LLC, and Gov Delivery, located at 408 St. Peter Street,  
13 Saint Paul, MN, having acquired and succeeded Gov Interact  
14 (hereinafter Gov I) in providing patented computer software  
15 currently being used in connection with the website and  
16 provided email and technology services to the township  
17 originally for a period of two-years with an option to renew  
18 for two one-year periods; and

19 WHEREAS, the original contract was awarded under  
20 N.J.S.A. 40A 11-5(i)(dd) which provides for the award of a  
21 contract without public bidding for the provision or  
22 performance of goods or services for the support or  
23 maintenance of computer hardware and software; and

24 Whereas, the original proposal and contract  
25 provided for the services to be provided for \$24,000.00

1 annually; and

2           Whereas the Gov I has provided the services needed  
3 by the Township to maintain its website and technology and  
4 there remains outstanding the following invoices from: Gov  
5 Interact 21378, 10042, 21968, 10352, 22423 -- these are all  
6 invoices -- 20228 and 20826 and Gov Delivery Invoice 2075,  
7 for the dates 1/1/12 to 12/31/2013, and whereas the Township  
8 attorney having reviewed the invoices and contract with C3  
9 Holdings, LLC.; and

10           Whereas funds are available from the following  
11 budget accounts totaling \$24,000.00 for each calendar year  
12 2012 and 2013 and have been certified by the Chief Financial  
13 Officer, said certification being attached thereto.

14           It is now therefore, be it further resolved that  
15 the Board of Commissioners of the Township of Nutley, County  
16 of Essex, State of New Jersey, hereby award the contract for  
17 2012 and '13 to Gov Ineract/Delivery and shall make payment  
18 of invoices as listed above. So move.

19           COMMISSIONER SCARPELLI: 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 Scarpelli?

2 COMMISSIONER SCARPELLI: Aye.

3 MADAM CLERK: Mayor Petracco.

4 MAYOR PETRACCO: Aye.

5 Is that all you have Commissioner?

6 COMMISSIONER EVANS: Yes, sir.

7 MAYOR PETRACCO: Thank you. Whereas the raffle  
8 applications have been received from the following  
9 organizations and Holy Family Church, Holy Family Catholic  
10 Church, license number 47-14 Raffle Super 50/50, cash raffle  
11 September 28th, 2014. Holy Family Catholic Church license  
12 number 48-14 on premise hourly 50/50 cash raffle September  
13 25th, 2014 through September 28th, 2014. Holy Family  
14 Catholic Church, license number 49-14 games of chance and  
15 money wheel, September 25th, 2014 through September 28th,  
16 2014.

17 Whereas the applications have been received and  
18 approved by the municipal clerk and the police department,  
19 now therefore be it resolved by the Board of Commissioners,  
20 Township of Nutley, County of Essex, that the licenses are  
21 approved and the municipal clerk is authorized to issue the  
22 license. I move the resolution.

23 UNIDENTIFIED SPEAKER: Second.

24 MADAM CLERK: Commissioner Rogers?

25 COMMISSIONER ROGERS: Aye.

1 MADAM CLERK: Commissioner Tucci?

2 COMMISSIONER TUCCI: Aye.

3 MADAM CLERK: Commissioner Evans?

4 COMMISSIONER EVANS: Aye.

5 MADAM CLERK: Commissioner Scarpelli?

6 COMMISSIONER SCARPELLI: Aye.

7 MADAM CLERK: Mayor Petracco.

8 MAYOR PETRACCO: Aye.

9 BE IT Resolved, by the Board of Commissioners of  
10 the Township of Nutley, in the County of Essex, state of New  
11 Jersey, that renewal of Plenary Retail Consumption License  
12 #0716-33-011-006 "Papillion LLC T/A the Game Sports Bar &  
13 Grill", 350 Passaic Avenue, Nutley, New Jersey 07110 be  
14 granted effective July 1, 2014 through June 30, 2015.

15 Be it resolved that the licensee has paid the  
16 renewal fee of \$1,719.36; and be it resolved, that the State  
17 or New Jersey, Department of Treasury, Division of Taxation  
18 has provided Tax Clearance Certificate for Liquor License  
19 #0716-33-11-066 for this renewal period.

20 Be it further resolved, that this establishment  
21 has been inspected by the Board or Health, Fire Department,  
22 Code Enforcement Department of the Township of Nutley and is  
23 in satisfactory condition.

24 Now, therefore be it resolved by the Board of  
25 commissioners of the Township or Nutley, County of Essex,

1 that the Municipal Clerk be and she is hereby directed and  
2 authorized to issue said licenses for the licensing period  
3 of July 1, 2014 through June 30, 2015.

4 I move the resolution.

5 COMMISSIONER EVANS: Second.

6 UNIDENTIFIED SPEAKER: I have a question on this  
7 before we vote. Is there a transfer coming on this or --

8 MADAM CLERK: There is a pending transfer, yes.

9 UNIDENTIFIED SPEAKER: Thank you.

10 MADAM CLERK: Motion by Mayor Petracco. I'm  
11 sorry, I need a second.

12 COMMISSIONER EVANS: Second.

13 MADAM CLERK: Second by Commissioner Evans.  
14 Commissioner Rogers?

15 COMMISSIONER ROGERS: Aye.

16 MADAM CLERK: Commissioner Tucci?

17 COMMISSIONER TUCCI: Aye.

18 MADAM CLERK: Commissioner Evans?

19 COMMISSIONER EVANS: Aye.

20 MADAM CLERK: Commissioner Scarpelli?

21 COMMISSIONER SCARPELLI: Aye.

22 MADAM CLERK: Mayor Petracco.

23 MAYOR PETRACCO: Aye.

24 Okay. That concludes are very, very long business  
25 portion of the meeting this evening. We will open it now to

1 public comment. Before we do, Madam Clerk, please read our  
2 five minute rule.

3 MADAM CLERK: All persons addressing the board of  
4 Commissioners regarding community concerns should approach  
5 the microphone and provide their name and address for the  
6 record. Unless further time is granted by the Board, each  
7 person shall limit their address to five minutes.

8 All remarks to the board and its individual  
9 members must be addressed to the mayor. The mayor may defer  
10 citizen comments to the appropriate member of the board.  
11 Dialogue between citizens and others addressing the board  
12 shall be allowed unless the mayor or presiding officer or  
13 the majority of the membership of the board shall determine  
14 that the interest of decorum and/or expeditious contact of  
15 municipal business are being adversely affected by such  
16 dialogue. Name and address, please?

17 MAYOR PETRACCO: Okay. Is there anyone here this  
18 evening that would like to address the board of  
19 Commissioner, please come up. And thank you so much for  
20 waiting patiently this evening. Again, we do apologize for  
21 the lengthy meeting in the back tonight.

22 MS. LANDRY: That's okay and it's all right. So,  
23 I'd like to address Ordinance #3286. Do I address  
24 Commissioner Scarpelli or do I address you?

25 MAYOR PETRACCO: You could address me and then

1 I'll --

2 MS. LANDRY: Okay. I would like to state that I  
3 am against 328 --

4 MADAM CLERK: We need your name and address for  
5 the record.

6 MS. LANDRY: Pennie Landry, sorry. Pennie Landry  
7 135 Lakeside Drive, Nutley, New Jersey 07110.

8 Well, first I have a question. Mr. McGovern in  
9 the premeeting said, as chairman of the planning board, and  
10 I quote, you need to create an overlay zone that make sense.  
11 Does Ordinance #3286 create an overlay zone.

12 MAYOR PETRACCO: Commissioner Scarpelli?

13 COMMISSIONER SCARPELLI: No, it does not.

14 MS. LANDRY: It does not. Okay. Thank you. Does  
15 Ordinance #3286 create a new zone for Nutley called M-2  
16 Industry?

17 COMMISSIONER SCARPELLI: Yes.

18 MS. LANDRY: That is a new zone never before had  
19 in our township. Thank you. As per our master plan, is  
20 this the same master plan that was referred to tonight  
21 that's on the website, the Nutley New Jersey.

22 COMMISSIONER SCARPELLI: I believe so.

23 MS. LANDRY: I believe so.

24 COMMISSIONER SCARPELLI: It was approved in 2012.

25 MS. LANDRY: Okay. Because I've read it three or

1 four times and some of these chapters and sections are not  
2 there as I recall but I'd like to be able to go back and  
3 make sure that they are actually on the website. Because  
4 I've actually downloaded the planning -- the master plan  
5 that's on the website and read it four times and these are  
6 things I haven't seen. So I'd like to be able to go back to  
7 the Nutley New Jersey website and make sure that these  
8 chapters and sections are as on the public website.

9 MAYOR PETRACCO: If there's something missing that  
10 you know, just please --

11 MS. LANDRY: And that's what I'd just like to make  
12 sure because I don't have a computer here to go and make  
13 sure especially this sub J, par -- subpar J Industry and  
14 Manufacturing. I just need to double check on that.

15 The part that I have an issue with in Chapter 5 is  
16 number 5, zoning attachment 4, schedule of regulations, E,  
17 says minimum lot size per dwelling square foot shall be  
18 blank. I don't think that we should have anything left  
19 blank, as in fill in the blank. So I'd like to see  
20 something other than shall be blank put there.

21 And then objection to Number 6, all ordinances or  
22 parts of ordinances or resolutions that are in conflict or  
23 inconsistent with provisions of this ordinance are hereby  
24 repealed to the extent necessary, but only to the extent of  
25 such conflict and inconsistency. That's a lot of mumbo

1 jumbo that I don't think people can understand. And so I'd  
2 like some clarity from a legal perspective as to exactly  
3 what that means.

4 And then Number 7, which is wide open to  
5 interpretation and I think needs to be nailed down a little  
6 bit better as it relates to this ordinance and I'll read it.  
7 If any article -- if any article, section, subsection, term  
8 or condition of this ordinance is declared invalid or  
9 illegal for any reason, the balance of the ordinance shall  
10 be deemed severable and shall remain in full force and  
11 effect.

12 I think developers would have a field day with  
13 this one, so I would just ask that that be rewritten to give  
14 --

15 COMMISSIONER SCARPELLI: I'll defer to counsel,  
16 but I think some of that language is boiler plate language.

17 MR. GENTITEMPO: That's called the savings clause  
18 and what it means is if for some reason in the future, any  
19 part of the ordinance is deemed illegal or not appropriate.  
20 The rest of the ordinance is not affected. It's a very  
21 basic clause. It's in many, many statutes and ordinances in  
22 the (indiscernible).

23 MS. LANDRY: Okay. I'll look it up. And when  
24 will the next public comment on this issue be?

25 MAYOR PETRACCO: What was the question?

1 UNIDENTIFIED SPEAKER: July 15th?

2 MADAM CLERK: That's correct. Tuesday, July 15th.

3 MS. LANDRY: July 15th. That's a big day.

4 Several things.

5 Okay. I have another thing. You want me to  
6 quickly do it, or you want me to sit down and come back.

7 MAYOR PETRACCO: I didn't hear you.

8 MS. LANDRY: I'm done with that. Do you want me  
9 to sit down and come back?

10 MAYOR PETRACCO: No, no. Answer your questions  
11 please.

12 MS. LANDRY: Okay. I'm going as quick as I can.  
13 About this Mr. Scalera's presentation, FirstNet, Mayor,  
14 respectfully, I ask you to thoughtfully and thoroughly  
15 consider this. A, for a number of reasons. As Mr. Scalera  
16 said, first that comes under the Department of Commerce.  
17 And I quote, he said, first that --

18 MAYOR PETRACCO: I thought it came under Homeland  
19 Security.

20 MS. LANDRY: Department of Commerce.

21 MAYOR PETRACCO: No, homeland Security.

22 MS. LANDRY: If you look it up, it comes under --  
23 I read the whole thing before I got here. Department of  
24 Commerce. FirstNet -- and I quote, Mr. Scalera, formerly  
25 known as the Public Safety Network, he even said it if you

1 go back and listen to the minutes, he said Department of  
2 Commerce. So, since this is recorded you can see that.

3 MAYOR PETRACCO: Okay.

4 MS. LANDRY: Because FirstNet, according to Mr.  
5 Scalera what FirstNet wants to be is the Verizon of the  
6 national government. They want to take money away from  
7 public companies and create a company Verizon service  
8 provider, okay. So the people who work for Verizon, who are  
9 taxpayers, whatever, business is being taken away from the  
10 sector, the public sector by the government. They're  
11 creating their own Verizon. So they want us to say goodbye  
12 to Verizon for three years. And I asked Mr. Scalera. If  
13 you listen to his presentation, because he's a fast talker,  
14 he said, a one year warranty. He also said five times,  
15 installed by the vendor. You think the vendor is the  
16 government or do you think we're going to have to pay to  
17 have the vendor come in here and install all these free  
18 things that he was talking about.

19 He also said that it's guaranteed that we could  
20 save you at least a third by not doing business with Verizon  
21 anymore but there's no guarantee after the federal  
22 government takes it over. None whatsoever.

23 Also, look at our track record with getting money  
24 from the state, not so good. So I ask you to thoughtfully  
25 and thoroughly consider this. There are only six states

1 involved in this right now and only seven total locations.  
2 Look at what the government did with Obamacare. The  
3 government should not be doing things like this. The  
4 federal government needs to run the federal government and  
5 let business do business in America, okay. Like, security,  
6 because I have a question for you, Mr. Rogers. You have a  
7 background, extensive background. One thing Mr. Scalera  
8 told me is that -- because I asked him as the president of  
9 the board of education, was he going to do this presentation  
10 which by the way, he's talking about backup in case of  
11 emergencies and his PowerPoint presentation was down for 20  
12 minutes because he didn't have a backup battery. Sorry.  
13 Okay. I mean, I'm really sorry that happened to the man,  
14 it's embarrassing. It really is, okay. Anyway, he said,  
15 no. And the reason why he said no. He said, it is not for  
16 the school safety, it is only for police to access the  
17 schools.

18 So I have a question for you, Mr. Rogers, I  
19 understand that you were involved in the implementation of  
20 the Bellville School system security system; is that  
21 correct?

22 COMMISSIONER ROGERS: That's not true.

23 MS. LANDRY: It's not? Okay. Well, with your  
24 extensive security background, would what Mr. Scalera talked  
25 about today, okay, would that be of benefit to the citizens

1 outside of the police department, the police department  
2 being able to monitor via camera, is there any benefit to  
3 this black box sitting on a parking lot somewhere with a  
4 tower coming out of it, is that any benefit to the citizens  
5 of this town other than the police being able to look into  
6 the schools and track car licenses?

7 COMMISSIONER ROGERS: Well, first of all, I have  
8 to see all of the details.

9 MS. LANDRY: Thank you.

10 COMMISSIONER ROGERS: That's number one. But  
11 number two, based on my experience, yes it would be a  
12 tremendous benefit in a number of ways. He talked about  
13 officer safety. I know what that's all about. I know when  
14 he talked about --

15 MS. LANDRY: He talked about officer safety?

16 COMMISSIONER ROGERS: Well, when he talked about a  
17 police officer making a stop and possibly getting injured or  
18 being in a situation where that officer could be hurt, yes  
19 he did talk about that. He talked about how the cameras  
20 would turn around and no doubt would help the police  
21 identify what they're running into.

22 The second thing is, a great tool, which I didn't  
23 hear him mention, but it was a tool for evidentiary in  
24 nature. In other words, a crime is being committed, you've  
25 got this video tape that would be a tremendous asset for

1 prosecution purposes in a court of law. But even more so,  
2 if you have a hostage situation, if you have a situation,  
3 for example, where the police are responding into a school  
4 or an industrial complex where there are hostages, where  
5 there is a violent situation, the cameras could do a lot  
6 more to feed the police intelligence information than any  
7 other item you could think of. So it would be a big help in  
8 that nature. But like I said, we've got to see what, on  
9 paper, what he's actually talking about.

10 MS. LANDRY: Right. And this same system though,  
11 from your expertise, is available through private companies,  
12 correct?

13 COMMISSIONER ROGERS: Well, yeah. But I -- like I  
14 said, I have to see --

15 MS. LANDRY: Okay good. So all I'm asking,  
16 because it --

17 COMMISSIONER ROGERS: I have to see what --

18 MS. LANDRY: -- it looked like there was a yes  
19 going on here, but it didn't look like we were informed  
20 enough to make a good decision. So respectfully, and I  
21 appreciate your inquiry into the revenue potential, long  
22 term cost of this system, so respectfully for the citizens,  
23 I ask that you thoroughly and completely, each of you, go  
24 through this before it just gets a pass, you know, that  
25 yeah, Frank Scalera says it's a good thing, so let's do it.

1 UNIDENTIFIED SPEAKER: Ms. Landry, just one  
2 comment just so you know that I did meet with Freddie  
3 privately to --

4 MS. LANDRY: Yeah, he told me.

5 UNIDENTIFIED SPEAKER: -- for a couple hours.

6 MS. LANDRY: He told me you were in.

7 UNIDENTIFIED SPEAKER: I went through it with the  
8 chief of police, the deputy chief of the fire department as  
9 well and it seemed like that they were very excited about  
10 the things that it could enable us to do. Also, just for  
11 the record, Freddie Scalera has been a resident of Nutley  
12 his whole life as well. He was the deputy chief, he  
13 belonged -- in the fire department. Just so you know, I'm -  
14 - I don't know if you're aware of that.

15 MS. LANDRY: Yeah, I know.

16 UNIDENTIFIED SPEAKER: But you know what, he's  
17 been -- and then when he was a (indiscernible). He always  
18 looked out for the Township of Nutley, his hometown. So  
19 it's not like we have a stranger coming in here looking to  
20 sell us something that we don't know anything about, but I  
21 appreciate what you're saying. We will do our due diligence  
22 before we give it the stamp of approval.

23 MS. LANDRY: That would be wonderful. Thank you  
24 so much. I appreciate it.

25 UNIDENTIFIED SPEAKER: My pleasure.

1 MS. LANDRY: Also, could we let the public know  
2 about things like this? Maybe the public would like some  
3 input into a decision of that magnitude that impacts us from  
4 a public safety standpoint? I mean, what do we think about  
5 this whole thing and being part of this federal government  
6 program? I mean, the federal government couldn't get  
7 Obamacare website up. I'm scared to death about them coming  
8 in and being our public safety. I mean, if Verizon can give  
9 us modems and whatever and you can negotiate a better deal  
10 with them, let's stick with the people who, the businesses  
11 as much as we can and that would be appreciated. Thank you.

12 MAYOR PETRACCO: Okay. Is there anyone else this  
13 evening that would like to address the board?

14 MS. ODRIA: Michael Odria 133 High Street. As our  
15 -- as per our conversation in an open forum last time I was  
16 here, I was really here to see this gentleman right over  
17 here, Thomas Evans because he advised me months ago to do  
18 what other Nutley residents do here, to get and fill out the  
19 tax appeal and basically try to fight for my property taxes,  
20 my assessment to be lowered, to get my property tax lowered.  
21 I followed your advice, I did it. I was denied. I was  
22 denied my tax appeal.

23 Now, while I was denied, just even tonight, some  
24 resident here, Block 8204, Lot 36 got a \$1600 rebate. A  
25 lucky Nutley resident and good for that person, 86 Chestnut

1 Street got a \$1,400 rebate, I guess after doing their tax  
2 appeal. The list goes on. This other person over here, I'm  
3 sorry, at Block 5102, Lot 6, got a \$3,400 property tax  
4 rebate. My question is, why was I discriminated?

5 Look, I know you guys just passed an ordinance  
6 3287 tonight and it seems like I always hear this ordinance  
7 getting passed, no matter what number it is. Like some  
8 township employees are getting their wages, I guess  
9 increased, but the fix. Well, I'd like to get a property  
10 tax fix too. And I followed your advice and I was denied.  
11 And I -- and last time I was here, if you remember I  
12 requested an investigation of the tax assessor's office. I  
13 guess Lebreese (ph) and the rest of the people there. Why  
14 was I property tax discriminated from getting my house  
15 reassessed lower so I could have my property taxes lowered?  
16 Because --

17 UNIDENTIFIED SPEAKER: Mr. Odria, do you have any  
18 information of -- pertinent information that you've been  
19 discriminated against? Do you have any evidence to that  
20 effect or are you just making a blanket charge? Because if  
21 you do have evidence, I am more than happy to listen to it  
22 and I'm sure the commissioner would allow me to do an  
23 investigation. But if you're going to go up to the  
24 microphone and just because you didn't get your tax appeal  
25 granted, you're going to accuse people of discrimination, I

1 would ask you to be careful about that in the public record.  
2 If you have evidence, we will investigate it. And I make  
3 that offer to you on the record.

4 If you have evidence, bring it to me and I will do  
5 so in my duties as township attorney. Okay.

6 MR. ODRIA: Well, the thing is --

7 MR. GENTITEMPO: We take that charge very  
8 seriously. If you're going to stand there and allege that  
9 you've been discriminated against, okay.

10 MR. ODRIA: The only person who didn't get their  
11 property taxes were --

12 MR. GENTITEMPO: Not everybody gets a tax appeal  
13 granted, Mr. Odria. They have to prove to the tax court  
14 that they are entitled to it. We don't make that --

15 MR. ODRIA: Well, I did bring --

16 MR. GENTITEMPO: Excuse me. We don't make that  
17 decision at this level. It's made at the county tax board.  
18 So, for you to say that somehow this commission or these  
19 commissioners or the people in this department had anything  
20 to do with denying your tax appeal, you're wrong.

21 MR. ODRIA: I'm not saying they did.

22 MR. GENTITEMPO: Well, you're accusing someone --

23 MR. ODRIA: Me and Mr. LeBreezie did go at it,  
24 like last March 2013 when I respectfully asked him for my  
25 property taxes to be cut and all that. And even I had an

1 appraisal of my house that was \$55,000 less than what the  
2 town thought my house was worth. And I got back to him when  
3 he was supposed to get back to me a week later, because he -  
4 - I showed him what I had. He said, well -- he never called  
5 me back. This was back in March 2013. He called me -- I  
6 had to call him back and I said well --

7 MR. GENTITEMPO: Mr. Ordia, did you have a hearing  
8 before the County Tax Board?

9 MR. ORDIA: Yeah.

10 MR. GENTITEMPO: Was any of these commissioners or  
11 the tax employees on that hearing board.

12 MR. ODRIA: I'm not accusing them, but LeBreezie  
13 was there.

14 MR. GENTITEMPO: I'm asking you, was anybody from  
15 Nutley on the hearing board hearing your tax appeal?

16 MR. ODRIA: Well, LeBreezie was there.

17 MR. GENTITEMPO: He was there on behalf of the  
18 township, correct?

19 MR. ODRIA: Yeah.

20 MR. GENTITEMPO: Okay. He's not there on behalf  
21 of you and he's not there on behalf of the County Tax Board.  
22 He's there representing the Township. So what I'm asking  
23 you is, were other people denied their tax appeals also?

24 MR. ODRIA: I do know of another person that was  
25 denied.

1 MR. GENTITEMPO: So all I'm asking you is,  
2 respectfully, is if you have evidence that you believe  
3 you've been discriminated against, factual evidence I will  
4 be more than happy to hear it from you at anytime you want  
5 to. I'll give you my office number, you can come down to  
6 see me. I'll be more than happy to take it from you, okay.  
7 And I will take it seriously and I will take it to the test  
8 and I will question people. But for you to get to the  
9 microphone and accuse people of something like that, I think  
10 is inappropriate, especially when you're putting names on  
11 the record. So, I'll offer that to you. I'm not going to  
12 interrupt your public statement, this is your public  
13 statement, but please keep that in mind. Thank you.

14 MR. ODRIA: I do have that in mind, but as you are  
15 a witness at the town meeting, all these other people are  
16 getting their property taxes assessments lowered, which  
17 causes their property tax to go down and you know, and I'm  
18 just saying, like, I do what you advise me to do and I went  
19 out of my way to do it and I did show 11 comparables and  
20 those guys just knocked them all out, one at a time, bam,  
21 bam, bam. They -- it came down to one, but I still lost.  
22 And the thing is, Mr. Genitempo, I think I'm the employer in  
23 this town. I am a property tax paying homeowner who has  
24 been living here for about 15, 16 years, and I gotta say  
25 when I look to the left of me at the tax court and I see

1 Lebreezie and the tax county lawyer and I forgot his name  
2 and the secretary I'm thinking they must be like close to  
3 \$240,000 salaries persecuting me. I mean, I'm trying to --

4 MR. GENTITEMPO: Mr. Odria, that comment is out of  
5 order. You're not being persecuted. You're availing  
6 yourself of your right to file a tax appeal. All the  
7 Commissioner did was advise you of what your rights were.  
8 He didn't give you advice. You took your right and you did  
9 it. Now, if you have a concern about the decision that was  
10 made, you have a right to appeal that decision, do you not?  
11 Didn't they advise you at the tax board that if you didn't  
12 agree with their decision you could appeal it to the  
13 Superior Court?

14 MR. ODRIA: Yeah, but before we continue with  
15 that, I did give you a copy of my tax appeal and I gave you  
16 my number, Mayor Petracco and I think Commissioner Rogers  
17 (indiscernible) I do recall and then none of you guys called  
18 me back. Or even Thomas Evans, because I was under the  
19 impression either you're going to look at it or Thomas Evans  
20 -- you were going to pass it along to Thomas Evans, have him  
21 give me a call, maybe we could work something out. Because  
22 the thing is I'm getting property taxed out of this town.  
23 I'm getting killed here. This is America, you know what I  
24 mean?

25 I mean, I used to have a comfortable property tax

1 burden, now it's just getting obscene. Even my neighbors  
2 are, like, losing it. Because it's just getting out of  
3 hand, and now the thing is, in the future, in about this  
4 thing with Scalera and implementing this new LTE thing. All  
5 right, the federal government, I think or the state  
6 government is going to pay for it for the first three or  
7 four, three years. And if I get to survive in this town  
8 another three years, then I gotta worry about some cost  
9 that's going to be added onto all our property tax to pay  
10 for that.

11 I mean, look, the Nutley cops here, I gotta say  
12 one thing, maybe I might not agree with all the town city  
13 employees and their wages and their wage increases,  
14 especially in the private sector, we're not getting wage  
15 increases. And we don't get the golden parachute pension  
16 plan or the win for life pension plan, but I gotta say the  
17 Nutley cops do a good enough job with -- from what I've seen  
18 -- I'm very happy, they're not like the Bloomfield cops  
19 because we know what goes on in -- if you watch the media  
20 about what's going on with the Bloomfield cops or the  
21 Bellville cops, I gotta say the Nutley cops are good cops.  
22 But, you know, I'm trying to survive here and there are many  
23 sinking ships in this town. I could be wrong, but I think  
24 there's 130 homes at this moment up for sale. People can't  
25 afford to live here anymore, they're leaving.

1           Like I said before, months before to you guys, you  
2 guys are allowing the cleansing of the middle class right  
3 out of this town. And when the cleansing of the middle  
4 class of this town finally happens, I'm not middle class  
5 anymore, I'm lower middle class and it's just getting lower.  
6 But at one point, all the middle class is finally taken out  
7 of this town, eliminated, the people who can afford to buy  
8 those homes at one point, they're going to have a property  
9 tax breaking point and they're going to be the second wave  
10 of people coming to these mics and saying, what are you guys  
11 doing? What's going on? Because 80 percent of this town  
12 works in the private sector and we're suffering, believe it  
13 or not.

14           And just to let you know, I did take your advice,  
15 sir. You told me months ago that if you want to get a  
16 property tax cut, go to the board of ed meetings. I did  
17 that. I did ask them and I told them, control your budget,  
18 it's getting ridiculous, it's getting out of hand.  
19 Basically don't use our children to make money from the 89  
20 percent of this town who work in the private sector. I told  
21 them flat out, half our property tax burden comes from you  
22 guys and you guys really gotta control your budget too.

23           So, it's not just here I'm coming. I'm going over  
24 there and I'm going to try to bring people over there too  
25 because even my neighbors are losing it too. I talked to my

1 neighbors. They may not be here because they got kids and  
2 all that and I do it because I don't want my ship is sinking  
3 and I'm doing my best to save it.

4 Now, so just to be clear, you can't help me with  
5 this or can you?

6 UNIDENTIFIED SPEAKER: I can't help you with the  
7 decision of the Essex County Tax Board. That's their  
8 decision. We have no authority at this level. I have no  
9 authority within my department or any of the Board of  
10 Commissioners have any authority to overturn a decision of  
11 the Essex County Tax Board. Your right of appeal is as town  
12 counsel referred to is to the tax court at the superior  
13 level if you feel as though there's merit and there is a  
14 basis to go and do that.

15 I can only tell you that I appreciate the fact  
16 that you went because you did avail yourself what's allowed  
17 by law for you to do, you were able to voice your opinion  
18 against and independent body. None of the members of the  
19 Essex County Tax Board are affiliated with the governing  
20 body of the Township of Nutley. That's an independent body  
21 and it has its own authority. So you were able to do that  
22 and that's where you have the ability to exercise your  
23 right.

24 MR. ODRIA: You know what I find amazing -- excuse  
25 me.

1 UNIDENTIFIED SPEAKER: I am disappointed that they  
2 didn't agree with your position, because any taxpayer in  
3 Nutley who can -- who needs to have a tax adjustment and can  
4 get one, I'm very supportive of that. I only ask is that  
5 have you sat down with George Lebreezie to review your tax  
6 record to determine whether or not your actual record of  
7 what your house is is accurate?

8 MR. ODRIA: Well, like I said before, no I didn't  
9 do that this time, because I gave this same decision to you  
10 guys and I gave a couple -- like you said, like you have a  
11 copy and I did. But also Lebreezie knows that my house is  
12 one of the 380 plus houses that's having a contamination  
13 problem with rochet (ph). And still, I get denied a  
14 reassessment of my home. I can't even sell my home for what  
15 I want, not that I'm looking to sell, because I'm not, but I  
16 can't even sell my home for what I want, because not only  
17 the property taxes are extremely high, but on top of that,  
18 my home, plus 380 plus homes are part of that Rochet  
19 contamination list. Even with that information that  
20 Lebreezie had, and Commissioner O'Brien at Essex County  
21 because I amended my tax appeal, I still got denied. I  
22 mean, what does it take to lower the assessment of my house?  
23 I mean, really, think about it. I'm like your house Mr.  
24 Tucci, you said your house is on that list. What does it  
25 take? I mean, how much more can the people of this town

1 take, at least the 380 homes that are on that list? What is  
2 it going to take? I don't know what else to do.

3 UNIDENTIFIED SPEAKER: In his carrying out his  
4 procedures, he will need to look at all of the homes that  
5 are on that list to determine whether or not there is an  
6 impairment of value and then he will do those as part of  
7 that valuation. He won't do that as a one-off. He'll have  
8 to do that -- and he does that under the calendarization of  
9 his procedures, those adjustments would not be made until  
10 later in this year. So, whatever needs to be done as it  
11 relates to those properties would be part of his evaluation  
12 that would occur later this year.

13 MR. ODRIA: So then, since you are his superior,  
14 should I give you a copy of the list of homes so you can  
15 directly give it to him and say, look, these homes are a  
16 little bit different this year. There's a problem with  
17 them.

18 MAYOR PETRACCO: We have a copy of that, it's not  
19 necessary.

20 MR. ODRIA: So my understanding what you're  
21 telling me is he going to reassess the homes that are on  
22 that list?

23 MAYOR PETRACCO: I have no idea. He has to make  
24 that evaluation, so once that evaluation is made, there will  
25 be a determination. But I can't guarantee that or tell you

1 that he will or won't. It's as -- he's the expert in that  
2 space and he has to make that determination.

3 MR. ODRIA: Okay. But you're going to mention it  
4 to him?

5 MAYOR PETRACCO: Absolutely. I already have.

6 MR. ODRIA: Okay. And when do you think we would  
7 find out? I'm just curious, when do you think --

8 MAYOR PETRACCO: It will be later in the year. So  
9 when the tax book is adjusted, so it would be in the  
10 December --

11 MR. ODRIA: Like November or something?

12 MAYOR PETRACCO: Actually the latest it could be  
13 adjusted would be January 1, so I would suspect sometime in  
14 the fourth quarter when he does the evaluation.

15 MR. ODRIA: Because I'm going to say it on record,  
16 I'm at \$11,351. And honestly, if it goes up than that for  
17 the next invoice thing, whatever, I honestly gotta say, you  
18 guys lost my vote and you're going to lose many votes for  
19 those of you who choose to be in these positions again,  
20 because the word is going to get out, so are things  
21 beneficial for all of us, especially me, that would do  
22 something about the reassessments of the houses on that list  
23 and lower them. Because like I said, before, some lucky  
24 Nutley resident out of the many, except me, literally got a  
25 \$4,137 tax rebate that you announced and I do keep copies of

1 this, of these agendas. And I notice this time that this  
2 gentleman at 8204 Lot 36, I actually had to write down the  
3 number of what you said. I was waiting for you to say it so  
4 I could have it ready.

5 All right. That's what I said. Thank you very  
6 much for the time.

7 MAYOR PETRACCO: Thank you, Michael.

8 Is there anyone else this evening who would like  
9 to address the board of Commissioners?

10 MS. LANDRY: It's just going to take a second.

11 MAYOR PETRACCO: Go right ahead. You waited long  
12 enough.

13 MS. LANDRY; 135 Lakeside Drive. Pennie Landry.  
14 I had my tax appeal and guess what, I got turned down too.  
15 I knew it was going to happen. The reasons were kind of  
16 silly and I do have something I'd like you to look into  
17 because there were two that day. We followed the process.  
18 I spent countless hours with my real estate agent, did the  
19 comps, turned them in to the tax office. As a matter of  
20 fact, Joe talked to Sharon when he went to do them the day  
21 Joe came into the office and he talked to you. And we had  
22 it in a red folder. And the gentleman who accepted the  
23 paperwork, the comps, gave Joe back the red folder, said, we  
24 don't need the folder. And I intentionally put it in a red  
25 folder because some of the departments tend to lose things.

1 So I thought I'll put it in a red folder, they'll see that.

2 So the first thing the judge under oath ask us is  
3 did you turn in your comps to the Township of Nutley. Well,  
4 yes we did. And there were four people sitting over here  
5 paid for by taxpayer dollars, Mr. Lebreezie, the woman I  
6 don't know who she is, his assistant, or whatever, Mr.  
7 Hendrix, who is a \$60,000 contract and then the attorney who  
8 has the \$40,000 contract both to assist Mr. Lebreezie. So  
9 those four people paid by taxpayer dollars are under oath to  
10 testify against us as they testified against Michael.

11 So, the judge says, did you turn in your comps to  
12 the tax assessor's office. Yes, ma'am, we did. Do you have  
13 the comps? We didn't get them. What? We never got your  
14 comps. Well, we turned them in. Well, we didn't get them.  
15 So I asked the judge, I just happen to have a copy just in  
16 case our township continued with their inefficiencies losing  
17 things and misplacing things that happen to have the name  
18 Tucci on them. So, she looks at Lebreezie, she looks at the  
19 three of them. They go, yeah, we'll take a little 15 minute  
20 recess and go look at your comps.

21 So they do. They come back and the attorney -- I  
22 don't know his name -- says, did you personally measure  
23 these houses? Excuse me? You mean did I go knock on these  
24 strangers' doors and take a tape measure and say, hey I'm  
25 going through the tax appeal process and I need to measure

1 your house for my comps. Do you mean did I do that? No, I  
2 did not do that. So our attorney, okay, the \$40,000  
3 contract that we approved two months ago, says to me, well I  
4 can't accept these measurements here that you have in your  
5 comps because they're from a real estate website.

6 I went, like Trulia and Zillow, the same one  
7 everybody else uses. We can't accept those. I said, well  
8 Mr. Hendrix has his measurements from when he did the  
9 assessment of my house and all the other houses. Can we use  
10 his? Because my town paid \$1500 or \$2000 to have Mr.  
11 Hendrix come over to my house and measure it. Can we use  
12 his? Well, no, that would be a conflict of interest.  
13 Amazing.

14 So guess what, when it came time for our township  
15 to present their evidence, their comparables, you know what  
16 happened? They decided not to submit them. Do you know  
17 why? Because there were a lot of inaccuracies. So  
18 respectfully I thanked the judge for her time, packed up my  
19 things, left, went home and cried for two days at the  
20 pathetic way that these things are run for the people.

21 And you know what, before I left, I said, let me  
22 see what happens to the next person. So the second person  
23 gets up, everybody gets sworn in and same four people from  
24 the township sitting over there. The judge says, did you  
25 turn in your comps? Yes, ma'am, I did. Do you have the

1 comps? We never got them. Two people, coincidence?  
2 Inefficiency, I don't know what you call that. But the two  
3 hearings that day, somehow or another, our tax assessor's  
4 office didn't get the comps. Imagine that. Thank you.

5 MAYOR PETRACCO: Is there anyone else this evening  
6 that would like to address the board of Commissioners?  
7 Seeing no one.

8 COMMISSIONER SCARPELLI: Move to adjourn.

9 COMMISSIONER ROGERS: Second.

10 MADAM CLERK: Commissioner Rogers?

11 COMMISSIONER ROGERS: Aye.

12 MADAM CLERK: Commissioner Tucci?

13 COMMISSIONER TUCCI: Aye.

14 MADAM CLERK: Commissioner Evans?

15 COMMISSIONER EVANS: Aye.

16 MADAM CLERK: Commissioner Scarpelli?

17 COMMISSIONER SCARPELLI: Aye.

18 MADAM CLERK: Mayor Petracco.

19 MAYOR PETRACCO: Aye.

20 MADAM CLERK: It is now 10:37 p.m. The meeting is  
21 adjourned.

22 (Meeting adjourned at 10:37 p.m.)  
23  
24  
25

# Township of Nutley

## Office of the Mayor

### THE BOARD OF COMMISSIONERS

Hereby Issue This Proclamation

**WHEREAS**, Sergio Michael Ciccolello was born May 3, 1979; and

**WHEREAS**, Sergio, son of Tina and Iggy Ciccolello, and brother of John and Niko, lived in Nutley for 38 years before recently moving to Lincoln Park; and

**WHEREAS**, Sergio became interested in the Boy Scouts 20 years ago and is now a member of Troup # 364 in Belleville; and

**WHEREAS**, Sergio attained rank within the Boy Scout establishment and recently performed a service project for the Eagle Scout Badge; and

**WHEREAS**, Sergio's service project required him to make 100 baskets for distribution to Senior Citizens at a Valentine's Day Luncheon; and

**WHEREAS**, in addition to being recognized by the Boy Scouts of America, Sergio also received awards from the Nutley Elks, the Belleville Elks, the Grand Lodge Order of the Elks and the NJ State Council of the Knights of Columbus; and

**NOW THEREFORE BE IT RESOLVED BY THE BOARD OF COMMISSIONERS, TOWNSHIP OF NUTLEY, COUNTY OF ESSEX STATE OF NEW JERSEY**, that Sergio Ciccolello be commended and recognized for his outstanding completion of his Eagle Scout service project and for providing goodwill and kindness to Nutley Senior Citizens.

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY JULY 1, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-01821	FUTURE SANITATION	65,805.55					65,805.55
14-03001	NUTLEY FAMILY SERVICE	5,416.67					5,416.67
14-00651	POLAND SPRINGS	34.60					34.60
14-01929	IMMEDICENTER	138.00					138.00
<b>14-02008</b>	<b>TREASURER SCHOOL MONEY</b>		<b>2,100,000.00</b>				<b>2,100,000.00</b>
14-01949	T/N PAYROLL AGENCY ACCT		181.89				181.89
14-01936	T/N PAYROLL AGENCY ACCT		34,611.83				34,611.83
14-02009	EOS ENERGY VENTURES		60,297.70				60,297.70
14-01640	UPS		6.96	12.00			18.96
14-01952	VERIZON WIRELESS		48.01	1,009.40			1,057.41
14-01765	DELGEN PRESS		79.00				79.00
14-01700	PIRO,ZINNA CIFELLI,PARIS		5,463.75				5,463.75
14-01970	MOORING TAX ASST.GROUP		16,115.12				16,115.12
14-01971	PENNYMAC LOAN SERVICES		2,016.99				2,016.99
14-01486	HEWLETT PACKARD CORP		1,619.84				1,619.84
14-01692	HEWLETT PACKARD CORP		776.36				776.36
14-01870	THE STAR LEDGER		39.44				39.44
14-00319	HENDRICKS APPRAISAL CO		225.00				225.00
14-02004	PUBLIC EMPLOYEES RETIREMENT		64.38				64.38
14-01401	STAPLES		837.48				837.48
14-01800	STAPLES		478.97				478.97
14-01755	W.B. MASON		170.52				170.52
14-01409	W.B. MASON		330.33				330.33
14-01552	W.B. MASON		135.95				135.95
14-01896	MONROE SYSTEMS FOR BUSINESS		51.10				51.10
14-01904	VITAL COMMUNICATIONS		100.00				100.00

TOWNSHIP OF NUTLEY							
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TUESDAY JULY 1, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-01924	CDW GOVERNMENT		991.00				991.00
14-00652	POLAND SPRING		79.09				79.09
14-02079	STATE OF NJ DPET OF LABOR		853.50				853.50
14-01818	W.B. MASON		220.07				220.07
14-01857	STAPLES		131.10				131.10
14-02108	GROUP D CAPITAL PARTNERS		49,302.64				49,302.64
14-02069	ISAAC MORADI		9,312.48				9,312.48
14-02068	ISAAC MORADI		41,867.92				41,867.92
14-02050	AT & T MOBILITY		184.51				184.51
14-02052	AT & T MOBILITY		302.10				302.10
14-02057	UPS		19.20				19.20
14-02073	GEORGE F. LIBRIZZI		62.50				62.50
14-02106	US BANK CJUST FOR TLCF		72.86				72.86
14-02043	NISIVOCCIA & CO		105,261.00				105,261.00
14-01946	ALAN NARDIELLO			132.00			132.00
14-01728	D & M FOREWORKS			11,000.00			11,000.00
14-00571	NO.JERSEY MEDIA GROUP			26.00			26.00
14-01817	HOME DEPOT			101.55			101.55
14-00097	NICOLETTE TOWING			24.00			24.00
14-00097	NICOLETTE TOWING			12.00			12.00
13-02871	SCARINCI HOLLENBECK			2,183.86			2,183.86
13-02871	SCARINCI HOLLENBECK			6,189.35			6,189.35
14-00923	TERRITORIAL SUPPLIES			101.10			101.10
14-00927	ON DUTY GEAR			480.00			480.00
14-01948	TURNOUT UNIFORMS			285.04			285.04
14-01957	JOHN REDSTONE			219.98			219.98

TOWNSHIP OF NUTLEY							
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TUESDAY JULY 1, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-01845	OUTREACH NON CREDIT REG.			390.00			390.00
14-00523	XEROX CORP			29.70			29.70
14-00406	XEROX CORP			34.95			34.95
14-01676	W.B. MASON			318.12			318.12
14-01588	W.B. MASON			157.82			157.82
14-01944	TURNOUT FIRE & SAFETY			497.97			497.97
14-02071	TURNOUT FIRE & SAFETY			307.04			307.04
14-02070	TURNOUT FIRE & SAFETY			23.06			23.06
14-01993	TURNOUT FIRE & SAFETY			279.83			279.83
14-01462	EDISPATCHES			2,347.00			2,347.00
14-01836	BATTERIES & BULBS			25.90			25.90
14-01965	NUTLEY PARK SHOPRITE			113.98			113.98
14-01837	STANDARD SPRINGS			774.30			774.30
14-01875	RAINBOW CLEANERS			120.00			120.00
14-01918	CABLEVISION			59.95			59.95
14-01919	CABLEVISION			36.39			36.39
14-02032	VERIZON			95.84			95.84
13-04571	GALLS INCORP			712.80			712.80
14-01994	RICCPLANNING			550.00			550.00
14-01260	SOMES UNIFORMS			500.00			500.00
14-02007	NATIONAL FUEL OIL			23,647.63			23,647.63
14-02006	NATIONAL TERMINAL			3,441.47			3,441.47
14-00421	LANGUAGE LINE			44.58			44.58
14-02084	INTERPORT CONTAINER SOL.			75.00			75.00
14-02095	AARON TRIPOLDI			1,000.00			1,000.00
14-02055	MICRO CENTER			109.95			109.95

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TUESDAY JULY 1, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-00707	BUY WISE AUTO			67.54			67.54
14-01680	JUVENILE JUSTICE COMM			75.00			75.00
14-01783	WHITEMARSH			100.00			100.00
14-01897	CDW GOVERNMENT			261.24			261.24
14-01900	STUDIO 37			48.45			48.45
14-01730	NBC AUTO PARTS			117.85			117.85
14-01769	NBC AUTO PARTS			65.90			65.90
14-01405	NBC AUTO PARTS			27.81			27.81
14-00309	W.B. MASON			583.25			583.25
14-02111	NJ DIV. OF MOTOR VEHICLE			120.00			120.00
14-02121	JMAC			380.00			380.00
14-02097	PARTIES ARE US RENTALS			2,500.00			2,500.00
<b>14-01967</b>	<b>NO JERSEY DISTRICT WATER</b>				<b>302,147.75</b>		<b>302,147.75</b>
14-00042	BRADLEY TIRE				55.00		55.00
14-01961	PASSAIC VALLEY WATER				49,110.52		49,110.52
14-01969	PASSAIC VALLEY WATER				525.00		525.00
14-00061	VIOLA BROTHERS				1,035.52		1,035.52
14-01920	CABLEVISION				67.80		67.80
14-00050	NEWARK ASPHALT				239.67		239.67
14-00046	DURABLE RECYCLING				771.84		771.84
14-00046	DURABLE RECYCLING				847.44		847.44
14-00057	STONE IND				122.11		122.11
14-01561	H & H MACK SALES				1,347.97		1,347.97
14-00549	CAMPBELL FOUNDRY CO				2,512.00		2,512.00
14-00073	BUY WISE AUTO				161.76		161.76
14-01076	BUY WISE AUTO				244.10		244.10

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY JULY 1, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
141-01412	INTERNATIONAL E-2				1,107.00		1,107.00
14-01885	LOUIS PETRONICO				2,500.00		2,500.00
14-01859	J-SONS EQUIPMENT				1,200.00		1,200.00
14-01668	KEYSTONE PLASTICS				1,560.00		1,560.00
14-01797	WINNING TEAMS				275.70		275.70
14-01932	PSE & G				21,796.59		21,796.59
14-01933	PSE & G				57.41		57.41
14-02066	GERARD BARROS				100.00		100.00
14-00043	COUNTY CONCRETE				524.00		524.00
14-00043	COUNTY CONCRETE				421.00		421.00
14-00073	BUY WISE AUTO				5.72		5.72
14-02109	J& F PLUMING & HEATING				2,950.00		2,950.00
14-02089	NJSHBP					369,490.94	369,490.94
14-02090	NJSHBP					174,458.60	174,458.60
14-01811	TERRE CO					1,279.06	1,279.06
14-00022	TERRE CO					481.50	481.50
12-00022	TERRE CO					83.00	83.00
14-01193	TERRE CO					146.00	146.00
14-00022	TERRE CO					171.00	171.00
14-00022	TERRE CO					110.00	110.00
14-00006	AGL WELDING					126.50	126.50
14-00241	THE COPY SHOP					803.56	803.56
14-01806	HOME DEPOT					99.65	99.65
14-00024	COMPLETE SAW SERVICE					252.00	252.00
14-00024	COMPLETE SAW SERVICE					233.95	233.95
14-01921	CABLEVISION					164.80	164.80

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY JULY 1, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-00032	VIOLA BROTHERS					1,015.82	1,015.82
14-00099	ARROW ELEVATOR					425.00	425.00
14-00018	P & A AUTO PARTS					11.18	11.18
14-00018	P & A AUTO PARTS					40.80	40.80
14-00016	WWK					26.01	26.01
14-00352	CABLEVISION LIGHTPATH					3,030.76	3,030.76
14-02000	WILLIAM WALSH					881.40	881.40
14-01237	ZEP SALES					195.25	195.25
14-01832	APPROVED FIRE PROTECTIO N					13.45	13.45
14-01743	HOOVER TRUCK CENTER					638.43	638.43
14-00028	CONTEMPORARY GLASS					115.65	115.65
14-00028	CONTEMPORARY GLASS					25.30	25.30
14-00028	CONTEMPORARY GLASS					3.30	3.30
14-01922	CABLEVISION					8.78	8.78
14-01310	FACSIMILE COMM					975.44	975.44
14-01813	RELIABLE WOOD					1,040.00	1,040.00
14-01819	JOHNNY ON THE SPOT					946.00	946.00
14-01610	FRANKLIN FLOORS					16,491.00	16,491.00
14-01786	NJRPA					200.00	200.00
14-01787	NJRPA					210.00	210.00
14-01992	JOHN MILTERKO					1,258.80	1,258.80
14-01975	REGAL STAMP & SIGN					120.00	120.00
14-01876	PSE & G					649.14	649.14
14-01937	PSE & G					586.72	586.72
14-01938	PSE & G					1,487.53	1,487.53
14-01947	PSE & G					15,271.07	15,271.07

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY JULY 1, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-02044	PSE & G					387.87	<b>387.87</b>
14-02042	PSE & G					660.81	<b>660.81</b>
14-02045	PSE & G					11.54	<b>11.54</b>
14-02033	PSE & G					159.54	<b>159.54</b>
14-02034	PSE & G					4.26	<b>4.26</b>
14-01960	PSE & G					1,116.76	<b>1,116.76</b>
14-02035	PSE & G					4.53	<b>4.53</b>
14-02015	PSE & G					11.88	<b>11.88</b>
14-02024	DAVID WILSON					629.40	<b>629.40</b>
14-02025	KARL DRONKE JR					1,258.80	<b>1,258.80</b>
14-01422	THE ARTCRAFT GROUP					2,123.53	<b>2,123.53</b>
14-02096	MARGARET OBROCKTA					629.40	<b>629.40</b>
14-02094	WILLIAM SPIEZIO					1,258.80	<b>1,258.80</b>
14-02087	DELTA DENTAL PLAN					13,220.79	<b>13,220.79</b>
14-02088	DELTA DENTAL PLAN					13,015.64	<b>13,015.64</b>
14-02093	JOSEPH PEPE					1,258.80	<b>1,258.80</b>
14-00316	SPS					1,507.64	<b>1,507.64</b>
14-00026	ABLE PAINT					335.23	<b>335.23</b>
14-02031	VERIZON					179.38	<b>179.38</b>
14-00656	POLAND SPRING					68.22	<b>68.22</b>
14-00655	POLAND SPRING					59.69	<b>59.69</b>
14-00021	SUPERIOR DISTRIBUTORS					20.38	<b>20.38</b>
14-00021	SUPERIOR DISTRIBUTORS					41.91	<b>41.91</b>
14-00021	SUPERIOR DISTRIBUTORS					26.65	<b>26.65</b>
14-00014	M & R CAR WASJ					70.00	<b>70.00</b>
14-00033	JOSEPH RICCARDI PAINTS					615.10	<b>615.10</b>

TOWNSHIP OF NUTLEY							
BILL LIST							
TUESDAY JULY 1, 2014							
P.O.	VENDOR	PUBLIC AFFAIRS	REVENUE & FINANCE	PUBLIC SAFETY	PUBLIC WORKS	PARKS & PUBLIC PROPERTY	TOTALS
14-02021	JOSEPH REILLEY					881.40	881.40
14-00020	STORR TRACTOR CO					54.14	54.14
14-00020	STORR TRACTOR CO					396.15	396.15
14-01909	ADVANCED MECHANICAL					575.00	575.00
14-01973	NICOLETTE TOWING					350.00	350.00
14-01582	NORTHEAST AUTOMOTIVE					660.00	660.00
14-01874	C & C TIRE					693.00	693.00
14-01457	VIOLA BROTHERS					1,141.55	1,141.55
14-01943	HAMBURG SUPPLY					3,509.07	3,509.07
14-01942	TANIS & SONS					533.00	533.00
14-01911	ADVANCED MECHANICAL					540.00	540.00
14-01939	CONTEMPORARY GLASS					435.00	435.00
14-01745	STATE CHEMICAL SOLUTIONS					1,486.50	1,486.50
14-01558	DELGEN PRESS					120.00	120.00
<b>14-01941</b>	<b>PAY PAL</b>					<b>30.00</b>	<b>30.00</b>
14-01884	A.C.MOORE					195.00	195.00
14-01792	NJSAB					1,060.00	1,060.00
14-01790	HODGES PARTY RENTAL					38.00	38.00
14-01976	LIFESAVING TECH					240.00	240.00
14-02022	LIFESAVING TECH					190.00	190.00
14-01977	ROCKYS PIZZA					85.00	85.00
14-01980	LOIS PLINIO					106.95	106.95
14-01981	TSF					5,622.50	5,622.50
14-01982	KELLY KONZ					25.00	25.00
14-01984	NICOLAS CELA					25.70	25.70
14-01985	MICHELE KANE					50.00	50.00



**BILL LIST**  
**JULY 1, 2014**

**List of payroll submitted for approval by the Board of Commissioners at their regular meeting of JULY 1, 2014:**

**PAYROLL-REGULAR JUNE 20, 2014:**

Department of Public Affairs	19,014.60
Department of Revenue & Finance	63,112.56
Department of Public Safety	462,716.12
Department of Public Works	63,284.34
Department of Parks & Public Properties	75,571.25
Department of Recreation Commission	4,567.51
Water Operations	45,558.30
Due To From General Capital	3,623.27
600 Series	6,994.10
ACC-U-VAC	87,999.35
C.E.H.A.	105.88
DOGS	100.00
<b>Sub Total</b>	<b>832,647.28</b>

**PAYROLL-OVERTIME JUNE 20, 2014:**

Department of Public Affairs	0.00
Department of Revenue & Finance	126.10
Department of Public Safety	9,111.97
Department of Public Works	6,771.80
Department of Parks & Public Properties	4,171.92
Water Operations	11,278.96
600 Series	0.00
<b>Sub Total</b>	<b>31,460.75</b>

**TOTAL PAYROLL: 864,108.03**

**GRAND TOTAL: 4,480,791.58**

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

Federal Withholding Tax	120,375.31
Social Security	24,530.19
N.J. State Tax	34,310.21
Medicare	12,474.39
Wage Execution	4,057.50
Deferred Compensation	45,859.83
Employee Disability Ins.	5,066.03

Ordinance No. 3290  
Introduced by Commissioner Evans  
Introduced on July 1, 2014  
Public Hearing August 5, 2014

**Ordinance No. 3290**

**“ORDINANCE PROVIDING FOR THE ACQUISITION OF GENERATORS BY THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY APPROPRIATING \$ 556,240.00 THEREFORE FROM GRANT MONIES RECEIVED FROM THE NEW JERSEY DEPARTMENT OF LAW AND PUBLIC SAFETY FOR THE COST THEREOF.”**

**BE IT ORDAINED** BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY AS FOLLOWS:

**SECTION 1.**

The improvement described in Section 2 of this bond ordinance is hereby authorized to be undertaken by the Township of Nutley, New Jersey as a general improvement. For the improvement or purpose described in Section 2, there is hereby appropriated the sum of \$556,240.00 for the improvement or purpose described therein which amount is made available from the Township’s Municipal Aid Program Grant monies received from the New Jersey Department of Law and Public Safety Hazard Mitigation Grant Program.

**SECTION 2.**

The improvement hereby authorized and the purpose for which the appropriation of grant money is made available is to provide for the **ACQUISITION OF GENERATORS** including all work and materials necessary therefore or incidental thereto.

**SECTION 3.**

The capital budget of the Township of Nutley is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**SECTION 4.**

The purposes described in Section 2 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

**SECTION 5.**

This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided

Ordinance No. 3291  
Introduced by Commissioner Evans  
Introduced on July 1, 2014  
Public Hearing August 5, 2014

**Ordinance No. 3291**

**“AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 320 ENTITLED FEES.”**

**ARTICLE V**  
**Tax Collector’s Office**

**320-6 Fees**

**A. Imposition of service charge; tender of future payments**

A service charge in the amount of twenty dollars (\$20.) shall be imposed on any taxes, fees or other charges due to the Township of Nutley where a check or draft has been submitted to the township toward the payment of such taxes, fees or other charges, and such check or draft is returned for insufficient funds. The Board of Commissioners authorizes the appropriate municipal officer to demand that future payments be tendered in cash or by certified or cashier's check on any account where a check tendered for payment on such account is returned for insufficient funds. In addition, the service charge aforesaid may be collected in any manner authorized by P.L. 1990, c. 105.

**B. The following fees shall be charged for copies of public documents and records:**

1. Duplicate tax bills: The Tax Collector shall provide an initial duplicate copy of a tax bill at no cost to the property owner, \$5 for all other initial requests; \$25 for each subsequent copy of a tax bill for the same tax year requested by the same person or organization, pursuant to N.J.S.A. 54:4-64.
2. Duplicate certificate of redemption: \$25; \$50 for each subsequent request.
3. Duplicate of certificate of tax sale: \$100.
4. Tax Lien Redemption Calculation Requests: In accordance with N.J.S.A. 54:4-54:
  - (a) In accordance with N.J.S.A. 54:5-54, the Tax Collector shall provide to any party entitled to redeem a certificate pursuant to this section (N.J.S.A. 54:5-54) two calculations of the amount required for redemption within a calendar year at no cost. For each subsequent calculation requested from the Tax Collector, there shall be a fee of \$50. A request for a redemption calculation shall be made in writing to the Tax Collector.

(b) In accordance with N.J.S.A. 54:5-97.1, the Tax Collector may charge a lienholder of a tax lien \$50 for the calculation of the amount due to redeem the tax lien as required pursuant to N.J.S.A. 54:5-97.1. Any request for a redemption calculation shall specify the date to be used for the calculation, which shall be the date of the notice. Neither the Tax Collector nor the municipality shall be liable for an incorrect calculation. The fee paid to the municipality shall not become part of the lien and shall not be passed on to any party entitled to redeem pursuant to N.J.S.A. 54:5-54.

**Ordinance No. 3293**  
**Introduced by Commissioner Evans**  
**Introduced on Tuesday, July 1, 2014**  
**Public Hearing Tuesday, August 5, 2014**

**Ordinance No. 3293**

**AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 700, ENTITLED ZONING, PARTICULARLY ARTICLE V, GENERAL REGULATIONS AND ARTICLE VII, USE REGULATIONS**

**BE IT ENACTED** by the Board of Commissioners of the Township of Nutley that Chapter 700 of the Code of the Township of Nutley, entitled Zoning, , Article V, General Regulations and Article VII, Use Regulations are hereby amended as follows;

**ARTICLE V, GENERAL REGULATIONS**

**§ 700-8 Permitted uses in R-1 Zoning District**

D. A noncommercial swimming pool as an accessory use, subject to the following:

(6) All pumps, heaters and filtration systems shall be kept at a maximum distance from all property lines and shall be at least four feet from any property line.

**ARTICLE VII, USE REGULATIONS**

**§ 700-41 Outdoor cafes and sidewalk cafes**

F.(5) Layout plan.

(a) Three sets of a proposed layout plan containing scaled drawings clearly illustrating the number, type of materials, color and location of all tables, chairs, umbrellas or other furnishings or fixtures intended to be located in the cafe. The perimeter of the cafe shall be defined and set off by an enclosure, which may include live plantings. The enclosure shall define the perimeter of the area to be used as a cafe and shall separate it from the pedestrians traversing the adjacent sidewalk. The enclosure shall not contain doors or windows and shall be open at all times to the air from a height of not more than three feet. Awnings or outdoor umbrellas extending over the enclosure are permitted but must conform to all existing regulations, including the municipal Sign Ordinance.

**BE IT FURTHER ENACTED** that all other terms , conditions and locations in Articles V and VII, Chapter 700 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

**BE IT FURTHER ENACTED** that the within ordinance shall become effective after passage and publication, pursuant to law.

STATEMENT

\*\*\*\*\*

This ordinance relaxes the setback requirements for pool pumps, heaters and filtration systems from eight feet from any property line to four feet from a property line.

Prior to 2011 outdoor cafes and sidewalk cafe operations were permitted from April 1<sup>st</sup> to November 1<sup>st</sup> of the Calendar year. Ordinance 3156, adopted January 4, 2011 permits operation throughout the calendar year. With year round operations in effect, this ordinance would require a permanent enclosure that shall not contain doors or windows but would permit air conditioning and heating equipment.

These amendments have been reviewed and approved by the Township of Nutley Planning Board.

Ordinance No. 3292  
Introduced by Commissioner Scarpelli  
Introduced on July 1, 2014  
Public Hearing August 5, 2014

**Ordinance No. 3292**

**ORDINANCE PROVIDING FOR RECONSTRUCTION OF THE ROADWAY ON PARK AVENUE (SECTION 2), IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY APPROPRIATING \$ 237,000.00 THEREFORE FROM GRANT MONIES RECEIVED FROM THE NEW JERSEY DEPARTMENT OF TRANSPORTATION FOR THE COST THEREOF.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY AS FOLLOWS:**

**SECTION 1.**

The improvement described in Section 2 of this bond ordinance is hereby authorized to be undertaken by the Township of Nutley, New Jersey as a general improvement. For the improvement or purpose described in Section 2, there is hereby appropriated the sum of **\$237,000.00** for the improvement or purpose described therein which amount is made available from the Transportation Trust Fund monies received from the New Jersey Department of Transportation.

**SECTION 2.**

The improvement hereby authorized and the purpose for which the appropriation of grant money is made available is to provide for, **PARK AVENUE SECTION 2** including all work and materials necessary therefore or incidental thereto.

**SECTION 3.**

The capital budget of the Township of Nutley is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**SECTION 4.**

The purposes described in Section 2 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

**SECTION 5.**

This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by law.

Ordinance No. 3284  
Introduced by Commissioner Tucci  
Introduced on June 10, 2014  
Public Hearing July 1, 2014

**Ordinance No. 3284**

**AN ORDINANCE PROVIDING FOR MONSIGNOR OWENS MEMORIAL PARK IMPROVEMENT PROJECT IN THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY APPROPRIATING \$150,000.00 THEREFORE FROM GRANT MONIES RECEIVED FROM THE ESSEX COUNTY OPEN SPACE TRUST FUND 2014 LOCAL AID PROGRAM FOR THE COST THEREOF.**

**BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY AS FOLLOWS:**

**SECTION 1.**

The improvement described in Section 2 of this bond ordinance is hereby authorized to be undertaken by the Township of Nutley, New Jersey as a general improvement. For the improvement or purpose described in Section 2, there is hereby appropriated the sum of **\$150,000.00** for the improvement or purpose described therein which amount is made available from the Township's Municipal Aid Program Grant monies received from the Essex County Open Space Trust Fund 2014 Local Aid Program.

**SECTION 2.**

The improvement hereby authorized and the purpose for which the appropriation of grant money is made available is to provide for the **MONSIGNOR OWENS MEMORIAL PARK IMPROVEMENTS PROJECT**, including all work and materials necessary therefore or incidental thereto.

**SECTION 3.**

The capital budget of the Township of Nutley is hereby amended to conform with the provisions of this ordinance to the extent of any inconsistency herewith. The resolution in the form promulgated by the Local Finance Board showing full detail of the amended capital budget and capital program as approved by the Director of the Division of Local Government Services is on file with the Clerk and is available there for public inspection.

**SECTION 4.**

The purposes described in Section 2 of this bond ordinance are not current expenses. They are all improvements that the Township may lawfully undertake as general improvements and no part of the costs thereof has been or shall be specially assessed on property specially benefited thereby.

**SECTION 5.**

This ordinance shall take effect 20 days after the first publication thereof after final adoption, as provided by law.

Ordinance No. 3285  
Introduced by Commissioner Evans  
Introduced on June 10, 2014  
Public Hearing July 1, 2014

**ORDINANCE NO. 3285**

**AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE II (PARKING ON CERTAIN STREETS), SECTION 14 ENTITLED PARKING PROHIBITED DURING CERTAIN HOURS, TO ADD THE LOCATIONS SET FORTH THEREIN.**

**BE IT ENACTED** by the Board of Commissioners of the Township of Nutley that Section 14 of Chapter 228 of the Code of the Township of Nutley, entitled Parking Prohibited During Certain Hours, is hereby amended to set forth the Addition of the following location:

**228-14. Parking prohibited during certain hours.**

No person shall park a vehicle between the hours specified any day upon any of the streets or parts of street described;

**Add**

<b><u>Name of Street</u></b>	<b><u>Side</u></b>	<b><u>Hours</u></b>	<b><u>Location</u></b>
Franklin Avenue	West	All	From 200 feet south of Albany Avenue, south for 30 feet
New Street	South	All	From 143 feet west of Franklin Avenue, west for 20 feet

**BE IT FURTHER ENACTED** that all other terms and conditions and locations in Section 14 and Chapter 228 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

**BE IT FURTHER ENACTED** that the within ordinance shall become effective after passage and publication, pursuant to law.

**Public Hearing deferred to the next Board of Commissioners  
meeting scheduled for Tuesday, July 15, 2014.**

**Ordinance No. 3286**

**Introduced by Commissioner Scarpelli**

**Introduced on June 10, 2014**

**Public Hearing July 1, 2014**

**Ordinance No. 3286**

**AN ORDINANCE TO AMEND CHAPTER 700 OF THE CODE OF THE TOWNSHIP OF NUTLEY, ENTITLED "ZONING" ADDING SECTION 700-22.1 "PERMITTED USES IN M-2 ZONING DISTRICT" TO ARTICLE V - GENERAL REGULATIONS.**

**WHEREAS**, The Board of Commissioners for the Township of Nutley adopted a new Master Plan on December 19, 2012 (the "2012 Master Plan"); and

**WHEREAS**, the Land Use Element of the 2012 Master Plan provides recommendations for modifications to certain Zone Districts within the Township; and

**WHEREAS**, Chapter 3, Subpart B "Land Use Issues to be Addressed in the Master Plan" of the 2012 Master Plan specifically includes a review of the Permitted Uses and Bulk Requirements of East Center Street (the B-4 Zone) as well as several special development areas which were evaluated for potential redevelopment/rehabilitation, in areas including the Washington Avenue/East Center Street corridors; and

**WHEREAS**, Chapter 3, Section 6.5 of the 2012 Master Plan encaptioned "*General Commercial*" provides, "Located along Washington Avenue and East Centre Street, the General Commercial Area represents a special future economic development opportunity for the Township. These areas are *not* viewed as sites for increased residential development or mixed-use development"; and

**WHEREAS**, Chapter 3, Subpart J, "*Industry and Manufacturing*" provides: "the Industry and Garden Apartment district (M-1), located in the south eastern area of the Township adjacent to East Centre Street, is an area in transition. Historically this area consisted of manufacturing and industrial uses, which benefited from an adjacent freight line. However, over time, garden apartment buildings have replaced manufacturing uses. The M-1 district permits: storage and sales facilities for building materials; laboratories for research analysis, design and/or experimentation; takeout food establishments; automotive sales agencies, laundries, dry-cleaning and dyeing plants; printing establishments; commercial greenhouses; light assembly uses; manufacturing uses; commercial warehouses; and garden apartments in accordance with standards from the R-3 district"; and

**WHEREAS**, the 2012 Master Plan further provides for a "Washington Avenue/East Centre Street Corridor Overlay District" that is described in pertinent part as follows:

“Areas along Washington Avenue and East Centre Street outside of the Downtown are predominantly non-residentially zoned. From a planning perspective, there are concerns relating to the future layout and scale of development within these areas.... This Master Plan *discourages residential development* in this overlay district, and instead encourages commercial development compatible with the existing area. The overlay district would allow the types of non-residential uses that are of a lower intensity than the Downtown which are compatible with residential uses. The proposed boundaries of the overlay district are depicted on the Land Use Plan. The overlay district should also include design guidelines and bulk standards such as open space, landscaping, signage, setbacks, connectivity, and screening. The standards in the overlay district would be more restrictive than those required in the underlying zone district.

**WHEREAS**, while the 2012 Master Plan recommends rezoning this area from M-1 to B-4, which is more conforming with the existing character of this area it is the intention of this Ordinance to create a new M-2 zone to permit uses consistent with the M and B-4 districts.

**NOW, THEREFORE, BE IT ORDAINED** by the Board of Commissioners of the Township of Nutley in the County of Essex, State of New Jersey that Chapter 700 of the Code of the Township of Nutley is amended as follows:

1. Section 700-4, entitled “Establishment; Zoning Map”, subsection A shall be amended to read “The territory of the Township of Nutley is hereby divided into the following 16 classes of zoning districts:” and shall include zone M-2 Industry;
2. Section 700-22.1 entitled “Permitted uses in M-2 Zoning District” shall be added to Article V – General Regulations;
3. The following uses are permitted in the M-2 Zoning District:
  - A. Any use and building permitted in B-4 District;
  - B. Any use and building permitted in M Zoning District;
4. The following Area shall be comprised within the M-2 District;
  - A. Block 6800 Lots 1,2,3 and 4;
  - B. Block 6801 Lots 2,3,5 and 6;
  - C. Block 6902 Lots 2,3 and 4
  - D. Block 9604 Lots 14;
  - E. Block 9700 Lots 9;
  - F. Block 9701 Lots 3,4, and 6;
5. Zoning Attachment four (4) entitled “Schedule of Regulations as to Bulk, Height and Other Requirements. Industrial Districts” shall be amended to include M-2 District with following criteria:
  - A. Type of Use shall read Industry;
  - B. Minimum Lot Size Area(ft.) shall read 10,000;
  - C. Minimum Lot Size Width(ft.) shall read 100;

- D. Minimum Lot Size Depth(ft.) shall read 100;
  - E. Minimum Lot Size Per Dwelling (sq. ft.) shall be blank;
  - F. Minimum Yard Dimensions Front(ft.) shall read 20;
  - G. Minimum Yard Dimensions Rear(ft.) shall read Height of Building; 50 if adjacent to R Zone;
  - H. Minimum Yard Dimensions 1 Side(ft.) shall read 10;
  - I. Minimum Yard Dimensions Both Sides (ft.) shall read 20;
  - J. Maximum Height Stories shall read 4;
  - K. Maximum Height Feet shall read 50;
  - L. Maximum Lot Coverage (percent) shall read 50%;
  - M. Maximum Impervious Surface Coverage (percent) shall read N/A;
6. All ordinances or parts of ordinances or resolutions that are in conflict or inconsistent with the provisions of this ordinance are hereby repealed to the extent necessary, but only to the extent of such conflict and inconsistency;
7. If any article, section, subsection, term or condition of this Ordinance is declared invalid or illegal for any reason, the balance of the Ordinance shall be deemed severable and shall remain in full force and effect.

This Ordinance shall take affect after publication and passage according to law.

ORDINANCE # 3287

INTRODUCED BY: MAYOR ALPHONSE PETRACCO

INTRODUCED ON: JUNE 10, 2014

PUBLIC HEARING: July 1, 2014

ORDINANCE NO. 3287

AN ORDINANCE TO AMEND AN ORDINANCE ENTITLED "AN ORDINANCE TO FIX THE SALARIES OF CERTAIN OFFICERS AND EMPLOYEES OF THE TOWNSHIP OF NUTLEY, COUNTY OF ESSEX, STATE OF NEW JERSEY, EFFECTIVE JANUARY 1, 2014."

BE IT ORDAINED BY THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF NUTLEY, IN THE COUNTY OF ESSEX, NEW JERSEY, AS FOLLOWS:

SECTION 1

The salaries of certain officers and employees, either permanent or temporary, as the case may be, of the Township of Nutley, herein mentioned, shall be as follows:

NON-UNION EMPLOYEES

LEGAL DEPARTMENT

TITLE	BASE SALARY MINIMUM	BASE SALARY MAXIMUM
Township Attorney	\$ 55,000.00	\$ 75,000.00
Municipal Prosecutor	\$ 45,000.00	\$ 65,000.00
Municipal Prosecutor - Substitute	\$ 200.00/session	\$ 400.00/session
Attorney, Board of Adjustment	\$ 20,000.00	\$ 30,000.00
Attorney, Board of Adjustment - Special Meeting	\$800.00/meeting	\$800.00/meeting
Attorney, Planning Board	\$ 20,000.00	\$ 30,000.00
Attorney, Planning Board - Special Meeting	\$800.00/meeting	\$800.00/meeting
Attorney, Rent Leveling Board	\$ 6,500.00	\$ 10,000.00
Recording Secretary, Board of Adjustment	\$150.00/meeting	\$150.00/meeting
Recording Secretary, Planning Board	\$150.00/meeting	\$150.00/meeting
Public Defender	\$ 12,000.00	\$ 22,000.00
Public Defender - Substitute	\$200.00/session	\$500.00/session

SECTION 2

The annual salaries of the employees of the Departments of Public Works, Water, Parks and Public Property, excepting office employees, shall be on the basis of forty (40) hours per week. When overtime is required, it shall be paid on a "time and one-half" basis. The provisions for overtime as stated in this paragraph shall not apply to the Public Works Superintendent, Municipal Engineer and Construction Code Official/Zoning.

SECTION 3

Payment of vacation time in advance may be made upon request in writing to the Treasurer at least one month in advance of the pay period requested. Written request must be approved by the Department Head before submission to the Treasurer.

SECTION 4

All ordinances or parts of ordinances inconsistent with the provisions of this ordinance are hereby repealed and this ordinance shall take effect twenty (20) days after final passage in accordance with the law.

SECTION 5

To the extent not set forth herein, all total salaries per annum will include longevity as set forth in Nutley Municipal Code Chapter 103.

**BOARD OF COMMISSIONERS**  
**TOWNSHIP OF NUTLEY, NEW JERSEY**

**Resolution**

*Introduced by:* Commissioner Steven Rogers *Date:* July 1, 2014  
*Seconded by:* Commissioner Joseph P. Scarpelli *No.* 159-14

**WHEREAS**, the Township of Nutley has the need to retain the services of a consultant who specializes in Solid Waste Disposal, Recycling and Public Affairs and law and policy to provide consulting advice and services to the Health Department in connection with the Township's Solid Waste and Disposal Bid Specification, and

**WHEREAS**, NJSA 40A:11-5 (1) (a)(i) permits the award of a contract without public bidding; and

**WHEREAS**, **Wayne DeFeo.**, of the DeFeo and Associates, 15 Washington Valley Road, Warren Township, NJ 07059 has submitted a proposal of an hourly rate of \$175.00 per hour, not to exceed \$17,500.00; and

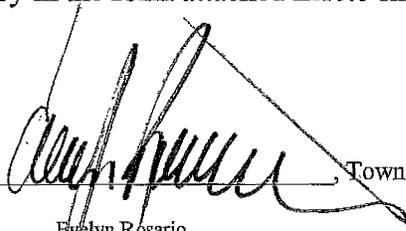
**WHEREAS**, funds are available from account # 4-01-138-205 and have been certified by the Chief Financial Officer, said certification being attached to this resolution; and

**WHEREAS**, the term of this contract is effective July 1, 2014 through June 30, 2015; and

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that the Mayor be and is hereby authorized to enter into a contract with Wayne DeFeo of DeFeo Associates, 15 Washington Valley Road, Warren, NJ 07059 as a Professional Service.

**BE IT FURTHER RESOLVED** that a copy of this Resolution, as well as the Contract shall be placed on file with the Clerk of the Township of Nutley; and a notice in accordance with the Local Public Contracts Law of New Jersey in the form attached hereto shall be published in the Nutley Sun.

. . .

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held July 1, 2014

<i>Record of Vote</i>	<i>Commissioner Rogers</i>	<i>Commissioner Tucci</i>	<i>Commissioner Evans</i>	<i>Commissioner Scarpelli</i>	<i>Mayor Petracco</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

BOARD OF COMMISSIONERS  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

Introduced by: Commissioner Thomas J. Evans

Date: July, 2014

Seconded by: Commissioner Mauro G. Tucci

No. 154-14

**WHEREAS**, N.J.S.A. 40A: 5-4 requires the governing body of every local unit to have made an annual audit of its books, accounts and financial transactions, and

**WHEREAS**, the Annual Report of Audit for the year **2013** has been filed by a Registered Municipal Accountant with the Municipal Clerk pursuant N.J.S.A. 40A: 5-6, and a copy has been received by each member of the governing body; and

**WHEREAS**, R.S. 52:27BB-34 authorizes the Local Finance Board of the State of New Jersey to prescribe reports pertaining to the local fiscal affairs, and

**WHEREAS**, the Local Finance Board has promulgated N.J.A.C. 5:30-6.5, a regulation requiring that the governing body of each municipality shall, by resolution, certify to the Local Finance Board of the State of New Jersey that all members of the governing body have reviewed, as a minimum, the sections of the annual audit entitled General Comments and Recommendations; and

**WHEREAS**, the members of the governing body have personally reviewed, as a minimum, the Annual Report of Audit and specifically the sections of the Annual Audit entitled General Comments and Recommendations, as evidenced by the group affidavit form of the governing body attached hereto; and

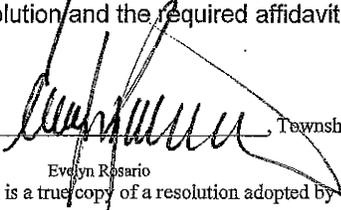
**WHEREAS**, such resolution of certification shall be adopted by the Governing Body no later than forty-five days after the receipt of the annual audit, pursuant to N.J.A.C. 5:30-6.5; and

**WHEREAS**, all members of the governing body have received and have familiarized themselves with, at least, the minimum requirements of the Local Finance Board of the State of New Jersey, as stated aforesaid and have subscribed to the affidavit, as provided by the Local Finance Board, and

**WHEREAS**, failure to comply with the promulgations of the Local Finance Board of the State of New Jersey may subject the members of the local governing body to the penalty provisions of R.S. 52:27BB-52 to wit:

R.S. 52:27BB-52-A local officer or member of a local governing body who, after a date fixed for compliance, fails or refuses to obey an order of the director (Director of Local Government Services); under the provisions of this Article, shall be guilty of a misdemeanor and, upon conviction, may be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than one year, or both, in addition shall forfeit his office.

**NOW, THEREFORE BE IT REOLVED**, that the Board of Commissioners of the Township of Nutley, hereby states that it has complied with N.J.A.C. 5:30-6.5 and does hereby submit a certified copy of this resolution and the required affidavit to said Board to show evidence of said compliance.

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held July 1, 2014

Record of Vote	Commissioner Rogers	Commissioner Tucci	Commissioner Evans	Commissioner Scarpelli	Mayor Petracco
Yes	X	X	X	X	X
No					
Not Voting					
Absent/Excused					

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

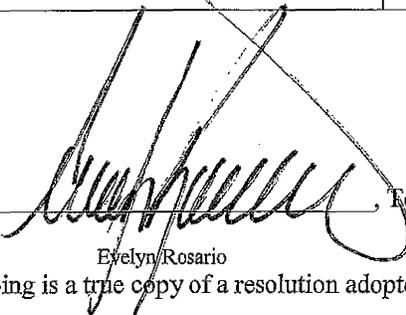
*Introduced by:* Commissioner Thomas J. Evans *Date:* July 1, 2014

*Seconded by:* Commissioner Mauro G. Tucci *No.* 155-14

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayments of the property taxes in the amount of \$1,648.75 for the following accounts.

Block & Lot	Address	Amount
8204 36	96 Hopper Ave.	\$1,648.75 02/07/14

...

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held July 1, 2014

<i>Record of Vote</i>	<i>Commissioner Rogers</i>	<i>Commissioner Tucci</i>	<i>Commissioner Evans</i>	<i>Commissioner Scarpelli</i>	<i>Mayor Petracco</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

*Introduced by:* Commissioner Thomas J. Evans *Date:* July 1, 2014  
*Seconded by:* Commissioner Mauro G. Tucci *No.* 158-14

**WHEREAS**, the Township of Nutley entered into a contract with C3 Holdings, LLC located at 548 Franklin Avenue, Nutley, NJ by way of Resolution number 285-10 dated December 21, 2010 and Gov Interact located at 548 Franklin Avenue, Nutley, NJ, having acquired C3 Holdings, LLC, and Gov Delivery, located at 408 St. Peter Street, STE 600, Saint Paul, MN, 55102, having acquired and succeeded Gov Interact (hereinafter Gov I) in providing patented computer software currently being used in connection with the website and provided email and technology services to the township originally for a period of two-years with an option to renew for two one-year periods; and

**WHEREAS**, the original contract was awarded under N.J.S.A. 40A11-5(i)(dd) which provides for the award of a contract without public bidding for the provision or performance of goods or services for the support or maintenance of computer hardware and software; and

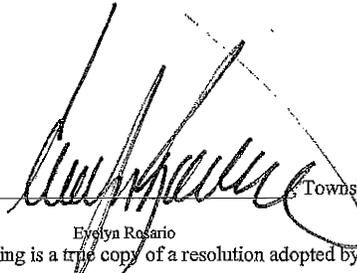
**WHEREAS**, the original proposal and contract provided for the services to be provided for \$24,000.00 annually; and

**WHEREAS**, the Gov I has provided the services needed by the Township to maintain its website and technology and there remains outstanding the following invoices from: Gov Interact 21378, 10042, 21968, 10352, 22423, 20228 and 20826 and Gov Delivery 2075, for the dates 1/1/12 to 12/31/2013, and the Township Attorney having reviewed the invoices and contract with C3 Holdings, LLC.; and

**WHEREAS**; funds are available from the following budget accounts totaling \$24,000.00 for each calendar year 2012 and 2013 and have been certified by the Chief Financial Officer; said certification being attached hereto:

<u>2012</u>	<u>2013</u>
2-01-220-209.....\$4,000.00	3-01-110-205.....\$6,000.00
2-01-308-209.....\$4,000.00	3-01-220-205.....\$6,000.00
2-01-314-209.....\$4,000.00	3-01-308-205.....\$6,000.00
2-01-408-209.....\$4,000.00	3-01-314-205.....\$6,000.00
2-01-506-209.....\$4,000.00	

**NOW THEREFORE, BE IT RESOLVED** that the Board of Commissioners, of the Township of Nutley, County of Essex, State of New Jersey, hereby award the contracts for 2012 and 2013 to GovInteract/GovDelivery and shall make payment of the invoices as listed above.

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held July 1, 2014

Record of Vote	Commissioner Rogers	Commissioner Tucci	Commissioner Evans	Commissioner Scarpelli	Mayor Petracco
Yes	X	X	X	X	X
No					
Not Voting					
Absent/Excused					

# BOARD OF COMMISSIONERS

## TOWNSHIP OF NUTLEY, NEW JERSEY

### Resolution

Introduced by: Mayor Alphonse Petracco Date: July 1, 2014

Seconded by: Commissioner Mauro G. Tucci No. 156-14

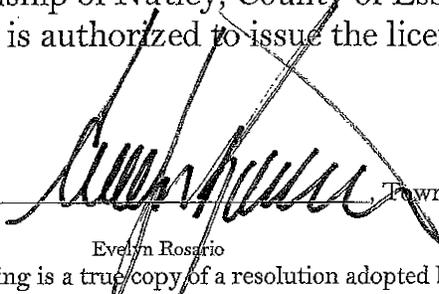
**WHEREAS**, raffle applications have been received from the following organizations; and

Holy Family Catholic Church	License No. <del>47-14</del> Off-Premise Super <del>50/50</del> Cash Raffle	September <del>28, 2014</del>
Holy Family Catholic Church	License No. <del>48-14</del> On-Premise Hourly <del>50/50</del> Cash Raffle	September <del>25, 2014</del> through September <del>28, 2014</del>
Holy Family Catholic Church	License No. <del>49-14</del> Games of Chance & Money Wheel	September <del>25, 2014</del> through September <del>28, 2014</del>

**WHEREAS**, the applications have been reviewed and approved by the Municipal Clerk and the Police Department.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex, that the licenses are approved and the Municipal Clerk is authorized to issue the licenses.

...

I,  Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held July 1, 2014

Record of Vote	Commissioner Rogers	Commissioner Tucci	Commissioner Evans	Commissioner Scarpelli	Mayor Petracco
Yes	X	X	X	X	X
No					
Not Voting					
Absent/Excused					

**BOARD OF COMMISSIONERS**  
TOWNSHIP OF NUTLEY, NEW JERSEY

**Resolution**

*Introduced by:* Mayor Alphonse Petracco *Date:* July 1, 2014

*Seconded by:* Commissioner Thomas J. Evans *No.* 157-14

**BE IT RESOLVED**, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that renewal of Plenary Retail Consumption License # 0716-33-011-006 "Papillion LLC T/A The Game Sports Bar & Grill", 350 Passaic Avenue, Nutley, New Jersey 07110 be granted effective July 1, 2014 through June 30, 2015.

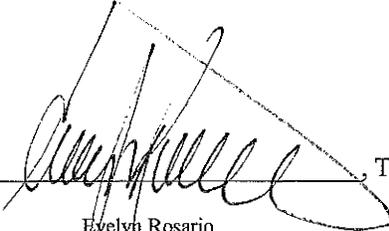
**BE IT RESOLVED**, that the licensee has paid the renewal fee of \$1, 719.36; and

**BE IT RESOLVED**, that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificate for Liquor License # 0716-33-011-006 for this renewal period.

**BE IT FURTHER RESOLVED**, that this establishment has been inspected by the Board of Health, Fire Department, Code Enforcement Department of the Township of Nutley and is in satisfactory condition.

**NOW, THEREFORE BE IT RESOLVED** by the Board of Commissioners of the Township of Nutley, County of Essex that the Municipal Clerk be and she is hereby directed and authorized to issue said license for the licensing period of July 1, 2014 through June 30, 2015.

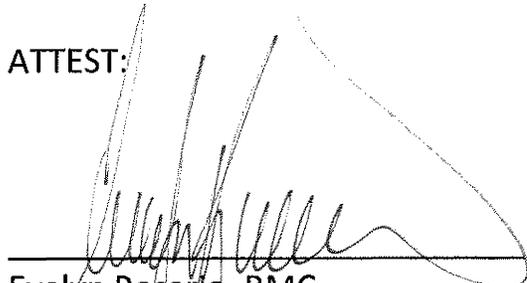
. . .

I, , Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that the foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held July 1, 2014

<i>Record of Vote</i>	<i>Commissioner Rogers</i>	<i>Commissioner Tucci</i>	<i>Commissioner Evans</i>	<i>Commissioner Scarpelli</i>	<i>Mayor Petracco</i>
<i>Yes</i>	X	X	X	X	X
<i>No</i>					
<i>Not Voting</i>					
<i>Absent/Excused</i>					

**Signature Page/Board of Commissioners  
Meeting Minutes, July 1, 2014**

ATTEST:



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Evelyn Rosario, RMC  
Municipal Clerk  
(Meeting Minutes Approved at the  
September 2, 2014 Board of  
Commissioners Meeting)



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Commissioner Steven Rogers



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Commissioner Mauro G. Tucci



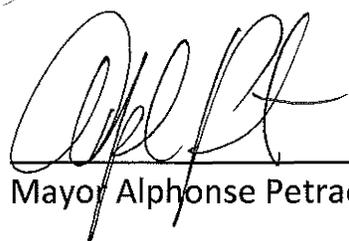
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Commissioner Thomas J. Evans



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Commissioner Joseph P. Scarpelli



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Mayor Alphonse Petracco