A workshop meeting of the Board of Commissioners of the Township of Nutley was held in the 3rd floor Commission Chambers Conference Room and called to order. Adequate notification was published in the official newspapers of the Township of Nutley.

OPEN PUBLIC MEETING STATEMENT:
Evelyn Rosario, Municipal Clerk, read the following statement Pursuant to the requirements of the Open Public Meeting Law (Chapter 231, P.L.1975), notice of this meeting was published in the December 12, 2013 issues of the Nutley Sun and the Star Ledger. A copy of this notice has been posted on the Nutley Town Hall bulletin board and a copy is on file in the Municipal Clerk's Office.

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

The Board of Commissioners at their workshop session reviewed all the agenda items as listed in attached minutes.

Prior to entering into public session, the Municipal Clerk read the following executive session resolution. Motion to introduce by Commissioner Tucci, seconded by Mayor Petracco. All Ayes on a roll call vote. Entered Executive Session at 7:15PM.

Resolution # 173-14
WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

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

1. Litigation Matter
2. Personnel/Contract
BE IT FURTHER RESOLVED, that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Township of Nutley pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by statute.

Commissioner Scarpelli made a motion to exit executive session and enter into public session, seconded by Commissioner Rogers. All Ayes. Exited Executive Session at 7:54PM.
TOWNSHIP OF NUTLEY, NEW JERSEY

BOARD OF COMMISSIONERS

ORIGINAL

PUBLIC MEETING

TRANSCRIPT OF

PROCEEDINGS:

July 15, 2014

7:00 p.m.

BEFORE:

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

Job No. NJ1902201

Transcribed by: Nicole Yawn

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P R O C E E D I N G S

MAYOR PETRACCO: -- pledge allegiance --

(Pledge of Allegiance)

(Pause)

MAYOR PETRACCO: Madam Clerk?

MADAM CLERK: Yes, Mayor.

Tuesday, July 15th, 2014 -- pursuant to the

requirements of the Open Public Meeting Law, chapter 231

Public Laws 1975, notice of this meeting was published in

the December 12th, 2013 issues of the Nutley Sun, the Star

Ledger, and the Herald News. A copy of this notice has been

posted on the Nutley town hall bulletin board and a copy is

on file in the municipal clerk's office.

Commissioner Rogers?

COMMISSIONER ROGERS: Here.

MADAM CLERK: Commissioner Tucci?

Commissioner Tucci?

COMMISSIONER TUCCI: Here.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Here.

MADAM CLERK: Commissioner Scarpelli?

MR. SCARPELLI: Here.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Here.

MADAM CLERK: All present, Mayor.
MAYOR PETRACCO: Thank you.

We are going to honor our very good friend tonight with a proclamation, Jack Kane. We are sorry to keep everybody waiting tonight. I am cosponsoring this with Commissioner Tucci and the board of commissioners. Let me see if I can get there.

The proclamation reads: WHEREAS, Jack Kane, a lifelong resident of Nutley, and his wife, Patty, have three daughters, one son, and four stepsons; and

WHEREAS, Jack entered the Army in October of 1967; and

WHEREAS, Jack served in the Seventh Infantry Division in the Demilitarized zone in Korea from 1968 to '69 where he received the National Defense Medal and Armed Forces Exemplary Award; and

WHEREAS, upon return from the service, Jack worked at Coca-Cola, St. Johnsbury (ph) and USF Redstar; and

WHEREAS, in 1969 joined the VFW and continued through the years as an active member and then, in 1992, began serving as an officer with the VFW, including terms of service, officer as a commander; and

WHEREAS, during the tenure as commander, Jack ascended from local to state to national levels with each overseeing many different facets of the VFW organization; and
WHEREAS, on Saturday, July 12th, 2014, the
officers and members of District 4 VFW Post 493 hosted a
homecoming celebration for Jack Kane acknowledging his new
title of Veterans of Foreign Wars State Commander as well as
his many contributions to the VFW organization; and

NOW, THEREFORE, BE IT RESOLVED by the board of
commissioners of the township of Nutley, county of Essex,
state of New Jersey that Jack Kane be recognized as a model
citizen exemplifying volunteerism and commitment to the
causes of the veterans of foreign wars and for this
dedication to helping veterans and active servicemen and
women.

(Applause)

MAYOR PETRACCO: Jack, before we call you up, I'm
sure each of the commissioners just want to say a few words.
So we'll start with Commissioner Scarpelli and work our way
over.

COMMISSIONER SCARPELLI: Jack, congratulations.
The rest of the state knows what we've known for a long
time, and here in Nutley, you're a tribute to our town and a
tribute to the veterans of foreign war.

UNIDENTIFIED SPEAKER: Jack, as I said at your
ceremony Saturday, I know it was George Washington who said
that how a nation treats its veterans, that's how the
character of that nation is judged, and you've treated our
veterans very, very well throughout the years, and thank you, and God bless you.

MAYOR PETRACCO: Commissioner Evans?

COMMISSIONER EVANS: Jack, congratulations. On behalf of my family, congratulations. I have nephews that are serving overseas right now. So, on behalf of them, thank you.

Everyone knows how much you and how strongly you are an advocate for veterans, all veterans, not just veterans of foreign war, but how you treat them, and your dedication to that, not only brings honor to the veterans and your family, but it brings honor to the town. And I thank you as well.

MAYOR PETRACCO: Commissioner?

UNIDENTIFIED SPEAKER: Jack, once again, congratulations. I think the veterans in the state of New Jersey are far better off today than they've ever been. A better advocate, a more committed quality person they'll never find. You know you always have our congratulations, and we're just proud that you're from Nutley.

MAYOR PETRACCO: And finally, myself. Jack, when I came to the luncheon at the VFW on Saturday, I ran out of a police car kind of late, as you know. I didn't even know I was going to be speaking. So that was kind of off the cuff, but, with that being said, there was a lot of things
that I would like to say, and I won't tie everybody up here tonight, but I'll just say this in short.

You know, obviously, I know your children for a long time, and they're great residents of the town, but I really have to tell you, Jack, sitting up here, as the mayor of the town, it's really a privilege and an honor for me to recognize you because what you do behind the scenes and don't take the ballots (sic) for is really honorable, and it's something that Nutley is very fortunate to have someone in your position and having you as a resident.

And just not to make light of what Jack has accomplished as the state commander, I know there's a long process to get there. It doesn't happen overnight. And, when they were reading his resume on Saturday, I want to say it started in the '70s, and here we are in 2014.

And, for you to keep with it -- and I know that we joke around once in a while in my store about how many miles are on your car riding up and down that parkway. So I just really would like to congratulate you from the bottom of my heart, and it's really a tribute to have somebody in our town and looking out for the veterans as you.

Would you like to take a photo?

(Applause)

(Pause)

UNIDENTIFIED SPEAKER: Jack?
MR. KANE: Okay, thank you, Mayor and the commissioners. I'm certainly honored to be here. It's kind of really be a thrill for me, not because the proclamation is to hang on my wall, but because, as a lifelong resident of Nutley, growing up here and growing old here, it's really a thrill for me and an honor.

To know the mayor and all the commissioners like they're friends, it kind of makes it nice to be here and be recognized. So thank the township of Nutley for this, and I'll continue to serve in my capacity as a veterans advocate, and that's it. Thank you very much.

MAYOR PETRACCO: Thank you so much.

(Applause)

(Pause)

MAYOR PETRACCO: Jack, you're sure welcome to stay the whole meeting, if you like.

(Laughter)

MR. KANE: If you don't mind if I joined it.

MAYOR PETRACCO: I figured that.

(Laughter)

(Pause)

MAYOR PETRACCO: Okay.

Madam Clerk, I see that we have no minutes, communications, correspondence, reports. I guess we'll move on to the bill list.
MADAM CLERK: Yes, Mayor.

Tuesday bill list, July 15th, 2014 -- Public Affairs, $205,326; Revenue and Finance, $3,131,475.95; Public Safety, $62,217.53; Public Works, $81,536.76; Parks and Public Property, $382,653.01. Payroll as of July 3rd, $803,212.54, for a grand total bill list of $4,666,421.79. That's all for bills, Mayor.

MAYOR PETRACCO: Thank you.

COMMISSIONER EVANS: Move the bills. Just want to point out that the $3 million in revenue and finance, 2.1 million is the payment we make to the school board for the collector of tax, and there's also, you know, a large bill payment in there for our sewage services. So some of those numbers are high, but it's because they're city-wide bills.

MAYOR PETRACCO: Okay.

MADAM CLERK: Okay. We have a motion by Commissioner Evans.

COMMISSIONER EVANS: Move the bills.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Seconded by Commissioner Tucci.

Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

MADAM CLERK: That's all for bills this evening, Mayor. Thank you.

MAYOR PETRACCO: Thank you.

Okay. We'll move on to public hearings.

Commissioner Scarpelli, if I may? I'm just going to read mine first, if that's okay, just take them out of order.

Okay. My first public hearing ordinance is number 3288, an ordinance to amend the ordinance codified in the code of the township of Nutley, chapter 228 entitled vehicles and traffic, particularly article 7, special zones and areas, lane use reservation(s), section 28 entitled bus stops, to delete the location set forth thereon.

Is there anyone in the audience tonight that would like to comment on ordinance number 3288?

Seeing no one, I move to close the public hearing.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

I move the ordinance.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

And my second ordinance public hearing is ordinance number 3289, 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 1st, 2014.
This is for municipal court.

Is there anyone here this evening that would like to comment on ordinance number 3289?

MR. ODRIA: Michael Odria, 133 High Street. As for ordinance number 3289, what were the salaries last year, and what are they being raised to now?

MAYOR PETRACCO: Actually, this is not to raise a salary. This is to add a clerk's position to the courtroom.

MR. ODRIA: To add a position?

MAYOR PETRACCO: Yes.

MR. ODRIA: Do we need that position to, like, --

MAYOR PETRACCO: This position is being added on the request of our judge here, who's here this evening, and also Judge Frasca, I believe, that oversees the court.

Right now in the courtroom, we have two police officers that help out with the courts for security, and the reason we need a clerk there at this point is to handle the paperwork of the court so that the police officers that are there are strictly for security and they're not moving papers and leaving their posts. And that was at the recommendation of our judge here in town and also Judge Frasca.

MR. ODRIA: And this will probably be my last question. How much is this salary worth? Is it like $40,000 a year?
MAYOR PETRACCO: Well, you know what? We have the judge here. She could explain it very clearly.

MR. ODRIA: It's just a simple question.

MAYOR PETRACCO: Just excuse me one second.

MR. ODRIA: What does it come out to?

MADAM CLERK: I just need a name and title for the record, please.

MS. COCCHIOLA: Joanne Cocchiola, municipal judge.

MADAM CLERK: Thank you.

MS. COCCHIOLA: A lot different on this side.

MAYOR PETRACCO: A lot.

MS. COCCHIOLA: Mayor, with all due respect, let me just explain --

MAYOR PETRACCO: Please.

MS. COCCHIOLA: -- for the members of the board and any members of the public what this is. It's really very simple.

We at the court received permission from the administrative office of the courts to bring in a temporary position to clear up a backlog with parking tickets. That's what this is about. The administrative office of the courts controls the parking adjudication fund money that is a percentage of parking ticket money that they control, and, if you have an issue relating to parking, you can access those funds to utilize whatever it is, whether it's
equipment or something like that.

We had a parking backlog. We were bringing somebody in temporarily to help us move the backlog out. There would be no money coming from the municipal budget. It comes directly out of the POAA funds, and it's temporary. The issue became that we can't pay anybody, even on a temporary basis, out of those funds without there being a title on the salary ordinance. So we had to add the title. It's not like we're adding a permanent position. We just had to do it in order to pay somebody on the temporary basis from the POAA funding.

So that's really what this is all about. It's a much simpler explanation.

MAYOR PETRACCO: And those funds are from the tickets themselves?

MS. COCCHIOLA: Yes, they're from the tickets. They're in a separate fund. We don't control it. The AOC controls it, and they approve your access and what you can withdraw and what it's for. So it's not a position being added to the court. It's a temporary position that we're using to clear a backlog with money coming from a different source. That's really all it is.

But, I guess, due to technicalities, which I didn't realize, in order to pay somebody, even through that mechanism, it has to be on a salary ordinance.
MAYOR PETRACCO: Okay.

COMMISSIONER EVANS: Your Honor, just a point of clarification?

MS. COCCHIOLA: Questions?

COMMISSIONER EVANS: Your Honor, just a point of clarification. AOC you said --

MS. COCCHIOLA: Administrative office of the courts.

COMMISSIONER EVANS: And so, that would be Judge Frasca?

MS. COCCHIOLA: Judge Frasca is my supervisor. He governs the municipal judges in Essex County, and the AOC -- the administrator that I report to with respect to that is named Al Restaino. No relation to the Al Restaino we all know, but it's all -- the control of that fund -- even though the municipality holds the money, in order to access those funds, we have to have approval.

COMMISSIONER EVANS: To release the funds out of it, you need that approval.

MS. COCCHIOLA: Excuse me?

COMMISSIONER EVANS: To release funds out of that account, you need the approval of the administrator of the courts.

MS. COCCHIOLA: Correct. Yeah, we can't touch those, correct.
COMMISSIONER EVANS: Appreciate that. Thank you.

MS. COCCHIOLA: Okay.

MAYOR PETRACCO: Thank you so much.

MS. COCCHIOLA: Thank you for the concern.

MR. ODRIA: All right. You say this is temporary?

MADAM CLERK: I need you to please step forward.

MAYOR PETRACCO: Mike?

MADAM CLERK: Thank you.

MR. ODRIA: You said this was a temporary position?

MS. COCCHIOLA: Yeah, I believe it is.

MR. ODRIA: Okay. My question is this. My question was how much does this temporary position pays.

Because we just honored a soldier, and, from what I understand and from what I know, the men and women who defend our interests in freedoms on the other side of this planet in a combat zone -- they get $33,500 a year. I'd like to know -- and those people really put their lives on the line for all our freedoms and interests.

And it was good to honor that man, because, you know, I've had family members who fought in Vietnam. Came back, thank God. But what does this position pay, even though it's temporary? That's all I'm asking.

MS. COCCHIOLA: I imagine that, by the time it's all said and done, since we're pretty much clearing the
backlog right now, it will probably be less than $2,000 that we're going to access from that account.

MAYOR PETRACCO: So it's an hourly wage?

MS. COCCHIOLA: It's an hourly wage, and, all in all, it'll be less, probably much less than $2,000 that'll be paid out to take care of this.

Okay?

MAYOR PETRACCO: Thank you.

Thank you, Judge.

Okay. I need a motion to close the public portion of the meeting.

UNIDENTIFIED SPEAKER: (Off-mike.)

MAYOR PETRACCO: Sure.

MS. LANDRY: Pennie Landry, 135 Lakeside Drive, ordinance 3289 is an ordinance to amend an ordinance entitled an ordinance to fix the salaries of certain officers and employees of the township of Nutley effective January 1, 2014, municipal court clerk one seasonal. Is there currently someone employed in the position of municipal court clerk one seasonal? Is there a clerk one employed (sic) currently?

UNIDENTIFIED SPEAKER: (Off-mike.)

MS. LANDRY: Okay. So this ordinance is to approve a position called clerk one seasonal, correct,
MS. COCCHIOLA: It's to approve a position so that a student can get paid, yes.

MS. LANDRY: Okay. Municipal court clerk one seasonal. And how is seasonal defined by this ordinance?

MS. COCCHIOLA: I thought seasonal was taken out, Mayor. I don't know. Do you have the actual ordinance there? I'm looking at the agenda.

MS. LANDRY: I would like to see the actual ordinance before it's voted on, because this is incorrect on the public agenda.

MAYOR PETRACCO: I have one. I have one.

MS. COCCHIOLA: I'm not certain. I don't have it in front of me.

MAYOR PETRACCO: Do you have a copy of it or --

MS. LANDRY: Okay. So there is not currently in the municipal court a position called clerk one?

MS. COCCHIOLA: There is not currently a position called clerk one, unless there's something else on the salary ordinance. Not to my knowledge.

MS. LANDRY: Okay. All right. Not to your knowledge? Do we have any clerk positions?

MS. COCCHIOLA: In the municipal court?

MS. LANDRY: Yes.

MS. COCCHIOLA: There are four -- I don't know what their actual titles are, Ms. Landry.
MS. LANDRY: You don't?

MS. COCCHIOLA: No, I do not.

MS. LANDRY: Okay. Well, I'd like to know what those are.

Do you know, Evelyn?

MADAM CLERK: I'm sorry, Ms. Landry.

MS. LANDRY: The actual titles of the positions that work in the court. Because Judge Cocchiola doesn't know what they are.

MS. COCCHIOLA: There's a court administrator. There is a deputy administrator, and I don't know what the other two titles are.

MS. LANDRY: Okay. There's a court administrator. There's a --

MAYOR PETRACCO: You know what?

MS. COCCHIOLA: I think --

Judge, excuse me one second.

You know what? Rather than give you information that we're just shooting out of our mouths, I would rather reserve that and give you the correct information, Ms. Landry.

MS. LANDRY: Thank you.

MAYOR PETRACCO: But I cannot do that just right now. So I --

MS. COCCHIOLA: Mayor, if I might?
Ms. Landry, I'll be in the office tomorrow if you want to come over.

MS. LANDRY: Sure.

MS. COCCHIOLA: You're welcome to.

MS. LANDRY: I would like for the commissioners to not vote on ordinance 3289 until it's clear.

MS. COCCHIOLA: Until what's clear?

MS. LANDRY: Until it's clear what this position of $10 an hour with a base of maximum --

MS. COCCHIOLA: There is a law student helping to clear up a backlog --

MS. LANDRY: Okay. But it says seasonal, and I need a definition of seasonal. Will this be one month, three months, six months?

MS. COCCHIOLA: It's probably not going to be longer than another month, to be honest.

MS. LANDRY: Okay. Well, actually we're creating a position, okay, that what could happen is that we could find a way to keep her, right? Because now we have a position called clerk one, and we could find a way to keep her for six, eight, nine, ten months, because this ordinance creates a position.

MS. COCCHIOLA: Which, if you just heard my explanation, the only way you could pay a person out of POAA is through this. The court doesn't need another person,
and, if I wanted another person, I don't have to go here first. I have to go to the AOC.

MS. LANDRY: Okay.

MS. COCCHIOLA: And explain to them --

MS. LANDRY: I'm just saying I'm against --

MS. COCCHIOLA: -- what my need is.

MS. LANDRY: -- the creation --

MS. COCCHIOLA: So it's really not up to these gentlemen if the court needs another person.

MS. LANDRY: So why are we creating an ordinance?

MS. COCCHIOLA: I have to first go to -- I can't pay the student unless the salary ordinance reflects the position.

MAYOR PETRACCO: Ordinance.

MS. LANDRY: So why didn't we have an ordinance saying we want to pay a student for one month $10 an hour?

MS. COCCHIOLA: Because this is the way we were told we had to do it.

MS. LANDRY: Okay. Well, I'm against the way this is being done.

MS. COCCHIOLA: I'm being 100 percent honest with you.

MS. LANDRY: I'm being 100 percent honest.

MS. COCCHIOLA: No, this is --

MS. LANDRY: I'm here to speak against ordinance
number 3289 that creates a position called clerk one with a
base minimum salary of $10 an hour and a base salary maximum
of $20 an hour that has no timeframe, and I, as a resident,
have the right to say that, and I have spoken, and thank you
very much.

MS. COCCHIOLA: Any other questions for me,
Mr. Chairman?

MAYOR PETRACCO: Thank you.

No, I'm clear.

MS. COCCHIOLA: Thank you.

MAYOR PETRACCO: Is there anyone else this evening
that would like to comment on ordinance number 3288 (sic)½
I'm sorry, 89, 3289.

Seeing no one, I move to close the public portion
of the meeting.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: Aye.

Okay. That wraps up my couple of ordinances.

UNIDENTIFIED SPEAKER: The ordinance.

MAYOR PETRACCO: I'm sorry. I move the ordinance.

UNIDENTIFIED SPEAKER: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: (No audible response.)

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

Okay. Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Thank you, Mayor.

This is an ordinance -- this is a public hearing on an ordinance to amend chapter 700 of the code of the township of Nutley entitled zoning adding section 700-22.a, permitting uses in M-2 zoning district to article 5 general regulations.

This was an ordinance that was originally introduced over a year ago. It was in response to the master plan, which was completed in 2012. In the master
plan, it called for that area of East Centre Street, River Road, and Park Avenue to eliminate residential in that area. We have had significant number of added residential multi-family properties over that time period, and I introduced this ordinance, which will eliminate -- basically eliminate Garden Apartments from being included in anything which is currently in the M-1 zone and creating a new zone, which is M-2, which will have everything that's permitted in the M-1 zone currently, except for Garden Apartments.

So, Mayor, do you want to open the public hearing?

MAYOR PETRACCO: I do.

Is there anyone this evening that would like to comment on this ordinance?

Please come up to the mike. State your name and address for the record.

MR. LEVENDUSKY: Good evening. Jim Levendusky, 19 Colonial Terrace. I'm here representing myself and also the Nutley Community Preservation Partnership, and I would like to speak in favor of the ordinance.

The Nutley Community Preservation Partnership supports the adoption of this ordinance. As it happens, I had been on a number of the committees for the master plan review, and this is very much in line with the goals of the master plan, and this furthers the objectives of the master plan. So I think it is very much deserving of your
I think I'd also like to bring to your attention the fact that, you know, the media have reported on this and whatnot. I think it's important to point out that, over the past couple years, there have been quite a large number of households being added to the township of Nutley, including from this area.

And, when you add up all of the, you know, development that has been completed, all of the development that is currently underway, and even the development that's, you know, being proposed, I think it makes a lot of sense to, you know, initiate this ordinance and pass this ordinance, because it gives us time to absorb what is already coming down the pike.

I mean, when you think about it, we're probably adding in existing, ongoing, and proposed, we may very well be adding, you know, a couple of hundred new households to our town. And it's hard to imagine that, you know, all of these households are going to be integrated and absorbed and the services provided and at the same time, you know, have this area subject to possible additional development that would add even more households or demand for services, police, fire, schools, water, sewer.

So I really do think this is in the best interests of the town. That's not to say that, you know, the Nutley
Community Preservation Partnership is against development.
We're not. We're in favor of smart development, but we also recognize that there are a lot of changes taking place right now, and it is going to take time to absorb these changes and to understand what the implications of these changes are.

A lot of talk about the multi-unit houses being one bedroom, and therefore, there won't be families. But the truth of the matter is we really don't know what's going to be there until, you know, they are completed and occupied and rented. And, of course, whatever we decide today will have an impact, not just in the immediate future, but, you know, many years down the line.

And I think if you even look at some of the developments that have taken place in the past where there were various predictions about no impact on the schools and so on and so forth, those predictions actually turned out not to be true because 10, 15 years later and so on and so forth, you know, we actually are experiencing the demand for services which we thought we wouldn't have.

So our organization is very much in favor of the passage of this ordinance, and I recommend that you pass it, please. Thank you.

COMMISSIONER EVANS: Excuse me, Jim?

MR. LEVENDUSKY: Yes.
COMMISSIONER EVANS: Just for clarification, which predictions are you referring to?

MR. LEVENDOSKY: The Cambridge Heights.

COMMISSIONER EVANS: Cambridge Heights isn't a prediction that was wrong. It was known what was going to happen to our school system.

The planner forecasted 128 students.

MR. LEVENDOSKY: From the very beginning?

COMMISSIONER EVANS: From the beginning, 1996.

MR. LEVENDOSKY: Right.

COMMISSIONER EVANS: And the school board estimated that there would be 230 students.

MR. LEVENDOSKY: Okay.

COMMISSIONER EVANS: And some else estimated 250 students. But today, which is roughly 19-and-a-half years later, we have 140 students.

MR. LEVENDOSKY: Right.

COMMISSIONER EVANS: So about 94 percent. You know, pretty good on a forecast, right? And those students that are in the school, which it's not just in one school. They're actually in all the schools. If you look at it, given the tax base that's generated from that, that the average student coming out of that district is paying $21,000 a student.

So the economics are there, but it's not an
unknown forecast. And, back in 1998, there was a resolution that actually had given the school system $750,000 to address technological and capital improvements that might be an impact associated with that complex.

MR. LEVENDUSKY: Right.

COMMISSIONER EVANS: So just for clarification purposes, it's just I believe that, for a lot of reasons, you know, we are faced with challenges in our school system, but we -- you know, also it's not necessarily volume that's causing those issues. And, as we look at these types of properties, even apartments, you know, the risk of what's going to happen to our schools, for example, or even on our infrastructure.

So East Centre Street had factory buildings that were down there, some of which were dormant and abandoned. And today, we have a community that's starting to develop down there. So those are positive changes.

I do, you know, understand your point about absorption and the rate of absorption.

MR. LEVENDUSKY: Right.

COMMISSIONER EVANS: But I just wanted to clarify, you know, the history for Cambridge Heights.

MR. LEVENDUSKY: Sure. No, I appreciate that, and actually, I didn't know that. Just as an anecdote, some years ago, I was sitting with another commissioner who's not
on the board who actually was the one who told me that, that there was no impact on the school. It was predicted that there was no impact. So I was actually repeating hearsay.

So thank you for that clarification.

COMMISSIONER EVANS: Yeah. Oh, and I went dirty and went in the basement. I got --

MS. LEVENDUSKY: I guess so. Thank you.

COMMISSIONER EVANS: Appreciate it.

UNIDENTIFIED SPEAKER: If I might, Mayor?

MAYOR PETRACCO: Sure.

UNIDENTIFIED SPEAKER: You were not the only one that was under a misconception, because I also recall no impact or minimal impact on Cambridge Heights.

MR. LEVENDUSKY: Right.

UNIDENTIFIED SPEAKER: And I also remember -- and I've shared this with Commissioner Evans -- that the number that was thrown around that we were given at the time -- and I've been here since 2000 -- was 32 students.

MR. LEVENDUSKY: Right. I seem to recall that as well.

UNIDENTIFIED SPEAKER: So there is a document that Commissioner Evans did, in fact, find, all right --

MR. LEVENDUSKY: Right.

UNIDENTIFIED SPEAKER: -- that states it was a much higher number. But, for whatever reason, the number
that was communicated was miscommunicated and was grossly understated.

MR. LEVENDUSKY: Okay.

UNIDENTIFIED SPEAKER: So we were all surprised --

MR. LEVENDUSKY: Right.

UNIDENTIFIED SPEAKER: -- with the numbers coming out of Cambridge Heights, but they were, in fact, included in a document that I do not believe was widely circulated at the time.

MR. LEVENDUSKY: Right. Thank you. I appreciate it.

UNIDENTIFIED SPEAKER: But your comments are, in fact, spot on, and I'm happy to see that the partnership is here tonight, not to stop development, but to support smart, reasonable, balanced development, because I think that's what we all need, especially in light of what's gone on in the last ten years.

MR. LEVENDUSKY: Right.

UNIDENTIFIED SPEAKER: Because we don't want Nutley to change. We're a deep rooted family town, and that's how we want to keep it. But again, it's all about balance.

MR. LEVENDUSKY: Absolutely.

UNIDENTIFIED SPEAKER: Thank you, Jim.

MR. LEVENDUSKY: Thank you very much.
MAYOR PETRACCO: Thank you.

Is there anyone else this evening that would like to address the board of commissioners on ordinance number 3286?

Please state your name and address for the record.

MR. ODRIA: Michael Odria, 133 High Street. All this talk about impact -- yes, it has impacted us, our school system, especially us homeowners. Half our property taxes -- well, I can speak for myself and my property tax invoice. And, as Thomas Evans said to me, half our property taxes go to the school system. And our property taxes have been impacted by the school system since the past ten years.

In the past ten years, --

UNIDENTIFIED SPEAKER: Excuse me. Did anybody say they weren't?

MR. ODRIA: Yeah, but they --

UNIDENTIFIED SPEAKER: You're making a point, all right, that -- on a statement that no one has made.

MR. ODRIA: This is the point I'm trying to get at.

UNIDENTIFIED SPEAKER: Okay. Go ahead.

MR. ODRIA: The kind of development I want for Nutley --

UNIDENTIFIED SPEAKER: Right.

MR. ODRIA: -- as a homeowner -- I want some of
this tax burden taken away from me, and one way to do that is by creating more business in this town, just more business. Because, from what I understand, Clifton -- they have a big tax burden relief by the shopping malls that they.

UNIDENTIFIED SPEAKER: Right.

MR. ODRIA: If they didn't have that, those homeowners --

UNIDENTIFIED SPEAKER: Right. And Nutley's is the ninth largest city, I might add, in the state of New Jersey, but go ahead.

MR. ODRIA: Yeah, if they didn't have that, their tax burdens would be more. If all that business on, like, Clifton -- comes and goes in Clifton was on the Nutley side, my tax burdens would be a lot less. I would imagine so. I mean, but what I'm trying to say is I really don't want to hear any excuse.

Because let's say we build more residential. Of course, more kids are going to go into our school system. Our schools are already maxed out, from what I understand. I think we have 4,500 students in our public school system, out of all the 7 schools, if I'm not wrong. I think that's what it is.

But they're already maxed out. It's going to have to come to the point if we bring in more residents into
Nutley, they're going to have children. They're going to bring kids, and it's going to come down to one day where you guys or maybe the next people who take over -- they're going to say oh, you know, we're going to have to build two more schools. And guess what's going to happen. You Nutley homeowners are going to have to pay for it.

MAYOR PETRACCO: But, Michael, would you rather see a mall built like they did in Clifton Commons? Do you think that that has no quality of life issues attached to it? The traffic, you know, --

MR. ODRIA: As a business owner, --

MAYOR PETRACCO: No, but I'm saying --

MR. ODRIA: Here's a business owner --

MAYOR PETRACCO: But I'm just asking a question so we're clear tonight.

MR. ODRIA: I am clear about one thing. I am total business. I am even corporate America. Trust me. Anything to stir, create more -- if you want to build another Tucci Store -- I mean, Forpauls (ph), more power to you. Build three more in this town or two more.

UNIDENTIFIED SPEAKER: Love to.

MR. ODRIA: So you can hire more people. And that would relieve everyone's tax burdens. Like they said, entrepreneurs here in this town -- they help us. I mean, a couple weeks ago, we had some guy here who has --
UNIDENTIFIED SPEAKER: I don't think we disagree on this point.

MR. ODRIA: So all right. So let's stick to business.

UNIDENTIFIED SPEAKER: Agree.

MR. ODRIA: Let's stick to business.

UNIDENTIFIED SPEAKER: But again, we also have to agree on balance. Do we agree about a balanced approach and not a lopsided approach?

MR. ODRIA: What I'm --

UNIDENTIFIED SPEAKER: In residential or business?

MR. ODRIA: Well, I'm more conservative. I'm for business than residential. I'm straight upfront. I want more business in town.

UNIDENTIFIED SPEAKER: And, in this instance, Michael, so am I. I agree with you.

MAYOR PETRACCO: Thank you.

Is there anyone else this evening that would like to address the board of commissioners on ordinance number 3286?

MS. LANDRY: Pennie Landry, 135 Lakeside Drive. I just have a question. This ordinance is to add a section to our township code, correct?

UNIDENTIFIED SPEAKER: Yes.

MS. LANDRY: Okay. Thank you. So it adds section
700-22.1, correct?

UNIDENTIFIED SPEAKER: Yes.

MS. LANDRY: And was this new section in its completion published anywhere for review of the citizens of Nutley?

UNIDENTIFIED SPEAKER: I'll defer to the clerk.

MADAM CLERK: The ordinance number 3286 entitled 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 5 general regulations was duly published in the Nutley Sun issue of Thursday, June 19th, 2014.

MS. LANDRY: Was the section 700-22.1 in its entirety published for the review of the citizens of Nutley anywhere, including the township website, yes or no?

MADAM CLERK: No.

MS. LANDRY: Thank you.

MAYOR PETRACCO: Is there anyone else this evening that would like to comment on ordinance number 3286?

UNIDENTIFIED SPEAKER: (Off-mike.)

MAYOR PETRACCO: Sure.

UNIDENTIFIED SPEAKER: (Off-mike.)

MAYOR PETRACCO: No, it's fine.

UNIDENTIFIED SPEAKER: Point of clarification -- the code of Nutley is online on the town website, isn't it?
UNIDENTIFIED SPEAKER: The code is online, yeah.

UNIDENTIFIED SPEAKER: But I went there today and
looked at it, code section 700. I just wanted to add that
as a point of clarification.

MAYOR PETRACCO: Sure, thank you.

MS. LANDRY: Pennie Landry, 135 Lakeside Drive. I
just have to say how disappointed I am that you say you have
a public hearing about changing our township code and you
publish one paragraph, which does not have any bit of the
information that the people need to understand how the
township code is being changed, and yet, the five of you say
that we have a transparent government. I am appalled.

How can people be behind, for, against, or
understand when you call yourself informing the people by
publishing an ordinance that is four pages long. And yet,
could you tell me how many pages section 700-22.1 will add
to our township code?

MR. GENITEMPO: No, I cannot.

MS. LANDRY: Can you give me a guesstimate, sir?

Have you read it?

MR. GENITEMPO: Well, it's four pages here. But
how long it would add to the code I have no idea. It would
take a response.

MS. LANDRY: Okay. So it's four pages.

MR. GENITEMPO: It would depend on the --
MS. LANDRY: Is there a copy here for people to review at the public hearing?

MR. GENITEMPO: A copy of the ordinance?

MS. LANDRY: Is there a copy of section 700-22.1?

MR. GENITEMPO: Ms. Landry, right here.

MS. LANDRY: Can you give me your copy?

MR. GENITEMPO: Sure.

MS. LANDRY: Sure, great, thanks. (Off-mike.)

So I would like to (off-mike).

MR. GENITEMPO: I answer to the mayor. I can only tell you that this was introduced in the public meeting --

MS. LANDRY: It was (indiscernible) --

MR. GENITEMPO: -- on June 10th. It hasn't changed in terms of the language. It's the same one we put forward as an introduction.

MS. LANDRY: I am asking for ten minutes --

MR. GENITEMPO: (Indiscernible.)

MS. LANDRY: -- as a member of the public to review this.

MR. GENITEMPO: That was the process by which the ordinances are voted on. We follow the process. We follow the law. Thank you.

MS. LANDRY: Okay. You followed the law by publishing this so it could be reviewed by the public? Are you saying that, Mr. Genitempo?
MR. GENITEMPO: The publication is for notice --
MS. LANDRY: Was this published?
MR. GENITEMPO: -- to notify the public that an
ordinance will be introduced.
MS. LANDRY: I was here at that meeting, sir, at
the first public meeting where you tabled it, and this was
not available.
MR. GENITEMPO: (Indiscernible.)
MAYOR PETRACCO: Counsel?
MS. LANDRY: This is a process.
MAYOR PETRACCO: Counsel?
MR. GENITEMPO: Yes.
MAYOR PETRACCO: Ms. Landry, if you're asking for
ten minutes, we could grant you ten minutes.
MS. LANDRY: Thank you.
MAYOR PETRACCO: Not a problem.
COMMISSIONER SCARPELLI: Let's see if anybody else
wants to comment. I have a statement to read, so that'll
take up some time.
MS. LANDRY: (Off-mike.)
MADAM CLERK: Excuse me, Mayor.
MAYOR PETRACCO: We have a comment.
Yes.
MADAM CLERK: It is now 8:35 p.m. I will set the
timer for ten minutes.
MAYOR PETRACCO: Thank you.

MR. LEVENDUSKY: It wasn't my intention to have sort of a back and forth with a member of the public, but I read the ordinance in the Nutley Sun. It was published.

MS. LANDRY: Uh-huh.

MR. LEVENDUSKY: And I also read, you know, section 700 online because I wanted to see what the changes actually impacted. So I actually went to the ordinance on the town website. And also, it so happens that Suzanne Beadle, who's vice president of the Nutley Community Preservation Partnership, emailed Evelyn Rosario, the township clerk for a copy, and Evelyn very promptly and courteously emailed her a scanned copy.

So thank you very much.

MADAM CLERK: You're welcome.

MR. LEVENDUSKY: As far as I'm concerned, it seems very transparent. Just my opinion.

MS. LANDRY: Excuse me. (Off-mike.)

MR. LEVENDUSKY: (Off-mike.)

UNIDENTIFIED SPEAKER: All of the ordinances that you publish in the Nutley Sun are also on the website New Jersey Press Association, and you can find it there as well when you do a search on the New Jersey Press Association site.

MS. LANDRY: You know what? (Off-mike.)
UNIDENTIFIED SPEAKER: Ordinances, no. Proposed

MS. LANDRY: (Off-mike.)

MAYOR PETRACCO: What we're going to do -- excuse me, guys. We're not going to have a debate on that right now.

Commissioner Scarpelli, if you'd like to comment.

COMMISSIONER SCARPELLI: Just very briefly.

Anybody further?

MAYOR PETRACCO: Excuse me?

COMMISSIONER SCARPELLI: Anybody further from the public?

MAYOR PETRACCO: Is there anybody from the public that would like to comment on this ordinance number?

Seeing no one, --

COMMISSIONER SCARPELLI: Thank you, Mayor.

This ordinance, which I first introduced over a year ago, is consistent with our master plan of 2012 and allows the township to exert some control over this area's redevelopment. Over 800 multi-family dwellings exist in this area of town already. When is enough enough?

Over 100 years ago, our predecessors made the decision to limit the development along the Third River. What resulted was a beautiful park system which runs throughout our town. We need to exhibit that same vision.
Our responsibility as town's leaders is not to acquiesce to the current market that favors the construction of rateable (sic) apartments but to lead and to plan. Our charge is to leave the next generation an attractive, vibrant town that preserves our property values.

As elected officials, we must determine what that area of town will eventually look like instead of letting others dictate our future. We can chase rateables, but at what cost.

Our schools are bursting at the seams. Our infrastructure is strained, and the traffic at Park Avenue and River Road is ridiculous.

The character of our town is threatened to change from one based on single family homeownership and investment to one based on high-density, multi-family rental properties with residents that have no long-term stake in our community. There are other multi-family projects in other areas of town in the planning stage. We still do not know how many and what kind of residential properties will eventually end up on the Roche site.

I ask you again. When is enough enough? This commissioner believes that over 800 multi-family units in this confined area is too much. This ordinance is not perfect nor the final solution to the East Centre Street corridor redevelopment but is a good first step in gaining
control.

And, if this ordinance was to pass, I'm asking my colleagues to send this back to the planning board to have them study this area, come with an overlay zone, and we give them the timeframe of six months to complete that study.

Thank you.

(Applause)

MAYOR PETRACCO: Commissioner, do you have any comments?

COMMISSIONER TUCCI: I think it's fair. Give a lot of credit for standing by your convictions. I think the six-month time limit is a good thing. So (indiscernible) currently say that's something that --

MAYOR PETRACCO: Thank you.

Commissioner Evans?

COMMISSIONER EVANS: Yeah, just a few comments.

When I look at the zone, things as a commissioner that become very important to me. I don't ever think we should ever look at anyone who is living in that section who doesn't own a single-family home and suggest to them that they are not part of Nutley. Every resident, every property owner is part of Nutley, and we have to be certain that, as we think about the future, we're being inclusive of every one of those residents.

They're all taxpayers. They all have families.
They all have aspirations.

I think there are other things that are impacting us as we look to the future. There are major changes and are, in effect, megatrends that are influencing how the future is going to evolve.

And I agree with you, Commissioner, that we need to study that. And it's important to understand that. There is a very significant trend towards organization. As you've been seeing in the paper, there are significant challenges to homeownership because of other debt criteria and the uncertainty of the job market, and people are looking for options.

If you look at our census data, we have quite a few residences in town where long-term, you know, Nutley families are empty nesters today. Some of them are seniors. So providing them with alternate type housing options, I think, is a very important aspect of what our planning should be.

And I also think that in some elements of this -- and I absolutely agree with the need for planning -- is that, if we are able to look at this area and not necessarily say well, I've got 800 units -- I don't know right now whether 800 units is too much or too little. I really don't.

I really think about the area and say if we were
able to look at that area, which includes the big blue area in the back corner, that's actually Sleepy Hollow. Right? That complex has been there since 1981. It currently has a number of students that are in the school system, and, on average, they're paying $23,000 a person to support the school system out of that complex. So there is value there. But, if we look at it, they're on the back end. They're in the back. Right? And so, those residents, for a lot of years, were looking at industrial property, property that was neglected.

Today they're looking at a different type of community. So, if we take this as an opportunity to sit back and say in light of the factors that we know we face and changes that are occurring because of generational differences, demographic differences, and the opportunities of the future and look at this area to say what could we create there, how will we open it up -- because, even if we look at even the B-4 zone, some of the things that we're suggesting that are allowable there in the B-4 zone aren't realistic that we would ever attract them.

We have in the big blue zone a yellow patch, which happens to be one commercial owner, property owner who says his business is entirely surrounded by residential housing, and he's not on a main street. He's actually -- you have to go through a road, an access road to get to his property.
To tell him that we don't want residential without a plan is actually telling that property owner that we're actually hurting his property value, because we're not providing that solution for the future.

So, in your comments, Commissioner, I was listening for and I heard how important it is for us organized planning process, that we shouldn't just take the master plan as it was built. In light of the decisions that have already been made, some of the things that are in the master plan may not be really relevant today. But actually step back and really look at this with an interest that says how do we evolve this. Let it take shape.

Some of this stuff that could be there could create a wonderful village concept that would incorporate all of these residents, and we have to also respect the fact that, given where we are with our schools today and given where we are with the educational changes that have occurred -- and Charlie Kucinski's here, the school board president -- that the crowding issue is not going to be stopped by saying no more apartments or no more residential. The capacity that we have in the town already creates that issue.

What we have to come to is what's the plan and how we're going to address that. If we're going to meet the federal requirements in everything we do in Nutley, which is
to meet the needs of our special needs children, it takes space to do that.

Years ago when the school system was built, we didn't have technology that we have today. So we need technology curricula for our children. It takes space to do that.

Today we have a full-time kindergarten. Years ago, you know, we didn't have it. It was a half-day. It takes space to do that.

So schools that were built on a premise that doesn't exist in education today have to be addressed, and there needs to be a plan. So with this, I think, is part of that planning process.

I strongly encourage that we actually also suggest that we need a reasonable plan on how we are going to address our schools to recognize that a 21st century education has different requirements than a 20th century school system in terms of the infrastructure and actually include that and say we would want to hear about how we address this, but let's also make sure we have something in place that says, for the residents of the town, we can be reasonable in planning it out and actually demonstrating that vision.

You called out the art complex. You know, our forefathers had some real vision to say that's going to be
wonderful. No matter what, we need to preserve that, and we have it today, and it's beautiful. I'd like to have the same feeling about how we think about this area and ultimately how we think about Roche that basically continues for Nutley to always build that strong sense of community and inclusion for all of our residents.

So I thank you for indicating that this would be, in effect, a plus to allow some longer term planning to occur within a timeframe of six months. I appreciate that.

MAYOR PETRACCO: Thank you, Commissioner Evans.

Commissioner Tucci?

COMMISSIONER TUCCI: Yes. I won't be as long as Commissioner Evans, but I do have a few comments to make.

COMMISSIONER EVANS: That's the most I've said all year.

(Laughter)

COMMISSIONER TUCCI: But his points are very well-taken.

I've supported this ordinance from the beginning, because my view is identical to Commissioner Scarpelli's view. I think 800 units in any section of town is a lot. All right?

I also agree with Commissioner Evans. All right? We need to attract reasonable development. All right? And the school system -- the impact on the school system is one
small part. And I don't know if my math is entirely
correct, but it's close. Since 2000, we've added about
2,000 apartments to this town. And I'm not against people
living in apartments. I think there's a place for everyone,
and Nutley is that kind of open place where people of all
backgrounds and all economic levels are welcome. Right?

But apartments, unfortunately, sometime create a
transient population, which runs contrary to what Nutley is
all about. Nutley is a deep-rooted family community.

That's what we need to preserve.

As a commissioner, I listed at our last
presentation by our planning board chairman, Mr. McGovern,
and our planner, actually the planning board planner,
Mr. Ricci. And they were talking about viewing just that
East Centre Street area and how the law dictates that they
need to do certain things. Well, we always abide by the law
here in Nutley, but I think the law takes a narrow view.

As commissioners, our responsibility is to step
back and to take a wider view, to do what's right for the
entire township, to strike that balance and to follow in the
footsteps of all those that came before us that planned this
town, be it the neighborhood schools, the neighborhood
parks, the type of services we offer and everything else
that's made Nutley Nutley.

I mean, look around us. There is no one like us.
There's no one like us absolutely on the Eastern section of Essex County. And, if you look even to the West, there are very few that are like us that offer what we offer.

A demographic change is something that no one will ever prevent. All right? But a negative demographic change is something that I will never embrace. And again, unless we have reasonable planning -- and I think the commissioner's timeline of six months is a reasonable one so that it's not something that falls into a black hole and never comes back out -- is something that's important. It's time-specific, and we will be able to plan as a community what this township is going to look like for the next 100 plus years.

I totally support this ordinance, and I think everyone brings a different perspective. But I think, at the end of the day, it's the same perspective. It's about Nutley and preserving what we have.

MAYOR PETRACCO: Thank you, Commissioner.

I will --

UNIDENTIFIED SPEAKER: (Off-mike.)

MAYOR PETRACCO: No, you can comment. Just come to the mike and state your name and address for the record, please.

MR. ALESSIO: Carmine Alessio, 81 East Centre Street. Obviously, I'm in that area. Been there with my
family since the 1920s, fourth generation.

I know Mr. Scarpelli is trying to adopt this ordinance, the 700-22ɔ1 or something. Like I --

MAYOR PETRACCO: It's actually -- just for the record, it's ordinance number 3286.

MR. ALESSIO: That's the one about the -- okay, 3286.

MAYOR PETRACCO: Yeah. Okay.

MR. ALESSIO: I'm kind of like wondering, if it is adopted if it will, like, stick. Will someone be -- a big contractor be allowed to come in here and take a walk through Mr. Debiazi's (ph) office and say can you help us out and we wanted to put another 35 units somewhere in that area. Is that possible to do that in the M-2 zone now, after --

MAYOR PETRACCO: Well, I think --

MR. ALESSIO: -- we're trying to create something here to stop all of these multi-dwellings and garden apartments.

MAYOR PETRACCO: Well, I don't think it's all multi-dwelling. It's --

UNIDENTIFIED SPEAKER: This will eliminate the Garden Apartments, which would be, --

MR. ALESSIO: Garden?

UNIDENTIFIED SPEAKER: -- in essence -- the
allowed uses would not be residential in that zone, but there will be -- what we're doing is taking it back to the planning board to get a better plan. But, as a pause, as a way of getting the control and eliminate residential in that zone, yes, there will be no residential allowed in that zone.

MR. ALESSIO: There will be -- maybe -- no residential --

UNIDENTIFIED SPEAKER: Be no residential allowed in that zone if this ordinance were to pass.

MR. ALESSIO: No residential apartments; is that what you --

UNIDENTIFIED SPEAKER: No residential at all.

MAYOR PETRACCO: Mr. Alessio?

MR. ALESSIO: Yeah, I'm just trying to understand.

MAYOR PETRACCO: Just very quickly -- just, if you look at the board, the area highlighted in yellow -- that would be -- those are the areas that would represent the M-2 zone, and those particular pieces of property would, under this ordinance, would not be allowed to convert to residential use without trying to go for a variance to do that, which would be very, very difficult under the case law.

So, until a plan is in place, which we've said, Commissioner, is six months?
UNIDENTIFIED SPEAKER: Yes.

MAYOR PETRACCO: Where someone would sit back and come back with a recommendation as to how we should plan this area. It would, in effect, put a freeze on residential development in those particular areas highlighted in yellow.

MR. ALESSIO: Yeah, the reason why I'm kind of a little skeptical is because at 5070 Centre Street when they went into the B-4 business zone with the 35 units and the underground garage, I just know for a fact that that just opened up a can of worms to have another developer come in and say hey, look, you know, this has been done. You know, will this --

UNIDENTIFIED SPEAKER: Mr. Alessio, I understand your concern. This doesn't affect the B-4 zone at all, but that area -- again, we're going to send that back to the planning board, and they're not just going to look at the M-2, M-1 zone. They're going to look at that whole area and how we can plan for the future and have smart development there that complements what we already have there.

MR. ALESSIO: That sounds good. I mean, it should -- I think this should have been backtracked before, a couple of years ago, but, you know, I see we're making an effort here.

The other thing that I wanted to ask, if I can remember now, is I think six months is a good allowable time
to, like, you know, visualize what could happen. But, in
the meantime, if a developer decides to come in within six
months, put multi-dwellings or garden apartments in, that
could be possible, right?

UNIDENTIFIED SPEAKER: Based on case law, that
would probably be next to impossible.

MR. ALESSIO: That answers that. So obviously, I
don't want any more of these garden apartments around, like
any -- you know, like you said, the bridges are congested,
and everything's congested, and the facilities, law, schools
are overcrowded. And I just feel that maybe if it's a good
look at within six months, we could even see how the big
commercial stores that are at 5070 Centre Street, if they do
get rented.

Because I know there's, like, six of them that
aren't rented yet, and one is just a convenience store, and
I don't see any kind of traffic there. And my opinion is,
being there all these years, I just see that that could be a
total disaster. That's just my opinion.

MAYOR PETRACCO: What's that? The stores or --

MR. ALESSIO: Well, the project, in general,
because you have with the way it's set up with the B-4
business and the apartments that are trying to outshine
everything and be like high class, I think with one owner
there, it's -- you know, things could go sour. But, you
know, I stated this years ago, but I guess tax revenue is the answer. As long as we get some tax in, who cares, you know, what happens?

But I'm concerned, because my property -- I'm in a postage stamp kind of house over there. And to have what's been going on in my neighborhood doesn't help my one-family dwelling. And, as far as the assessed value, to be there for pretty much a lifetime, 25 years, to have an assessed value of commercial property, which kind of inflated the tax bill a little bit. But I knew that the property, being commercial land, had some value to it.

And now, with the -- I call, like, the mish-mosh that's going on down there, my home property actually assessed value went down like about $94,000. And that's a pretty big buck when you're talking about something that's pretty much worth next to nothing.

I mean, the only thing that it had going for it was commercial straight -- prime commercial land use down there. And now, you know, as I get older -- I'm in my late fifties. What kind of equity can I get out of that house? It's like next to nothing.

And, with what's going on down there right now, I'm under the assumption that I'm being driven out of where I live, and I know that Mr. Evans said that about one-family homes -- we want everybody to be comfortable, this and that.
I can't, like, actually mimic what he said, but that's how I feel about my property is that it's gone down. There's no more equity there. It's like what am I going to -- I'm stuck there.

And, to have an empty lot next door to me that's kind of like a dump site, I guess I don't feel like I'm being treated fairly. I have an empty lot that's B-4 business, and it's pretty much a dump site. I mean, I would everybody to take a look at that area and maybe not for me, because I don't have -- I'm not going to have to answer to God. You people are. And I just don't see the rationale here of what's going on.

It's like -- it doesn't make sense to have -- I don't know. Somebody's got to figure something out, because the governor's office can't. Nobody can. And I just think it's like a disgrace.

I mean, I have an eight-foot wall, like, behind my property line. That does not make any sense. I mean, like, where is the water? Live a lifetime in a neighborhood and then have someone come along who's got a couple of bucks in his pocket put a solid eight-foot, six-foot deep footing -- I mean, what happened to the old picket fences?

And the other day, as -- well, yesterday, actually, with the way it's been flooding and our environment's been changing, the floods down there are like
-- there's a lake on the crest of the hill. Like, it's --
the storm surge (sic) coming in from all of these garden
apartments they travel down East Centre Street, and it's --
I actually seen on the bottom of River Road the manhole
covers, like, come up into the sky like the cartoon movies.
I mean, somebody really should take some time and canvas the
area. You know?

Even in the rain -- that's what I do in my
business. If someone has a water problem and they need some
kind of a drainage fixing, gutters, like, diverted, I go out
when it rains, and I take a look and see how I could manage
my business. And I really expect the town to try to manage
all of our business by doing the same thing.

So that's basically all I have to say. I mean, I
said enough, but I just -- I'm disappointed with the empty
lot next door to me. How could somebody live, like, behind
it? I mean, it's actually a dump site.

And I did call the health department. No one
seems to care. They don't take calls. But, you know, I
don't get to come to these meetings much because I feel like
I'm in a losing battle, but I just made this one because,
like, this is, like, the end of the road for me. Like, --

MAYOR PETRACCO: Mr. Alessio, I have one question
for you because I know your family's been down there for a
long, long time, many years, all that. In your opinion, do
you think that that -- let me ask it this way. When Maaco
was there and all that commercial property was there -- and
I know that firsthand that it was -- some of it was
abandoned -- would you rather that stayed like that, or
would you rather -- what's the balance? That's the --

MR. ALESSIO: You know, Mayor Petracco, your
scenarios are like off the wall sometime. I'm a business
head. Okay? I like the body shops and that. If they
conform to the state laws, like having the --

MAYOR PETRACCO: Right.

MR. ALESSIO: Like the exhausts, like, up in the
sky a certain amount of feet, --

MAYOR PETRACCO: Right.

MR. ALESSIO: -- you know, my complaints in the
past were exhausts that were, like, on the roof level.
Nobody forced anything. Okay? If business is done
properly, like the body shops -- like, if on top of the
hill, there's a body shop that's been empty.

MAYOR PETRACCO: Right.

MR. ALESSIO: Proper planning. A little business
would have been fine there, but to put, like, — this is a
good scenario. If somebody's going to, like, have a car
fixing body shop and they have, like, 20 parking spots and
their business calls for, like, 150 cars, like, how do you
fit them on -- it's like there's no -- it's not done -- the
code enforcing is not properly done.

It's like when I bought my house from grandpa, which has been there since the 1920s, they said, Carmine -- he's a little landscaper. As long as he keeps his van in the back and it's a commercial order (sic) and we're paying commercial land and all of that, fine, as long as I don't disrupt the neighbors, put giant trucks there with rotten grass that ferments, like, in three days, like, when it's hot, everything's fine.

And I seem to keep my road of what I'm doing, but down in that section, it seems to be the garbage pit for everybody. It's like send everybody down there. I feel -- you know, oh, this guy's landscaping. So evidently, next door to him we could put landscaping and trucks on an empty lot.

It's my assumption that, when that house was there initially 10, 15 years ago or 10 years ago, that, if someone knocked down the house, that you were to replenish it with another building, a commercial building. Because, once the house goes, that's the zone, B-4 business zone.

But, no, someone could come up in there because they have a little political tie in our property, and they can go in there and run it to the ground, which makes my property worthless. I can't -- who would want to buy my one-family house when there's a dump right next to me? I
mean, like, I like how you go about your scenarios, but --

MAYOR PETRACCO: Thank you.

MR. ALESSIO: You know, like, you told me, like, about the apartment building, the 35 units with the underground garage over there. Like, I mean, it does not fit. It doesn't abide to the resolution that was made about the size of the building. Nothing's right.

It's not -- I don't know. People should go to jail for what they've done down there, but, you know, I'm not the creator of who should go to jail and who shouldn't. But it's not right.

I mean, like, I'm 58 years old now. My house assessment went down 94,000. To $1,000 less in tax I could care less. It cost me more money to write out certified letters and send things to the governor and complain. I rather just much pay the right amount and have the right thing done.

MAYOR PETRACCO: Okay. All right. We appreciate your comments. Thanks for coming.

MR. ALESSIO: Thanks for having me here.

MAYOR PETRACCO: Thank you very much.

MR. ALESSIO: You need any more information, I could supply it.

MAYOR PETRACCO: I know you will. Thank you,

Mr. Alessio.
Before we continue, I'd just like to have my time to comment on ordinance number 3286 as well. I'll let the sirens pass.

One night not too long ago, I was talking to Commissioner Scarpelli outside this very building, and he said a quote from Harry Chenowith, who I think we all looked up. And I'm sure Joe knows what that quote was.

But the quote was when there's a little rowboat on a lake and it causes a little ripple in the middle of the lake, it's not a big deal until it hits shore. And, when that ripple comes flying in, it becomes a big wave. And I think that has to do a lot with what we're doing tonight and to have the vision of the future like our forefathers had for us.

I don't think that this ordinance is so cut and dry. I think that there's a lot to this. I think it's a very important ordinance.

I talk to many, many people in town all the time, and I talk to -- and, if you -- there's people that I talk to that are saying to me we're pro development because I can't afford another penny in taxes in this town. So, please, Mayor, whatever you have to do, let them build. Let them do what they have to do, because I don't want to take my kids out of the school system here. They have a couple of years left.
And then, I meet people that have a few dollars, and they say to me, Mayor, please, I don't care if weeds grow out Hoffman LaRoche. I don't care what happens in East Centre Street. I'll pay the extra money in taxes, because I could afford to do it.

So I don't think it's as cut and dry of what we're trying to accomplish here. You know, sitting in this chair, we're constantly trying to strike a balance that everyone could live with. And could tell you in these trying times with Roche leaving, with development on East Centre Street, with families that have been there for years, it's not easy to sit up here and get fingers pointed at you and some people telling you you're doing a great job and some people telling you that you don't deserve to be elected.

But basically, we're all volunteers up here. And the one thing I want you all to leave with tonight -- we live in this town. We live here. We pay taxes here. We send our kids to school here, and I send my kids to school here. So we're here because we love the town, and we don't want to see it change.

However, there's things that in life, in my opinion, that you can't stop, and progress is one of them. I told the story -- and I'll be very brief. I was going to a function at the Brownstone a couple months ago, and pretty much, to avoid driving through Patterson, we always turn...
left to go up the hill and, you know, stay on kind of the
top of the hill. But we were talking, and we winded up
driving through Patterson.

And I could tell you when we were on -- I think
it's Union Boulevard, the Totowa Boulevard going through
Totowa, it's very well-lit. They've kept up with
development. There's new buildings there. As soon as you
turn over into Patterson, it's very dark and gray, and all
those buildings are from pre-war and outdated, and they
haven't developed at all there.

Is that what we want for Nutley? Do we want to
stop development totally? Do we want our buildings to get
dark? God knows we have a lot of empty stores on Franklin
Avenue now. God knows that we're in a terrible economy
right now.

But what I'm trying to say is it's not where you
sit, but it's where you stand in life. It depends on what
side of the fence you're on.

You have a few dollars. It's very easy to say I
don't want one leaf overturned in Nutley. If you don't and
you're struggling, you're a family that's struggling, you're
trying to keep your family in this town, then you say look,
do whatever you have to do. Just please don't make the
taxes go up.

So, with that being said, we're trying to strike a
balance up here. I think what we need to do, before we continue on developing, is have a plan. I'm glad to see the president of the board of ed. here, Charlie Kucinski, who's a very dear friend of mine, and I think he does a great job. And I know he loves the town.

But I think we have to get these schools under control, and we need to understand what it is that they could -- they're capable of handling. And what do we have to do to make the necessary changes and the investment and the dollar amount and have some type of business performer (sic) moving forward in order to say yes, we can or no, we can't.

But I'll tell you we have something very big coming up, and that's Hoffman LaRoche, and there's going to be a lot of people knocking on our doors in the near future.

And, you know, they're a $10 million rateable, Commissioner Evans?

You know, so, you know, it's --

COMMISSIONER EVANS: They were less today.

MAYOR PETRACCO: They're less today than that?

COMMISSIONER EVANS: Less today. About 78, about 7.8.

MAYOR PETRACCO: But they were at ten?

So I think what we need in retrospect is to have a plan here, to work with our board of education to see what
improvements we need to make on these schools in order to stay the course.

        Now, development is a very, very tough thing, as Mr. Alessio said. It's okay. Let's build, until it's in my back yard. So, when it's in my back yard, all of a sudden, it's like we don't want it here. You know? And that makes it very difficult.

        I believe in the process. I believe in the planning board, and I believe in the zoning board. And I'm committed to say and to follow through on this that every application should be presented to these boards. And I appeal to the Nutley residents to get involved. If there is something going up in your area that you're against, please come out and speak to it.

        Listen to the testimony. These microphones are here for a reason. They're not just for us. Please come and voice your opinion. Because ultimately, it's not what the five of us want, and it's not what the planning board or zoning board wants. It's what the residents and the majority of the town wants here.

        And that's what we need. We need people to get involved.

        Another thing I spoke about was impact fees. And I know that our attorney, Alan Genitempo, and I need to discuss that further. But, if we're going to allow builders
and developers to come into our town, we need to hold their feet to the fire.

We need to let them know, if there's an impact, if there's a school that has a trailer in front of them and they want to build apartments or townhouses or condos or what have you, they need to pay for those improvements to the town. We cannot push that burden onto our taxpayers.

So, with that being said, I don't want to be too long. I am going to take a pause and vote on this ordinance.

And you'll have your minute. Okay? But I am willing to take a pause.

But I think it's very, very important that we don't want to chase out developers out of Nutley. And we need to make it that it is somewhat appealing for them to come here. Because what I've been saying by passing this ordinance also -- developers are not going to be interested in going through that extra layer to make that extra dollar amount investment to see if they could get something passed.

So I'm committed, Commissioner Scarpelli, that six months from now, we revisit this. I don't think it should be seven months, nine months, a year.

I think that this is a very hot topic in Nutley right now, and I think that six months from now we should be revisiting this. I think that we should work with the board
of education as well to see what the school issues are and how we address them before we go forward on any future development. Thank you.

Ms. Landry?

MS. LANDRY: Pennie Landry, 135 Lakeside Drive. And thank you for giving me the time to read this, and I respectfully request that for future public hearings, that the actual document to be voted on be included as part of the published agenda and also included on the website. And that is a request.

I had the opportunity to read it, and it says that whereas section 6.5 of the 2012 master plan encaptioned general commercial provides along Washington Avenue and East Centre, the general commercial area -- it says that these areas are not viewed as sites for increased residential development or mixed use development. My question is that particular area of town -- is that where the mixed use Mr. Mecca (ph), East Centre Street residential was built?

UNIDENTIFIED SPEAKER: I don't know what you're pointing to.

MS. LANDRY: Well, if you say where -- you see right here where it says whereas section 36.5 of the master plan? It's paragraph one, two, three four, paragraph five. It says these areas along Washington Avenue and East Centre Street are not viewed as sites for increased residential
development or mixed use development.

What I would like to know is is that where
Mr. Mecca's East Centre residential mixed use development
was built, even though it was, in our 2012 master plan, said
that this area is not viewed as a site for residential
development.

UNIDENTIFIED SPEAKER: It's our master plan, but
there was no change in the zoning. This is the change in
the zoning in compliance with that master plan. So, even
though the master plan stated that --

MS. LANDRY: The master plan stated it, but we did
it anyway?

UNIDENTIFIED SPEAKER: But there wasn't any change
in the zone.

MS. LANDRY: Okay.

UNIDENTIFIED SPEAKER: What the master plan is is
a plan.

MS. LANDRY: Okay.

UNIDENTIFIED SPEAKER: The change -- you have to
change the ordinance --

MS. LANDRY: But we didn't listen to the master
plan; is that accurate?

UNIDENTIFIED SPEAKER: We're listening to it now.

MS. LANDRY: Okay. So you're listening to it now
by changing a zone or creating a new zone, correct? This is
the creation of a new zone called M-2, correct?

UNIDENTIFIED SPEAKER: Correct.

MS. LANDRY: And the permitted uses in M-2, as I read in number 3, are any uses permitted in B-4. Okay? And this may be a typo, but it also says any use in building permitted in M zoning district. Should that be M-1?

UNIDENTIFIED SPEAKER: No, it's correct. It's M zoning district.

MS. LANDRY: Okay. But the only thing that's referred to in this document is M-1. So what zones are included in M?

UNIDENTIFIED SPEAKER: M is -- let me read the permitted uses in M.

MS. LANDRY: Okay. What are the permitted uses in M, and should those be included in this resolution? Because it only states this resolution only states M-1.

UNIDENTIFIED SPEAKER: No, you've got -- you're taking this whole --

MS. LANDRY: It says right here --

UNIDENTIFIED SPEAKER: This is a section of a whole -- the whole zoning ordinance. So you have --

MS. LANDRY: I just wanted to make sure (indiscernible).

UNIDENTIFIED SPEAKER: The definition of what the M zone is in there.
MS. LANDRY: Okay. So this says M-1 --

UNIDENTIFIED SPEAKER: The whole ordinance.

MS. LANDRY: -- on this resolution. So is it M, or is it M-1?

UNIDENTIFIED SPEAKER: You're looking at two separate paragraphs.

MS. LANDRY: Okay. So what are the -- you're saying that M0-2 will include -- this is what I'm reading here -- will include any use in building permitted in B-2 district --

UNIDENTIFIED SPEAKER: B-4o

MS. LANDRY: -- and any use in building permitted in M zoning. Could you please read all permitted uses in M zoning?

UNIDENTIFIED SPEAKER: Sure. Manufacturing, compounding, processing, packaging, or treatment of --

MS. LANDRY: Can you go slower, please?

UNIDENTIFIED SPEAKER: Sure. The manufacturing, compounding, processing, packaging, or treatment of goods or materials, two, commercial warehouses; three, printing establish; four, commercial warehouses five, laboratories for research analysis designed and/or experimentation.

MS. LANDRY: Okay. And yet, in this document right here, it says in M-1, what is included is storage, sales facilities for building materials, laboratories, take-
out food establishments, automotive sales, laundries, dry
cleaning, dyeing plants, planting (sic), commercial
greenhouses, light assembly, manufacturing, commercial
warehouses, and garden apartments. So we're changing --

UNIDENTIFIED SPEAKER: That's what is included in
the M-1 zone.

MS. LANDRY: And then, this document says that the
following uses are permitted in the M-2 zoning district,
which is any use permitted in B-4 and any use permitted in
M, which you said M includes M-1 and whatever these other
things are.

UNIDENTIFIED SPEAKER: And it goes on to talk
about the M-1 zone.

MS. LANDRY: Okay. So the M-1 and the M-2 zone,
that list that you read, this new ordinance includes both,
correct?

UNIDENTIFIED SPEAKER: Correct.

MS. LANDRY: So fast food, automotive sales,
garden apartments.

UNIDENTIFIED SPEAKER: No, not garden apartments.

That comes out.

MS. LANDRY: Okay. But that isn't how this reads,
sir.

UNIDENTIFIED SPEAKER: Ms. Landry, this has been
reviewed by the planning board, by --
MS. LANDRY: (Indiscernible) you, sir. Thank you.

UNIDENTIFIED SPEAKER: -- our code enforcement office, by our attorneys. The way you read it --

MS. LANDRY: I just want to make sure that there's no loopholes because --

UNIDENTIFIED SPEAKER: No loopholes. There's no loopholes.

MS. LANDRY: Okay. Okay. Well, I do have one.

On M -- it says maximum impervious surface coverage is N/A, which means non-applicable. Is that still the way this reads, that that's non-applicable?

UNIDENTIFIED SPEAKER: Correct.

MS. LANDRY: Okay. So can you explain that?

UNIDENTIFIED SPEAKER: It doesn't apply, because there are certain things that are included when you look at our ordinance. You'll see the one section where it say blank.

MS. LANDRY: Okay.

UNIDENTIFIED SPEAKER: There is a grid that's in the ordinance that we can't reproduce a grid in this -- as we do the ordinance. So, in the code book, there's a grid. So certain things are marked N/A that don't apply to that zone and are left blank because they don't apply to that zone.

MS. LANDRY: Okay. So surface coverage does not
apply to the new M-2 zone; is that accurate?

UNIDENTIFIED SPEAKER: Didn't apply to the old zone, either.

MS. LANDRY: But it's part of the code? Okay. So impervious surface coverage does not apply to the old zone or the new zone, correct?

UNIDENTIFIED SPEAKER: Correct.

MS. LANDRY: Okay. Now, it says yard dimensions. Yard traditionally is reserved as a residential definition and lot for commercial. So could you explain the difference between yard dimensions and lot dimensions as it relates to residential or commercial?

UNIDENTIFIED SPEAKER: No.

MS. LANDRY: No? There's no difference? A yard is commercial? Is a yard a -- yard dimensions -- is that a residential description or a commercial description?

UNIDENTIFIED SPEAKER: What are you talking about, Ms. Landry?

MS. LANDRY: I'm talking about minimum yard dimensions front shall read 20. Minimum yard dimensions rear shall be 50 if adjacent to an R zone. Minimum yard dimensions one side shall be ten. I was just of the impression that yard dimensions related to residential, and lot dimensions related to commercial. Now, I stand to be corrected, but --
UNIDENTIFIED SPEAKER: I don't think there's any difference between a yard and a lot as this is written.

MS. LANDRY: Okay. Because sometimes it says lot, and sometimes it said yard. I just wanted to make sure yard was not the descriptive for residential. And that's accurate? It is not?

Yard does not describe residential? And that the maximum story height of these buildings shall be four; is that correct? That these buildings that could possibly be built will --

UNIDENTIFIED SPEAKER: Correct.

MS. LANDRY: Okay. And maximum height feet shall read 50.

UNIDENTIFIED SPEAKER: Correct.

MS. LANDRY: So 4 stories could be 50 feet? Okay. And that little yellow section there that's surrounded by the blue, that would be M-2, where you could have fast food, car sales, all these other things that we just said. What is that blue section around? What is that blue zone around that place where we --

UNIDENTIFIED SPEAKER: It's all residential right now.

MS. LANDRY: All residential? So we could have around all of that residential in that little spot fast food, car sales, storage units. Okay. I just wanted to
clarify that. Thank you for listening.

MR. ODRIA: Just a comment. Michael Odria, 133
High Street. No matter what, even in the interest of
progress, no Nutley homeowner should be property taxed out
of this town.

And, as for the other thing you said, Mr. Mayor,
about more Nutley residents should be coming here and
speaking to you guys, coming to, I guess, the public forums
here, --

MAYOR PETRACCO: Uh-huh.

MR. ODRIA: -- I do understand in 2010 we spent --
it was approved $59,000 to put a video camera here. So, at
least, if they don't show up, they could see it on some --

MAYOR PETRACCO: Commissioner Tucci's working on
that (indiscernible).

MR. ODRIA: But this has been four years. It's
been four years.

MAYOR PETRACCO: Commissioner Tucci is working on
it at the present time.

MR. ODRIA: Okay. So it's been a little bit slow.

MAYOR PETRACCO: It's going to happen.

MR. ODRIA: And I'd like to say one other thing.

COMMISSIONER TUCCI: Michael, it's only been a
couple of meetings. We have all the quotes for all the
video equipment, and we need to upgrade the sound system,
and we need to sync everything with the capacity that we have in this building. But I guarantee you we will, in fact, be broadcasting these meetings.

MR. ODRIA: Yeah, because I notice -- but I do remember reading that this was studied in 2010 that -- I think, Mr. Evans, you approved the 59 -- or you put it to a vote, and it got passed. Didn't that happen in 2010? Am I wrong in that?

MAYOR PETRACCO: Mike, Mike, I don't think it did. I think there's been a lot of talk about it.

MR. ODRIA: Maybe I'm wrong.

MAYOR PETRACCO: But we're here today, and we're moving forward with it. So I think that should address your question.

MR. ODRIA: Okay.

MAYOR PETRACCO: Thank you.

MR. ODRIA: All right.

MAYOR PETRACCO: Is there anyone else that would like to address the board of commissioners?

UNIDENTIFIED SPEAKER: (Off-mike?)

MAYOR PETRACCO: Excuse me?

UNIDENTIFIED SPEAKER: (Off-mike?)

MAYOR PETRACCO: Yes.

UNIDENTIFIED SPEAKER: (Off-mike.)

MAYOR PETRACCO: Are you --
MR. ALESSIO: Carmine Alessio of 81 East Centre Street. I have really appreciated listening to the lady.

MAYOR PETRACCO: Ms. Landry is her name.

MR. ALESSIO: What is her name?

MAYOR PETRACCO: Go on.

MR. ALESSIO: And I -- pardon me?

MAYOR PETRACCO: Ms. Landry.

MR. ALESSIO: Ms. Landry. And I could understand your frustration, and I do have frustration, too, when she was kind of like nit-picking on the zone resolution that's going to be adopted. Now, I just -- maybe she can help me and answer a couple things for me.

MAYOR PETRACCO: You can't stand there and question her.

MR. ALESSIO: All right. Not here, but --

MAYOR PETRACCO: You could always -- sure.

MR. ALESSIO: And, you know, maybe later on or something. But I can relate to her frustration because the M-1 zone on East Centre Street was permittable use was garden apartments. And, when the person went to get an approval to have a garden apartment -- that's Mr. Mecca, that area at 57 East Centre Street. Within 100 feet from the curb was an adjacent property that was owned by Technical Coating that owned the property on East Centre Street.

MAYOR PETRACCO: Right.
MR. ALESSIO: Which was declared B-4 business zone, period. Because it was attached to the M-1 zone, I sat through variance hearings and that to watch the project of the garden apartment be taking place with the landscaping and all the good stuff that goes with the building, the variance, had landscaping that went with the building and that the B-4 business part would keep this one building that was in that section be declared B-4 business zone and that that building there was to be a management building for the M-1 zone garden apartments that were being built.

After the garden apartments were being built, all of a sudden, they're completed. Now, they broke into the management building section, which was declared B-4 business and went for a variance to put 35 units with underground garage there.

Now, it was my understanding that, when the M-1 zone was to have all this landscaping and nice -- you know, everything was supposed to be real nice with the garden apartments, that this particular zone B-4 lot, which I live in, was not to be touched. And then, all of a sudden, they start knocking these buildings down and making it mixed use. Like, what's that? Like, I mean, how does that come into form?

MAYOR PETRACCO: But is that about this ordinance? Do you have a question about this particular ordinance?
MR. ALESSIO: Yeah, I don't know how to --

MAYOR PETRACCO: It integrates (sic) into that.

MR. ALESSIO: It inter-breeds because what Mr. Scarpelli's adopting, if it does get adopted, I want to make sure that no one can come in and go for a variance just because they have a few bucks in their pocket and do what they did to me. Two doors down now, I have a giant, oversized building with seven stores that were supposed to be three stores.

It overshadows the building behind. It's congested. Its density is extreme. They took away the landscaping that went with the building initially because the owner owns the whole parcel.

The resolution stated in the --

MAYOR PETRACCO: Let me give you the short answer, and maybe Commissioner Scarpelli --

MR. ALESSIO: But there is no story to this.

MAYOR PETRACCO: No, no, no.


MAYOR PETRACCO: Right.

MR. ALESSIO: And I don't care if they go up 3 or 4,000. I'm interested in having to pay tax and keep my property.

MAYOR PETRACCO: Well, you're entitled to your
opinion, just like somebody that doesn't want their taxes to
go up 3, 4,000. So --

MR. ALESSIO: No, but if it's going to destroy and
bury my property to where it's not worth two cents when it
was worth almost 260 about 2 years ago, --

MAYOR PETRACCO: I understand that. I understand
that.

MR. ALESSIO: Now I can't get equity out of it
because this guy comes along. What he did for him is good
for him, but it's not good for me. That's my bicker here.

MAYOR PETRACCO: Well, what's the question about
--

MR. ALESSIO: I'm really obviously upset about it,
because it's not fair. I mean, that's what's going to
happen possibly to this --

MAYOR PETRACCO: Car., that's what we're trying to
do. We're trying to slow down the ability to keep going
there with the same use. That what Commissioner Scarpelli
-- that's what this board of commissioners is trying to do,
slow it down. This way, we could take a look at it.

MR. ALESSIO: Well, you could slow it down and
find somebody with money in their pocket, and then, he'll go
for a variance and get his garden apartment, just like they
did to the B-4 zone that I suffered with and my family
suffered with, which we didn't want. It was beautiful
residential down there since the 1920s.

MAYOR PETRACCO: But we can't stop anybody for going for a variance.

MR. ALESSIO: No.

MAYOR PETRACCO: You can't -- I mean, you can't stop it.

MR. ALESSIO: No. But you can --

MAYOR PETRACCO: But this (indiscernible) --

(Cross-talk)

MR. ALESSIO: You can go for a variance (indiscernible).

MAYOR PETRACCO: Let's not talk over each other. Okay? What I'm saying to you is this slows the tide. It puts another layer in that they have to go for, and it makes it that a lot of the developers that I've spoken to -- they don't want anything to do with it. They're like if we --

MR. ALESSIO: No, it's going to hinder them coming into the town building, and it's going to, like, hence (sic) the developer from coming in because -- unless he gets Mr. Debiazi, he can't get what he wants.

COMMISSIONER TUCCI: Mayor, if I might?

MAYOR PETRACCO: Please.

COMMISSIONER TUCCI: Carmine, maybe I can clarify this. All right? If we approve this zone change tonight, what you're talking about happening, more development and
continuing will be virtually impossible. There is case law that supports that. All right?

We are going to slow down the development. We're going to pause. We're going to refer this back to the planning board to take a look at what the vision should be for East Centre Street in a balanced way.

And, in the meantime, no one's going to sneak in and build any more apartments there.

MR. ALESSIO: Well, I appreciate --

COMMISSIONER TUCCI: I think that's what you're --

MR. ALESSIO: I appreciate your explanation.

COMMISSIONER TUCCI: If I'm listening correctly, --

MR. ALESSIO: I like that. I like that.

COMMISSIONER TUCCI: That's what your concern is. That's what this does.

MR. ALESSIO: So we should be --

COMMISSIONER TUCCI: That's what we're trying to do here tonight.

MR. ALESSIO: So we should be standing here instead of -- we should be trying to, like, make Washington School a little bit bigger so that we could fit more people before we do -- more students in there before we --

COMMISSIONER TUCCI: Absolutely.

MR. ALESSIO: -- do this.
UNIDENTIFIED SPEAKER: Exactly.

UNIDENTIFIED SPEAKER: Exactly, Car, exactly right.

MR. ALESSIO: Right. In the meantime, someone else can come along and, because it is what it is, come in there like another Mr. Mecca and put another --

COMMISSIONER TUCCI: Let's not get into individuals, but --

MR. ALESSIO: Well, I don't have any --

COMMISSIONER TUCCI: -- the way it is now, yeah, someone could come in and build more apartments. If we make this change tonight, that will stop. That will stop. The planning board has six months to come back to us with the plan. That's what our plan is. That's what our intent here is.

MR. ALESSIO: Well, that --

COMMISSIONER TUCCI: And I think that's (indiscernible).

MR. ALESSIO: Mr. Tucci, I love that. I love what you're saying. We're on the same page. But, if that happens, 75 East Centre Street may stay an empty lot there with people who ride their bicycles to work and dump all their garbage there. Now, that's like, you know, playing two sides here.

COMMISSIONER TUCCI: Right. And that's nothing
that anybody wants.

MR. ALESSIO: Do I want what Mr. Scarpelli wants, to -- I want that.

COMMISSIONER TUCCI: You do, yes.

MR. ALESSIO: But then, the flipside of it is the empty lot's going to stay there, because the person who owns the lot loves to build residential multi-dwelling homes. And, if he can't do that, I'm going to have a dump site next door to me for the next 150 years.

UNIDENTIFIED SPEAKER: That's not our goal,

Mr. Alessio.

UNIDENTIFIED SPEAKER: No.

UNIDENTIFIED SPEAKER: Our goal is to come up with a plan that prevents that empty lot from staying there.

UNIDENTIFIED SPEAKER: Yeah.

UNIDENTIFIED SPEAKER: There are other methods to deal with the scenario that you're addressing (sic).

MR. ALESSIO: You know, it's been a long time. I think I'm getting through. You know what I mean?

UNIDENTIFIED SPEAKER: We're agreeing, Carmine.

MR. ALESSIO: (Indiscernible.)

UNIDENTIFIED SPEAKER: We agree.

UNIDENTIFIED SPEAKER: That's right.

UNIDENTIFIED SPEAKER: We agree. And passing this ordinance does what you want.
COMMISSIONER EVANS: It absolutely does. And with Commissioner Scarpelli, Commissioner Tucci are referring to is the fact that actual case law makes it so extraordinarily difficult that an attorney would not advise their client to actually even think about applying for a variance, because the simple fact is, if one was granted, it would be an easy process to go to the Superior Court and have it overturned. It's so risk it stops it. That's one side of it.

The thing that we've been talking about tonight and you actually referred to in your comment just a moment ago is the importance of how do we think about this whole area, where you live, everybody else on East Centre Street, the people, the new people that live there, the new development going right out across that whole area across to Park Avenue and say what's the plan for how that should look. How do we create a greater sense of community so everybody participates and do that in a reasonable way?

The B-4 zone and some of the zones here suggest things that it's unrealistic that they actually would come, because there's no infrastructure to support it. There's no rail service. The technology today has made certain businesses obsolete. Right? We're not going to put amusement things there. There's no space for it.

But, if we step back and take a really hard look over the next months -- and that's all it is, six months --
that says stop everything, put a real heavy freeze on it, and think about what can be here, right, we want to have that happen. And that's what we're talking about here tonight.

The second piece tonight and I heard you say, which I absolutely agree with is it's so important for us also to understand what needs to be done with our schools. You know, there have been things that have happened that have actually created some capacity issues in our school, for good reasons.

Would you argue that it was a good reason to have our children go to full-day kindergarten versus half-day kindergarten in this day and age, that they need to learn about technology, right, and the equipment that they're going to -- and the world that they're going to live in? All that stuff takes space.

So to your point is if we need to create more space for our children in Washington School and in Yantacaw school in any school, right, what's the plan and the right way to do this. So, rather than look at this in isolation, part of this actually calls upon the board of education to be part of this process to say what's the implication for Washington School. And, if we come out with a new zone, which the expectation is that we will, because it'll be thought out, it would incorporate that.
So that we have an answer. Every resident in this town is entitled to an answer. They're entitled to know what their taxes are being spent on. They're entitled to know that we as a board are thinking about them, too, all of them, not just the ones on one side of town, but every resident who lives in this town, every property owner in this town and making sure we're doing everything we can to support them.

That's the point I raised earlier about Cambridge Heights. Right? We don't want anybody in Cambridge Heights to feel like they don't belong in Nutley.

MR. ALESSIO: And, you know, that seems all good.

COMMISSIONER EVANS: Thank you.

MR. ALESSIO: But, like, when you're -- like, with the B-4 use that's permitted and grandfathered in now when this is all said and done. If there is no uniformity and camaraderie between neighbors there and the B-4 doesn't have proper parking to facilitate its business, --

COMMISSIONER EVANS: Absolutely, absolutely.

MR. ALESSIO: -- it's there, and it's a mess.

COMMISSIONER EVANS: Sure.

MR. ALESSIO: Okay.

COMMISSIONER EVANS: So, when we talk about smart development, it has to consider those things.

MR. ALESSIO: Now, three years, four years ago, I
could remember being on this podium. My mother has a
beautiful two-family house. It's been there -- I was born
and raised there.

And we -- I came forth and said hey, look, you're
going to put this business here with a variance that was --
Mr. Dibiazi presented and they came. In testimony they
said the business is going to be family owned. They're
$125,000 account, a little board business or electronic
business next to my mother.

The building was built. It's been empty since it
was built. You know? And you get, like, Nutley like
Mr. Petracco or Mayor Petracco says that, you know, we're
all in it together and that. And you get somebody like me
who comes up -- I have no material -- everybody likes money,
but I'm like -- I'm not a materialistic guy.

When I come forth and spill my heart out and say
hey, what's with this? You know, my mother -- and the
building's empty for like four years? I mean, like how
is that going to be -- what's going to happen there? That
is a commercial building now.

COMMISSIONER EVANS: Uh-huh.

MR. ALESSIO: And if there are no more residences
that are going to be established in that area because of the
zone, it's going to stay the same way. What's going to
happen there?
COMMISSIONER EVANS: Don't know. We need a plan. And the idea around this is to put a plan together to answer those questions. So you're asking the right questions. The simple fact is that, without a plan, there's no answer.

MR. ALESSIO: But the damage has been done. The damage has been done already. It's too far gone. You know?

COMMISSIONER EVANS: Well, that's (indiscernible) --

MR. ALESSIO: I mean, like, I don't want to be negative, but this is not good. This is not good. An empty building for four or five years. And you see these people -- they lost faith in our, like, planning -- in our system here.

MAYOR PETRACCO: What we have to do, though, is just to give everybody else a fair value chance, --

MR. ALESSIO: Okay. So I'll sit down now.

MAYOR PETRACCO: Because if there's other people that want to address the board, let us just get to them, please.

MR. ALESSIO: All right.

MAYOR PETRACCO: Thank you. Thank you for your comments.

Is there anybody else that would like to address the board of commissioners.

COMMISSIONER SCARPELLI: Move that we close the
public hearing.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER SCARPELLI: Move the ordinance.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: With the proviso that we have a plan for six months to revisit this and we include everything that we have talked about here tonight.

UNIDENTIFIED SPEAKER: That is, in fact, a condition, correct.

COMMISSIONER EVANS: Yeah.
UNIDENTIFIED SPEAKER: Absolutely.

COMMISSIONER EVANS: Just I want a clarification as part of the decision --

UNIDENTIFIED SPEAKER: Put it on the record.

COMMISSIONER EVANS: -- let's have it on the record and make sure we know that. Aye.

MADAM CLERK: Commissioner Evans, for the record, that is an aye?

COMMISSIONER EVANS: Yes.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: And I, too, would just like to put on the record that we make sure we revisit this six months from the date. So I vote aye.

Thank you.

Okay. Where are we?

UNIDENTIFIED SPEAKER: Move the resolution for Centre Street.

MAYOR PETRACCO: Let's move on to resolutions.

Commissioner Tucci?

If anybody -- before we start on the resolutions, if anybody wants to get up, we'll take a little break and they could feel very comfortable exiting. Thank you all for coming tonight.
Mr. President, we would like you to stay.

(Laughter)

MAYOR PETRACCO: Just kidding. Thank you for coming.

(Pause)

MAYOR PETRACCO: I think we lost a couple commissioners. We've lost a couple commissioners.

UNIDENTIFIED SPEAKER: The discussion wasn't that heated.

(Laughter)

(Pause)

(Cross-talk)

MAYOR PETRACCO: I'm ready.

Okay. Commissioner Rogers is on his way upstairs. Could we start on resolutions. It's only 9:45. Evelyn's only been here since 8:00.

COMMISSIONER TUCCI: Shall I start then, Mayor?

MAYOR PETRACCO: Please.

COMMISSIONER TUCCI: Thank you.

BE IT RESOLVED by the board of commissioners of the township of Nutley, the county of Essex, New Jersey that the township clerk is hereby authorized to advertise for sealed bids for the removal of township trees throughout the township. Bids to be received on Wednesday, August 6th, 2014 in the commission chambers township hall at 3:00 p.m.
at which time they will be publicly opened and read.

     Before I introduce this resolution, I just want to submit a brief explanation. We are reorganizing in the parks department. We've had many of our personnel in the shade tree department either retire or move on or go out on disability. So this is not to remove all the trees in the township of Nutley. This is to take care of the trees that absolutely need to come down because they are a danger and/or a hazard to our people.

     So I move this resolution.

     MAYOR PETRACCO: Second.

     MADAM CLERK: Commissioner Rogers?

     COMMISSIONER ROGERS: Aye.

     MADAM CLERK: Commissioner Tucci?

     COMMISSIONER TUCCI: Aye.

     MADAM CLERK: Commissioner Evans?

     COMMISSIONER EVANS: Aye.

     MADAM CLERK: Commissioner Scarpelli?

     COMMISSIONER SCARPELLI: Aye.

     MADAM CLERK: Mayor Petracco?

     MAYOR PETRACCO: Aye.

     COMMISSIONER TUCCI: BE IT RESOLVED by the board of commissioners of the township of Nutley, county of Essex, New Jersey that the township treasurer is hereby authorized to refund the tree permit fee collected in consideration of
the fact that the required replacement trees were installed as per shade tree ordinance. Payment would come from account C-01-904-906 to Edward and Alba Aversa, 2 replacement trees at the cost of $100 at Clover Street.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER TUCCI: BE IT RESOLVED by the board of commissioners of the township of Nutley, county of Essex, state of New Jersey the township clerk be and she is hereby authorized to advertise for sale bids for air conditioning and refrigeration services. Specifications are available in the purchasing department, township hall, One Kennedy Drive, Nutley, New Jersey. Bids to be received on August 6th, 2014, the commission chambers third floor, township hall, Kennedy Drive at 3:00 p.m. prevailing time, at which time
there will be publicly opened and read.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER TUCCI: BE IT RESOLVED by the board of commissioners of the township of Nutley in the county of Essex, state of New Jersey, the township clerk is hereby authorized to advertise for sealed bids for the pruning of township trees throughout the township. Bids to be received on Wednesday, August 6th, 2014 in the commission chambers, township hall, 3:00 p.m. prevailing time, at which time they will be publicly opened and read.

I move the resolution.

COMMISSIONER EVANS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.
MADAM CLERK: Commissioner Tucci?
COMMISSIONER TUCCI: Aye.
MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: Aye.
COMMISSIONER TUCCI: That’s all I have, Mayor.
MAYOR PETRACCO: Commissioner Evans?
COMMISSIONER EVANS: Thank you. (Off-mike.)
MAYOR PETRACCO: That’s fine.
We have all night.
COMMISSIONER EVANS: WHEREAS, there exists a need
to acquire services for the support and maintenance of the
township website and related technology services as an non-
fair and open contract pursuant to the provisions of
N.J.S.A. 19:44a-20.4 or 20.5, as appropriate; and
WHEREAS, it has been determined and certified in
writing that the value of these services will exceed $17,500
for the calendar year 2014; and
WHEREAS, the anticipated term of this contract is
for 12 months from January 1, 2014 through December 31st,
2014; and
WHEREAS, N.J.S.A. 40a11-5 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, GovDelivery, Inc. has patented computer software currently being used in connection with the website and provides other technology services; and

WHEREAS, GovDelivery, Inc. has submitted a proposal to provide these services for $24,000 annually; and

WHEREAS, GovDelivery, Inc. has completed and submitted a business entity disclosure certification which certifies that said corporation has not made any reportable contributions to a political candidate or a committee in the township of Nutley in the previous one year and that the contract will prohibit them from making any reasonable (sic) contribution through the term of the contract; and

WHEREAS, funds are available from the budget and in accounts totaling $24,000 for the calendar year.

NOW, THEREFORE, BE IT RESOLVED by the board of commissioners of the township of Nutley, county of Essex, state of New Jersey as follows:

The mayor and township clerk are authorized and directed to enter into a contract with GovDelivery, Inc.

408 St. Peter Street, Suite 600, St. Paul, Minneapolis (sic)
as described herein.

The business entity disclosure certification and
the determination of value shall be placed on file with this
resolution.

Third, notice of this action shall be printed once
in the Nutley Sun in accordance with local public contract
law.

So movee.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Ayee.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Ayee.

COMMISSIONER EVANS: BE IT RESOLVED by the board
of commissioners of the township of Nutley, county of Essex,
state of New Jersey the treasurer be and she is hereby
authorized to refund overpayment of property taxes for block
3100, lot 40, $4,024.14 for 2012; block 3100, lot 40,
$5,172.85 for 2013, and block 4402, lot 7 for $5,655.40 for
2011, for a total amount of $15,852.09 for said years due to
successful tax court judgments.
So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

COMMISSIONER EVANS: I have an additional resolution, which was provided tonight at the request of township counsel for the payment of legal fees in the amount of $1,000. It's not on the agenda, because it was a late add this evening, but it is number 172-14.

WHEREAS, the township was notified of a complaint number 2453 filed with the state of New Jersey Government Records Counsel, 101 South Broad Street, P.O. Box 819, Trenton, New Jersey filed by Ms. Pennie Landry;

WHEREAS, this township and Ms. Landry were able to enter into a mediation process to address and solve the matter to both parties' satisfaction; and

WHEREAS, as a condition of settlement, the
towmship agreed to pay legal fees for PashmanStein, 21 Main Street, Suite 100, Hackensack, New Jersey, counsel to Ms. Landry, in the amount of $1,000.

NOW, THEREFORE, BE IT RESOLVED by the board of commissioners, township of Nutley that PashmanStein, 21 Main Street, Suite 100, Hackensack, New Jersey be paid a total amount of $1,000 in full consideration of their services with respect to GRC complaint number 2014-53.

So move.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: I don't believe I have a conflict, but I'm going to abstain.

MADAM CLERK: Commissioner Tucci, for the record, you're going to abstain.

Okay. Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

Okay. Commissioner Scarpelli?

COMMISSIONER SCARPELLI: WHEREAS, bids for the
2014 various crack sealing were received and opened on Wednesday, May 28th, 2014; and

WHEREAS, Cifelli & Son General Contracting was the low bidder; and

WHEREAS, resolution 127-14 incorrectly stated the address as Cifelli & Son General Contracting, 4 Coppola Street, Nutley, New Jersey; and

WHEREAS, the corrected address is Cifelli & Son General Contracting, 81 Franklin Avenue, Nutley, New Jersey;

NOW, THEREFORE, BE IT RESOLVED by the board of commissioners, township of Nutley, county of Essex, state of New Jersey that resolution 127-14 be amended with a correct address for Cifelli & Son Contracting as reflected above.

I move the resolution.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.
COMMISSIONER SCARPELLI: WHEREAS, bids for Park Avenue Improvement Project, Section 1 for paving of street, sidewalk, and curb replacement were received and opened on July 9th, 2014;

WHEREAS, AJM Contractors, Inc., 300 Kuller Road, Clifton, New Jersey was the low bidder; and

WHEREAS, the base bid for the Park Avenue Improvement Project, Section 1 is in the amount of $282,719 and alternate bid number 1 in the amount of $22,680, for a total bid amount of $305,399; and

WHEREAS, funds are available from Capital Ordinance number 3213A in the amount of $370,89, Capital Ordinance number 3242E in the amount of $20,900 and Capital Ordinance number 3243A in the amount of $47,128.11 for money received via a grant from New Jersey Department of Transportation Local Aid Municipal Grant and Ordinance number 3292 in the amount of 237,000 and have been certified by the chief finance officer, said certification being attached to this resolution;

NOW, THEREFORE, BE IT RESOLVED by the board of commissioners, township of Nutley, county of Essex, state of New Jersey that a contract be awarded to AJM Contractors not to exceed $305,399 and that the mayor and township clerk are hereby authorized to enter into and sign said contract for the township of Nutley.
I move the resolution.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

Is that all you have?

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

MAYOR PETRACCO: Thank you.

WHEREAS, raffle applications have been received from the following organizations, the Nutley Music Booster Association, license number 50-14, on-premise merchandise raffle, September 20, 2014; Nutley Music Booster Association, license number 51-14, on-premise 50/50 cash raffle, September 20, 2014;

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, township of Nutley, county of Essex that the licenses are approved. The municipal clerk is authorized to issue the licenses.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

BE IT RESOLVED by the board of commissioners, township of Nutley in the county of Essex, state of New Jersey that the renewal of the following plenary retail consumption license and retail consumption license with broad package privilege be granted to the following licensees effective July 1st, 2014 through June 30th, 2015;

BE IT RESOLVED that the state of New Jersey Department of Treasury Division of Taxation has provided tax clearance certificates for each establishment listed below for this renewal period.
BE IT FURTHER RESOLVED that the establishment
located at 227-229 Centre Street, Nutley Pub Associates,
LLC. T/A Nutley Pub Associates has been inspected by the
board of health, fire department, code enforcement
department, and the Police Department of the township of
Nutley and is in satisfactory condition.

Nutley Pub Associates, LLC T/A Nutley Pub
Associates, 227-229 Centre Street 0716-33-024-005 retail
consumption, $1,719.36.

Carrino Dimaggio, LLC pocket license is inactive
-- 0716-32-020-010 retail consumption with broad package
privilege, $1,719.36.

NOW, THEREFORE, BE IT RESOLVED by the board of
commissioners of the township of Nutley, county of Essex
that municipal clerk be and she is hereby directed and
authorized to issue said licenses for the licensing period

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.
MADAM CLERK: Commissioner Scarpelli?
COMMISSIONER SCARPELLI: Aye.
MADAM CLERK: Mayor Petracco?
MAYOR PETRACCO: I'm going to abstain.
MADAM CLERK: Mayor Petracco, for the record, you are abstaining.
MAYOR PETRACCO: Yes.
WHEREAS, an application has been filed for the person-to-person transfer of plenary retail consumption license number 0716-33-011-006 heretofore issued to Papillion, LLC T/A the Game Sports Bar and Grill for premises located at 350 Passaic Avenue, Nutley, New Jersey 07110; and
WHEREAS, the submitted application for is complete in all respects, the transfer fees have been paid, and the license has been properly renewed for the current license term; and
WHEREAS, the applicant is qualified to be licensed according to all standards established by title 33 of the New Jersey statutes, regulations promulgated thereunder, as well as pertinent local ordinances and conditions consistent with title 33; and
WHEREAS, the applicant has disclosed and the issuing authority reviewed the source of all funds used in the purchase of the license and the licensed business and
all additional financing obtained in connection with the
licensed business;

    NOW, THEREFORE, BE IT RESOLVED that the township
of Nutley governing body does hereby approve effective
Wednesday, July 16th, 2014 the transfer of the aforesaid
plenary retail consumption license to Huddle Sports Bar and
Grill, LLC T/A Huddle Sports Bar and Grill, LLC and does
hereby direct the municipal clerk to endorse the license
certificate to the new ownership as follows. This license,
subject to all its terms and conditions, is hereby
transferred to Huddle Sports Bar and Grill, LLC T/A Huddle
Sports Bar and Grill, LLC effective Wednesday, July 16,
2014.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCKI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.
WHEREAS, an application has been filed for a
person-to-person transfer of club license number 0716-31-035-001, heretofore issued to the Stuart E. Edgar Post No. 493 Veterans of Foreign Wars T/A VFW Holding Company of Nutley for premises located at 271 Washington Avenue, Nutley, New Jersey 07110; and

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

WHEREAS, the applicant is qualified to be licensed according to all the standards established by title 33 of the New Jersey State Statutes, regulations promulgated thereunder as well as pertinent local ordinance and conditions consistent with title 33; and

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

NOW, THEREFORE, BE IT RESOLVED that the township of Nutley governing body does hereby approve effective Wednesday, July 16th, 2014 the transfer of aforesaid club license to VFW Holding Company of Nutley T/A VFW Holding Company of Nutley and does hereby direct the municipal clerk
to endorse the license certificate to the new ownership as follows. This license, subject to all its terms and conditions, is hereby transferred to the VFW Holding Company of Nutley T/A VFW Holding Company of Nutley effective Wednesday, July 16th, 2014.

I move the resolution.

COMMISSIONER TUCCI: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?

COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

I think that concludes our business portion of the meeting. I just want to make sure I didn't have something out of order.

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

MADAM CLERK: All persons addressing the board of commissioners regarding community concerns should approach
the microphone and provide their name and address for the record. Unless further time is granted by the board, each person shall limit their address to five minutes. All remarks to the board and its individual members must be addressed to the mayor.

The mayor may defer citizen comments to the appropriate member of the board. Dialogue between citizens and others addressing the board shall be allowed, unless the mayor or presiding officer or the majority of the membership of the board shall determine that the interests of decorum and/or expeditious conduct of municipal business are being adversely affected by such dialogue.

Name and address for the record, please?

MR. ODRIA: Michael Odria, 133 High Street.

MAYOR PETRACCO: Madam Clerk, before we start, we are going to hold true to this five-minute rule. So, please set the timer on every individual that comes up here.

MADAM CLERK: Yes, Mayor.

MAYOR PETRACCO: When the timer goes off, I'm going to ask everyone in the audience to please sit down and stop. Thank you.

MR. ODRIA: Okay. In the spirit of no Nutley resident should be left behind, kind of like what I read on Commissioner Rogers' FaceBook page, we're going to go to ordinance number 161-140 property tax refunds, overpayments.
I have a lucky resident, fortunate for that person had $4,900 given back to him or her. Another one, 5,172, another one, 5,600. Combined $15,752. And here tonight, I heard, at least for me, Mr. Alessio had his property reassessed lower $94,000.

MAYOR PETRACCO: Mr. who?

MR. ODRIA: Mr. Alessio, the gentleman before me.

MAYOR PETRACCO: Mr. Alessio.

MR. ODRIA: Alessio. I apologize. I wish I had that fortune, but I haven't.

The reason why I'm here is because it's just a little reminder to Commissioner Evans. On November 1st, we're going to have to pay another property tax installment for the people who have not paid in their mortgage. And, like I said before, I'm on this Hoffman LaRoche contamination list with more than 3800 homes.

And just a little reminder to not forget us the next time you get that bill, because, like I said before, with all these people getting their property tax rebates approved and I got my property tax decision denied. So I'm speaking up for my neighbors on High Street, Cottage Street, Cottage Place, and Lakeside, the people I know there. Don't forget us, because you guys approved $5,172 for this person. I think it's block 30, lot 40. That's really a good one. I hope I got the number right, because, you know,
I'm listening through the headphones -- I mean, through the speaker system. And I just don't want you to forget us.

And the other item --

COMMISSIONER EVANS: Michael, I wanted to answer your point. The adjustments that we read tonight were arising out of tax court judgment, so --

MR. ODRIA: (Off-mike) in front of me.

COMMISSIONER EVANS: -- the tax court is in Essex County.

MR. ODRIA: Uh-huh.

COMMISSIONER EVANS: Was the location of that, not the Essex County Tax Court, but the actual Superior Court, the tax court. So there was another appeal process that those individuals went through or choice (sic) went right to that court. So we authorized that based upon the decision of the court.

To your point, though, your more important point is the area of those homes that you list, and I'm not sure how many it is. But, for this cycle, when we review those homes and the tax assessor does his review, he has been notified by me that we need to make sure that there is an evaluation and a determination made to find out if, as a result of being on that list and what has been talked about, is there a loss in value to these properties.

I don't know the answer to it, because the work
hasn't been done. But, to your point, that work is being
done this year and that we will know that, from his
evaluation, some time later in the fall. So I haven't
forgotten it, and I spoke to the commissioners that he's
been notified, that it's important that we make sure we make
a determination of what the impact is as a result of being
on that list.

MR. ODRIA: Okay. I've heard George Librizzi, your associate, the tax assessor. I'm assuming that's what
you're speaking about.

COMMISSIONER EVANS: Yeah, he's the tax assessor.

MR. ODRIA: I noticed -- am I not -- I think I'm
correct this year he got a $3,000 raise, which is fine.
Which honestly, you know, --

MAYOR PETRACCO: Evelyn, did the bell go off?

MADAM CLERK: (Off-mike.)

MAYOR PETRACCO: Okay then.

MR. ODRIA: Well, what I'm saying is if he was
given a $3,000 raise, you guys -- or George Librizzi -- and,
since my house is on the contamination list and it does
affect the value of my house because I don't think no one
would want a house that could be contaminated with benzene
P.C. I should get a, I don't know, maybe a $4,000 property
tax cut --

MAYOR PETRACCO: Michael, excuse me.
MR. ODRIA: -- by lowering the assessment of my house.

MAYOR PETRACCO: Excuse me one second. This is the public comment portion of the meeting. This is not a meeting to debate what your property taxes should be, what they -- that's all speculation.

at I recommend you do, if you want to have a private meeting with Commissioner Evans, if he wants to make himself available after the meeting or if you want to set up an appointment. But this is not -- we're not going to start having debates up here of what property taxes should be on your house. This is a public comment period.

MR. ODRIA: I'm just saying going tit for tat.

MAYOR PETRACCO: We're not going to go tit for tat.

MR. ODRIA: That's it. No, but --

MAYOR PETRACCO: Time's up.

Is there anyone else that would like to address the board of commissioners tonight?

Are you guys coming up? Okay.

Thank you for spending the night with us.

COMMISSIONER EVANS: Good night now.

MAYOR PETRACCO: Feel free every other Tuesday.

Thank you.

Yes, ma'am. Please state your name and your
address for the record.

MS. ROSAS: My name is Maria Rosas. I live at 99 Lakeside Drive.

MAYOR PETRACCO: Okay. How can we help you?

MS. ROSAS: Yes, I just wanted to make a statement about the fact that I moved here in 2000 looking for a better place to live and better schools, supposedly and also the fact that I have — we are a single-income family, because I cannot work. I have to take care of my mother, who is elderly. She has undergone five operations, requires full-time attention.

MAYOR PETRACCO: Are you a single parent? Are you married?

MS. ROSAS: No, I am not.

MAYOR PETRACCO: Okay.

MS. ROSAS: Right. And I have a son also.

Well, about six years ago, I renovated my home, and, at that time, it (off-mike) had a front porch and (off-mike) both sides. And, of course, if the approach is to make the bedrooms more comfortable to accommodate my growing son and my mother as well.

So, at that point, I was (off-mike) paying 8,000 before the renovation (off-mike).

MAYOR PETRACCO: Okay.

MS. ROSAS: After the renovation, my taxes were
hiked up to $13,000, about $13,000. And I just -- I mean, I
expected an increase, but not such a huge hike, $5,000.
That was (off-mike). And here we are trying to imagine
we're struggling every time we have to pay the taxes to make
sure that we get everything together.

And well, I just want to state also that the
values in general of the homes, I know, have gone down
tremendously, and I can attest, and, as evidence, I can give
my brother's home, which is right next to mine. It's been
on the market for two-and-a-half (off-mike) not get the
money that he paid for (off-mike). Still cannot get the
money. And so, that's an indication that values are
definitely gone down.

MAYOR PETRACCO: How long ago did he buy the home?
MS. ROSAS: He purchased it about nine years ago
or something like that.

MAYOR PETRACCO: It sounds like to me like he
purchased it in the height of the market, and I don't think
that that -- and I just want to say this to you, and I'm not
a professional on this, but there's a lot of homes in the
United States that people purchased during that time, myself
included, that they're not worth, you know, that price that
they paid, unfortunately. So I don't think that problem's
just unique to Nutley. I think that's a state problem or a
MS. ROSAS: That could be, but I think also --

MAYOR PETRACCO: -- country problem.

MS. ROSAS: -- because of the inflated values at that time, --

MAYOR PETRACCO: Right.

MS. ROSAS: -- obviously, all the taxes went up.

MAYOR PETRACCO: Right.

MS. ROSAS: But then, as soon as the values became low or reduced, --

MAYOR PETRACCO: Right.

MS. ROSAS: -- the taxes have not gone down. And, if anything, they continue to go up higher.

MAYOR PETRACCO: Right.

MS. ROSAS: And this is the unfair part. You know, the --

MAYOR PETRACCO: Well, let me say this to you, and I'll let Commissioner Evans answer. But I don't think it's unfair at all. What the issues are in the town is this. That we have one budget, a municipal budget. We have a board of ed. budget. We have to pay our fair share of county tax.

And what the issue is is that we need to raise a pool of money, whatever that pool is. And I would think that the budget's somewhere around $120 million for the whole township.
COMMISSIONER EVANS: It's less.

MAYOR PETRACCO: Okay. So --

COMMISSIONER EVANS: The gross budget would be that, but the levy is lower.

MAYOR PETRACCO: Right, the gross, I'm told.

COMMISSIONER EVANS: About 11 million.

MAYOR PETRACCO: So we need to raise that money. Okay? And, with that money, you get a great school system, you get police and fire, you get great parks, you get board of health. So, you know, those --

MS. ROSAS: I understand.

MAYOR PETRACCO: So what happens is they're not free, those services.

MS. ROSAS: I understand that there's always going to be, you know, some kind of a need, but --

MAYOR PETRACCO: Right. But I just want to be clear on --

MS. ROSAS: (Indiscernible.)

MAYOR PETRACCO: I want to be clear, because I did something very similar to you. I built onto my house, too. And, when I first bought my house, my taxes were about 8,000. And now, they're somewhere in the range of $20,000. So I feel your pain. But, when you improve your house, you have to be prepared to know that that's going to increase your value. And the way that Commissioner Evans gets to
that --

MS. ROSAS: Well, if, in fact, it did increase the value, I could understand, but I can see it's not. It's not increasing the value, at least not to where it should be and not to where I need it that it is assessed. That's where I feel that there's a discrepancy.

Now, I applied for the tax appeal, and I was turned down. And I have a copy of my -- if you would like to take a look at it. Because I really feel that, you know, my value -- the value of my home is over-assessed.

MAYOR PETRACCO: You were turned down by who? The county or the township of Nutley?

MS. ROSAS: Let me see. I guess the county.

Yeah, the county, Essex County, correct.

COMMISSIONER EVANS: If I can -- so just a few things. When you went -- the right approach and the right filing was to go to the Essex County Tax Board and appeal your property tax assessment based upon the facts that you had presented. When you went, did you present appraisals of properties --

MS. ROSAS: Yes.

COMMISSIONER EVANS: -- and the market and stuff?

MS. ROSAS: Yes.

COMMISSIONER EVANS: So you -- not CNAs, not comparable market analyses, but actual, a real estate
appraiser appraising properties and looking at the comparables to determine what the appraised value should be for your home. And was that appraiser with you when you were before the board?

MS. ROSAS: No, no, I didn't have -- what I had was comparable values. That's what was requested on the form.

COMMISSIONER EVANS: Yeah, yeah.

MS. ROSAS: That's exactly what I submitted.

COMMISSIONER EVANS: And so, when you do that, right, you have to look at what you're actually submitting, right, and are they comparables and make that determination. And generally, what happens is what's it assessed for versus what are properties selling for.

MS. ROSAS: Right.

COMMISSIONER EVANS: Right. The difference would be between that. So many times, we look at assessed value, and then, we have to look at sales value. And that's what happens at that court level, what they do in that board when they make that determination.

So I would be happy to talk with you about that process so I better understand it. But it sounds like that, if you went before them with comparable information that said this is what I believe and they should adjust that -- and they denied that, then, you know, you had, in effect,
your day in court. But that doesn't mean -- just because
you went once doesn't mean it stops there. So, if there's
more that you'd learned from that process and you can go
back, then you can apply for April 1 of next year and go
back. It's not a one-time deal.

MS. ROSAS: Right. Okay. There's another issue,

you know. Like I said, one of my goals was to come here
because the better schooling system, better environment,
safe neighborhood and so on. It turns out my son is finally
entering high school, but there has been a drug problem and
an alcohol problem since middle school. And, now that he's
in high school, it's out of controlo

The kids are -- I mean, they're just not -- I
don't know what's going on. Nobody's supervising them.
Obviously, the police is not doing enough to try to catch
these people who are vendors of -- you know, providers of
these drugs.

MAYOR PETRACCO: Well, you know, I'm glad you
brought that point up.

MS. ROSAS: What's going on?

MAYOR PETRACCO: Because that's what everybody
needs to realize, that, when everybody comes here and they
say, you know, my taxes are too much, my taxes -- and then,
we start cutting police and we start cutting fire. These
are the issues. So you know what?
MS. ROSAS: But we have too many. We have a lot of police.

MAYOR PETRACCO: We have too many what?

MS. ROSAS: I think we have plenty of police people who --

MAYOR PETRACCO: Well, in 1970, we had 69 police officers here in town.

MS. ROSAS: Okay.

MAYOR PETRACCO: You know how many we have?

MS. ROSAS: No, I don't know.

MAYOR PETRACCO: Well then, how can you say we have too many?

MS. ROSAS: Well, because they should be one group of people overseeing this problem.

MAYOR PETRACCO: Yeah, but what I'm saying is --

MS. ROSAS: The reason we pay high taxes is because of the schooling system.

MAYOR PETRACCO: Well, --

MS. ROSAS: And we don't have that situation.

MAYOR PETRACCO: But listen, you're coming to the microphone not knowing the material. You don't even know how many cops are there.

So, in 1970, we had 69 police officers here.

Right now, we have 59. So we've made cuts to public safety, and unfortunately, something has to suffer. You know? And
I'll never turn my back on the school system or the drugs in town or anything like that. And we have stepped it up. We are doing more with less. That's what we're doing in the Nutley Police Department. And those guys are working their butts off there to curtail that.

I have my kids in Nutley High School, but I'm going to tell you what I tell my kids. Okay? There's drugs everywhere in every community, in every town. So what our children need is a good foundation from their parents.

MS. ROSAS: Of course.

MAYOR PETRACCO: And they need to know right from wrong. Because, if your son or daughter -- and I don't know what you have -- wants to go down that dark road, okay, then there is nothing that we could do to stop it. But it starts at home.

MS. ROSAS: Of course.

MAYOR PETRACCO: And I am a component. You could talk to my assistant after the meeting. We have our hope committee. That stands for helping our parents endure. And we give seminars, and we invite the kids out. We do drug intervention programs in the school. We bring prisoners into our Nutley High School to show them where drugs lead to and other types of crime.

So I could assure you I work tirelessly and so does my staff on preventing, you know, all types of crimes,
especially drugs to enter our area. And we're working very
diligently on that. But it's not -- you know, we don't have
a fence around Nutley, and we don't have a fence or a wall
around the schools. And unfortunately, drugs do not
discriminate in any community.

But please come to one of our hope meetings. I'd
be glad to sit with you and tell you what they're about.
And intervention starts at home.

MS. ROSAS: I agree with that.

MAYOR PETRACCO: Thank you.

MS. ROSAS: Thank you very much.

MAYOR PETRACCO: Thank you so much for coming.

MS. LANDRY: Pennie Landry, 135 Lakeside Drive.

Apparently, Lakeside is not going to get any tax relief.

Ordinance 3289 -- I had the opportunity to read it, given
that it was not available until a copy was handed to me.

I just want to state for the record, even though
it was passed as a temporary position, this section 2 states
the annual salaries of the employees of the departments of
public works, water, parks and public property. I just want
to be clear that ordinance 3289 creates a new position
called clerk one, a non-union employee in the department of
public works, water, parks and public property; is that
accurate? Hello?

UNIDENTIFIED SPEAKER: It's not accurate.
MS. LANDRY: Hello?

UNIDENTIFIED SPEAKER: It's not accurate.

MS. LANDRY: Okay. Well then, this ordinance, as written, is the one that was passed to hire a temporary position --

UNIDENTIFIED SPEAKER: Mr. Genitempo, you --

MS. LANDRY: -- for our municipal court.

UNIDENTIFIED SPEAKER: -- want to explain that?

MR. GENITEMPO: Yeah.

That's form language with regard -- that's in almost all of our salary ordinances.

MS. LANDRY: That it's department of public works, water, park, --

MR. GENITEMPO: What we're saying is that, if you're -- it talks about 40-hour work weeks for those departments.

MS. LANDRY: Okay.

MR. GENITEMPO: You see that?

MS. LANDRY: Yeah. But this position in the municipal court --

MR. GENITEMPO: It exempts who's not entitled to overtime.

MS. LANDRY: It's what?

MR. GENITEMPO: It shows you who's not entitled to overtime.
MS. LANDRY: No, it says when overtime is
required, it shall be paid time-and-a-half basis.

MR. GENITEMPO: Right, but it says -- it tells you
right after that who is not entitled to overtime. This is
in basically all of our salary (indiscernible).

MS. LANDRY: Where does that say that? I'm sorry.
Mine doesn't that.

MR. GENITEMPO: Keep reading.

MS. LANDRY: Pardon? Could you read it, sir?

MR. GENITEMPO: Positions for overtime, as stated
in this paragraph, shall not apply -- public works
superintendent (off-mike) code (sic) official.

MS. LANDRY: Well, yeah. But this is --

MR. GENITEMPO: That's in all of our salary --

MS. LANDRY: The public works superintendent,
municipal engineer, and construction code official. So it
does apply to this position in the municipal court.

MR. GENITEMPO: It would. It applies to every
employee who works more than 40 hours.

MS. LANDRY: Okay. And this is --

MR. GENITEMPO: By law in the state of New Jersey
is entitled to time-and-a-half.

MS. LANDRY: Okay, good. So we hired a -- we
created a temporary position -- but this doesn't say it's
temporary -- for someone to work fixing some parking ticket
backlog that we have. Okay?

And, Mayor, since this is your ordinance, okay, Judge Cocchiola was here and said that it needed to be a new position. So, Mayor, I'm asking you how is it, when we are talking about trying to cut in the budget that we doesn't have a person somewhere who could go and help out with the parking ticket issue instead of having to create a position in the departments of public works, water, public property that doesn't have any stipulation into it as to how long this position will last?

MAYOR PETRACCO: Well, let's answer the questions by question.

MS. LANDRY: Okay.

MAYOR PETRACCO: Commissioner Scarpelli, in that ordinance, is there a position being created?

COMMISSIONER SCARPELLI: Not for public works.

MAYOR PETRACCO: Is there anything being created in that ordinance?

UNIDENTIFIED SPEAKER: (Off-mike.)

MAYOR PETRACCO: What is it?

COMMISSIONER SCARPELLI: Clerk one.

MAYOR PETRACCO: For?

COMMISSIONER SCARPELLI: Municipal court.

MAYOR PETRACCO: Exactly. But I don't understand why your ordinance and my ordinance are --
COMMISSIONER SCARPELLI: Only the section -- it's not our ordinance. It's the salary ordinance in particular.

MAYOR PETRACCO: Okay.

COMMISSIONER SCARPELLI: When you create a position and you amend the salary ordinance, section two, section three, and section four are included in the ordinance. Those are in every type of salary ordinance, and we introduced the salary ordinance at our reorganization meeting. That sections are in there.

It's a little confusing, to tell you the truth.

MS. LANDRY: Thank you.

UNIDENTIFIED SPEAKER: But I asked that question every time we amend the salary ordinance.

MAYOR PETRACCO: Thank you.

MS. LANDRY: I mean, I'm the problem. And so, when people don't understand --

UNIDENTIFIED SPEAKER: And the answer --

MS. LANDRY: -- the question and they don't come up because it looks to me that it looks a little sneaky. I'm not saying it is sneaky. I'm just reading (off-mike). But how is it that we are creating a position and (off-mike), but it reads (off-mike).

UNIDENTIFIED SPEAKER: That's not the way it reads. That's the way you're reading it. That's not the way it reads.
MS. LANDRY: Okay. So it's (off-mike) --

UNIDENTIFIED SPEAKER: Section two.

MS. LANDRY: Because (indiscernible) (off-mike) up
at the top (off-mike). Okay. Nowhere up here, except at
the top, does it say municipal court. And nowhere in here
does it say it's a temporary position.

UNIDENTIFIED SPEAKER: Well, I'm not going to
argue about the temporary, but it does say municipal court,
and it does say where that position is being created. And
it tells what it is and what the pay is going to be.

MS. LANDRY: But I want to know whose budget it
comes from.

UNIDENTIFIED SPEAKER: That's part of an amendment
to our whole salary ordinance. So, when you look -- it's an
amendment. That's what it is.

Correct, counselor?

MS. LANDRY: But it says ordinance.

MR. GENITEMPO: That is correct.

MS. LANDRY: This doesn't say amendment. It says
ordinance.

MR. GENITEMPO: An ordinance to amend an
ordinance. It's in the very first paragraph, Ms. Landry.

MS. LANDRY: Okay. But all I want to know is this
clerk one position that is going into the municipal court --
what budget will this salary come from?
MR. GENITEMPO: It's not in the budget. As you heard the judge or speak at the microphone, this is coming out of the POAA money. It's not part of the municipal budget.

MS. LANDRY: Okay. It doesn't say that anywhere. So I'll be checking the budget to make sure we don't have a clerk one anywhere in the municipal budget --

UNIDENTIFIED SPEAKER: Court.

MS. LANDRY: -- for the next four months. Because temporary usually is about four months. And, since this is --

UNIDENTIFIED SPEAKER: Actually, I think temporary is 12 months.

UNIDENTIFIED SPEAKER: There is no (indiscernible).

MS. LANDRY: Huh?

COMMISSIONER EVANS: Ms. Landry?

MS. LANDRY: We have a 12-month backlog of parking --

MAYOR PETRACCO: Pennie, Pennie, Pennie, Pennie, Pennie, Pennie?

MS. LANDRY: -- tickets?

MAYOR PETRACCO: Pennie, let me answer your question, because this has to do with my department, if you don't mind. Okay? I have talked to the judge, okay,
privately, and I was a little confused myself, tonight, because we did have a security issue, and it was a different issue. So I apologize for introducing it like that.

That was my mistake. Okay? I have so much stuff around these days that it's a little even confusing to me. So I stand to be corrected. That's number one.

Second of all, I did have a conversation with the judge about these parking tickets. I'm not about adding positions. I'm not about adding positions in today's economy and the way the taxes are. I'm tired of paying my own taxes here in town, and I'm the mayor. So I'm tired of paying my own taxes.

We are not about creating jobs up here. And, if something like that is created, believe me, everyone is on the same page that we know what the climate is. We're losing our biggest taxpayer in Roche. The judge came to me. I very hesitantly -- and I respect our judge very much -- about putting something into the municipal budget right now.

However, the money is not coming out of the municipal budget. She has told me that, by September, she should be done with her backlog, and it's money that's coming from the state from this ticket fund that's going to fund that. So there's not going to be a cost to the taxpayers at all.

MS. LANDRY: And I have your word on that, Mayor?
MAYOR PETRACCO: If you find out differently, --

MS. LANDRY: Okay.

MAYOR PETRACCO: -- that will stop immediately.

MS. LANDRY: Okay, thank you. Because this says that this also can't take effect for 20 days. So I'm not sure how this ticket person is being paid right now.

MAYOR PETRACCO: You have my word on it.

MS. LANDRY: Thank you, sir.

MAYOR PETRACCO: On the record.

MS. LANDRY: I appreciate that.

MAYOR PETRACCO: Thank you.

MS. LANDRY: Thank you very much.

Okay. I just have one other issue. Do you want me to sit down and come back up?

MAYOR PETRACCO: No, please, please go.

MS. LANDRY: Okay. Very quickly -- I'm not sure how this played out. But anyway, there was an ordinance number 3153A which passed 11/9/10. It was introduced by Evans, seconded by Rogers. Purchase order number 11-0081 for $17,685 and purchase order 11-00080 for $34,661, and this was for voice and data upgrades for an acquisition of film and video equipment for broadcasting of these board of commissioners meetings.

My question is it was a bond issue. And, in the language, it says the usefulness and reasonable life within
the limitations of this local bond law in this ordinance for this funding so that we could broadcast meetings was 12 years because we paid interest on this money. And maybe Mr. Evans can explain it a little bit better.

So, if it was 2011, okay, because that's when the bills were paid -- and, according to the legal statute to use this money to purchase this stuff through a bond ordinance, the usefulness had to be 12 years. That would put us at the year 2022. We're in 2014, and yet, all of this money that was spent to buy equipment it is apparently obsolete or no longer in existence beaus the meetings are not being broadcast.

I don't see any Dell equipment. Because part of the equipment to be bought was for -- it was for Dell Marketing, and it was also to a company called SPS. SPS got $36,000, and Dell Marketing got $42,000, and it all came under township improvements under a, acquisition of film and video equipment.

So I'm trying to figure out, a, where this equipment is; b, why it was not used as appropriated in the ordinance, okay, that was passed, introduced by Evans, seconded by Rogers, passed (off-mike)g, especially when the eagle (sic) component of the bond issue stipulated a life of 12 years. And now, I look around and have been asking since February -- January, actually, for broadcasting of meetings,
and I get told we have to spend some more money. What happened to the $63,000 that was allocated and approved by ordinance by this board. I believe Cocchiola was mayor then.

MAYOR PETRACCO: What was the date of the ordinance?

MS. LANDRY: Evelyn sent me the stuff this afternoon. I just respectfully --

MAYOR PETRACCO: Do you recall --

MS. LANDRY: Excuse me. I'm not finished. I just respectfully ask that what was sent to me by Evelyn I will forward to you and that you review it, find out where the heck this equipment is that has a 12-year life, get it in this courtroom or in this room by the next meeting and broadcast the meetings. That is my request.

The money was spent. The equipment was paid for. I have no other comment. I don't need any answers. I just ask you to review it and get the meeting in two weeks broadcast.

If you have to bring your home family video equipment here, have it here, or I'm going to dig deeper and find out where Dell Equipment and all of this money went. And we do not have televised meetings.

No comment. Thank you. Have a great evening.

MAYOR PETRACCO: Thank you.
MS. LANDRY: I look forward to the email.

MAYOR PETRACCO: You're through.

MS. LANDRY: Thank you.

MAYOR PETRACCO: Thank you.

Is there anyone else this evening that would like to address the board of commissioners?

Seeing no one, -- Michael, I'm sorry. Go ahead.

MR. ODRIA: Don't worry about it. It's not going to be long.

Michael Odria, 133 High Street.

Mayor Petracco, as I was observing speaking to a fellow Nutley resident, Maria Rosas, I noticed some of the things you said. And, listening to you, I see that you have a vision for this town to protect it, to take care of it, to care for it, you know, make sure nothing bad goes down in this town.

But what I'm going to say to you is this. No matter how good your intentions or your vision is, it should have some restraint. In a sense, what I'm saying whatever you have to do to make this town perfect, you've got to remember that it does cost the fellow homeowners of this town. It comes out of their pocket and your pocket, too, because you're at 20 grand, unfortunately. And I know pre-2006 you owed a lot less, your tax --

UNIDENTIFIED SPEAKER: (Off-mike.)
MR. ODRIA: Oh, I'm sure it is.

MAYOR PETRACCO: Okay.

MR. ODRIA: All our property taxes since 2005, 2006 went up 275 percent.

What I'm trying to say is, like, even now, 289 homes are up for sale in this town. I was wrong the last time. I thought it was like 129.

MAYOR PETRACCO: I got to be honest with you. I think you are wrong.

Commissioner Evans, you have those numbers?

COMMISSIONER EVANS: I don't know what number is on the market right now, but the history is 235 to 275 at any given point in time.

MR. ODRIA: Okay. But, no matter what, those people moved out of this beautiful town that you're trying to preserve and protect.

MAYOR PETRACCO: Sure.

MR. ODRIA: What I'm trying to say is --
COMMISSIONER EVANS: And then, other people moved into this beautiful town. And whatever their decisions were for leaving -- some may have left because of property taxes. Some may have left because of a job change. Some may have left for a range of reasons.

None of us have those answers as to what they were. But what we do see is, when houses come up for sale in Nutley, they do sell, by and large.

We have some that don't. And the market has changed quite a bit because of the way the world is today. But those houses are selling, and we have a lot of history that shows that.

MR. ODRIA: Okay. But what I'm saying is you have your way of thinking why they sell. The only reason someone would probably want to move out of this town is because of the property taxes. I mean, it's --

COMMISSIONER EVANS: I appreciate your point of view. I really do. I appreciate your point of view. The issue of taxes in the state of New Jersey is a major issue, and no one could argue with the fact that New Jersey is one of the highest tax states.

MR. ODRIA: It is the highest. It made number one.

COMMISSIONER EVANS: Yeah. And so, with that, people are making choices as to what they need to do to
address their own personal situation in light of that. So I absolutely agree. Does it mean that I personally like the taxes? I don't like the taxes. I think they're too high. Right?

What we need to do is to figure out a way, continue to figure out a way to mitigate the impact of what it costs today to (indiscernible).

MR. ODRIA: And one way to mitigate the impact is where it comes back to you, Mayor. Your vision that I'm sensing from listening to you speak to this -- and I heard you speak to another resident about the taxes and your vision, how you want to protect the children. What I'm trying to say is all that costs money, and it's got to be careful, because people do not want to move out of this town. But people are forced out.

Like I said to you before, the middle class in this town is getting cleansed out, cleansed.

MAYOR PETRACCO: Michael?

MR. ODRIA: Two houses just went up for sale in my block.

MAYOR PETRACCO: Michael, the middle class is getting cleansed out of the United States. I mean, this is what I'm trying to tell you.

MR. ODRIA: Well, go against the grain.

MAYOR PETRACCO: It's not just Nutley. The taxes
are high through Essex County, through the state of New Jersey, all that stuff. And look, we're trying to curtail it. We don't want to see any of you guys move out of town. We don't want to move out of the town.

MR. ODRIA: Okay. Or --

MAYOR PETRACCO: But the problem is where do you move. Do you move to Bellville or Bloomfield? The taxes are just the same. Do you go down to, you know, West Jersey? Do you go to Bud Lake? Maybe you'll pay a couple hundred more and then, you'll spend 1,000 more in gasoline.

The problem and what Commissioner Evans is saying -- and I'm telling you meeting after meeting, this is a New Jersey problem. We do curtail our costs here. You know, to Maria, is it?

Maria, to your point, you know what? We don't have enough cops in Nutley. We should have 100 cops here. Fifty-nine is ridiculously low, but we tried to go with what we could afford.

And again, like I'm tired of sitting up here and saying it, we try to strike a balance here, Michael, and we want to entertain your questions, but it's not easy. You know? And we're trying to keep the kids safe. We're trying to keep good parks, good streets. It costs money to do that.

MR. ODRIA: Well, I understand that.
MAYOR PETRACCO: And we do it as low as we can.

MR. ODRIA: But, in all seriousness, what you should do is -- like, for instance, this year, we have a quarter million dollar surplus. And, when I came here for the budget meeting, --

MAYOR PETRACCO: Right.

MR. ODRIA: -- the gentleman over here said all our property taxes, homes that are $300,000, expect a property tax increase of $219 for next year with our quarter million dollar surplus that we have. We spent a quarter million dollars this year over last year. But still, our property taxes are going to go up $213. It's not the best math. You know what I mean?

And the thing is -- back to your vision. What you want to do for the town -- and I've got to admit it's a good town. It's safe. I mean, it's safe.

MAYOR PETRACCO: Thank you.

MR. ODRIA: I could walk the streets at 4:00 in the morning and not worry about it, period.

MAYOR PETRACCO: Thank you, Michael.

MR. ODRIA: Any girl can walk the streets anywhere in this town and not worry about it at 3:00 in the morning, for the women. But you already did a good job. The budget should be the same every year over and over. It shouldn't -- our property taxes shouldn't go up.
For all the money that we homeowners such as yourself pay, think about it. There should be no crime, period. And basically, there isn't. Basically, there isn't no crime.

But, you know, I know you had a situation at your store back in November. That was in the Nutley Sun. But that was an anomaly. And you know what I'm talking about. That was an anomaly. That was really unexpected.

MAYOR PETRACCO: Right.

UNIDENTIFIED SPEAKER: Did the timer go off.

MR. ODRIA: All right. That's enough.

But, with your vision, whatever you want to do, remember the burden falls on us, less than 8,000 people who own homes in this town. And the other 19,000 are the children and the elderly that don't work.

MAYOR PETRACCO: Thank you, Michael.

Is there anyone here this evening that would like to address the board?

COMMISSIONER SCARPELLI: Move to adjourn.

COMMISSIONER ROGERS: Second.

MADAM CLERK: Commissioner Rogers?

COMMISSIONER ROGERS: Aye.

MADAM CLERK: Commissioner Tucci?

COMMISSIONER TUCCI: Aye.

MADAM CLERK: Commissioner Evans?
COMMISSIONER EVANS: Aye.

MADAM CLERK: Commissioner Scarpelli?

COMMISSIONER SCARPELLI: Aye.

MADAM CLERK: Mayor Petracco?

MAYOR PETRACCO: Aye.

MADAM CLERK: It is now 10:39 p.m. The meeting has adjourned.

(Whereupon, these proceedings were concluded at 10:39 PM)
WHEREAS, the Board of Commissioners of the Township of Nutley, in the County of Essex, and State of New Jersey desires to proceed to closed executive session; and

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

1. Litigation Matter
2. Personnel/Contract

BE IT FURTHER RESOLVED, that the time when such discussions may be disclosed to the public shall be when and as such disclosure may be made without adversely affecting the Township of Nutley pending and/or anticipated legal, personnel, contractual matters and other matters within the exceptions provided for by statute.

Record of Vote

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**Bill List:**

**TOWNSHIP OF NUTLEY**

**Bill List Tuesday July 15, 2014**

- **PARKS & PUBLIC PROPERTY**
- **PUBLIC WORKS**
- **PUBLIC SAFETY**
- **REVENUE & FINANCE**

**Vendor Details:**

- **AT & T MOBILITY**
- **FUTURE SANITATION**
- **MAJOR LEAGUE AUTO SPA**
- **THE SIGN POST**
- **Future Sanitation**
- **W.B. MASON**
- **US BANK CORP TRUST SERV.**
- **W.B. MASON**
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BILL LIST DEPT TOTALS: 205,326.00 3,131,475.95 62,217.53 81,536.76 382,653.01 3,863,209.25
List of payroll submitted for approval by the Board of Commissioners at their regular meeting of JULY 15, 2014:

**PAYROLL-REGULAR JULY 3, 2014:**

<table>
<thead>
<tr>
<th>Department</th>
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<tbody>
<tr>
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<td>18,950.62</td>
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<tr>
<td>Department of Revenue &amp; Finance</td>
<td>63,116.76</td>
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<tr>
<td>Department of Public Safety</td>
<td>475,126.32</td>
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<td>Department of Public Works</td>
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<tr>
<td>Department of Parks &amp; Public Properties</td>
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<td>Department of Recreation Commission</td>
<td>4,248.77</td>
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<tr>
<td>Water Operations</td>
<td>40,780.48</td>
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<tr>
<td>Due To From General Capital</td>
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<tr>
<td>600 Series</td>
<td>7,121.02</td>
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<tr>
<td>POLICE OUTSIDE DUTIES</td>
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<td>C.E.H.A.</td>
<td>3,240.00</td>
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Sub Total                                      770,687.30

**PAYROLL-OVERTIME JULY 3, 2014:**

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<td>Water Operations</td>
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Sub Total                                      32,525.24

**TOTAL PAYROLL:**                              803,212.54

**GRAND TOTAL:**                                4,666,421.79

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

<table>
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<tr>
<th>Description</th>
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<td>Federal Withholding Tax</td>
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<td>Social Security</td>
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<td>N.J. State Tax</td>
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<td>Wage Execution</td>
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<td>Deferred Compensation</td>
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<td>Employee Disability Ins.</td>
<td>5,217.15</td>
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Ordinance No. 3286
Introduced by Commissioner Scarpelli
Introduced on June 10, 2014
Public Hearing July 1, 2014 (Deferred to Tuesday, July 15, 2014)
Adopted: July 15, 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 effect after publication and passage according to law.
ORDINANCE NO. 3288
INTRODUCED BY MAYOR PETRACCO
INTRODUCED ON TUESDAY, JUNE 17, 2014
PUBLIC HEARING AND ADOPTION: TUESDAY, JULY 15, 2014

ORDINANCE NO. 3288
AN ORDINANCE TO AMEND AN ORDINANCE CODIFIED IN THE CODE OF THE TOWNSHIP OF NUTLEY, CHAPTER 228, ENTITLED VEHICLES AND TRAFFIC, PARTICULARLY ARTICLE VII (SPECIAL ZONES AND AREAS; LANE USE RESERVATIONS), SECTION 28 ENTITLED BUS STOPS, TO DELETE THE LOCATION SET FORTH THEREIN.

BE IT ENACTED by the Board of Commissioners of the Township of Nutley that Section 28 of Chapter 228 of the Code of the Township of Nutley, entitled Special Zones and Areas; Lane Use Reservations, is hereby amended to set forth the Deletion of the following location:


The locations described are hereby designated as bus stops. No vehicle other than an omnibus picking up or discharging passengers shall be permitted to occupy said location between the hours indicated.

O. Along Washington Avenue, northbound on the easterly side thereof at:

Delete

<table>
<thead>
<tr>
<th>Street</th>
<th>Hours</th>
</tr>
</thead>
<tbody>
<tr>
<td>Nutley Avenue (far side): beginning at the northerly curbside Of Nutley Avenue and extending northerly 120 feet therefrom.</td>
<td>All</td>
</tr>
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</table>

BE IT FURTHER ENACTED that all other terms and conditions and locations in Section 28 and Chapter 228 shall remain as heretofore set forth in the Code of the Township of Nutley, except where such a reading would not give meaning to and further the application of this amendment. In such case and in such event, the terms and conditions shall have a meaning consistent with the intent of this amendment; and

BE IT FURTHER ENACTED that the within ordinance shall become effective after passage and publication, pursuant to law.
ORDINANCE # 3289
INTRODUCED BY: MAYOR ALPHONSE PETRACCO
INTRODUCED ON: JUNE 17, 2014
PUBLIC HEARING and ADOPTION: JULY 15, 2014

ORDINANCE NO. 3289
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

MUNICIPAL COURT

<table>
<thead>
<tr>
<th>TITLE</th>
<th>BASE SALARY MINIMUM</th>
<th>BASE SALARY MAXIMUM</th>
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</thead>
<tbody>
<tr>
<td>Clerk 1</td>
<td>$10.00/hour</td>
<td>$20.00/hour</td>
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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.
BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley in the County of Essex, NJ that the Township Clerk is hereby authorized to advertise for SEALED BIDS for the REMOVAL OF TOWNSHIP TREES THROUGHOUT THE TOWN.

Bids to be received on Wednesday, August 6, 2014, in the Commission Chambers, Township Hall, at 3:00 p.m. (prevailing time) at which time they will be publicly opened and read.

I, Evelyn Rosario, 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 15, 2014.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
<th>Commissioner Tucci</th>
<th>Commissioner Evans</th>
<th>Commissioner Scarpelli</th>
<th>Mayor Petracco</th>
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<td>Absent/Excused</td>
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BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, County of Essex, New Jersey that the Township Treasurer is hereby authorized to refund a tree permit fee collected, in consideration of the fact that the required replacement trees were installed, per Shade Tree Preservation Ordinance. Payment would come from account C-01-904-906:

Edward and Alba Aversa 2 replacement trees $100.00 20 Clover Street

I, Evelyn Rosario, 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 15, 2014

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BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Mauro G. Tucci
Seconded by: Commissioner Thomas J. Evans
Date: July 15, 2014
No.: 170-14

BE IT RESOLVED by the Board of Commissioners of the township of Nutley, County of Essex, State of New Jersey, that the township Clerk be and she is hereby authorized to advertise for SEALED BIDS for AIR CONDITIONING AND REFRIGERATION.

Specifications are available in the Purchasing Department, Township Hall, One Kennedy Drive, Nutley, NJ.

Bids to be received on August 6, 2014 in the Commission Chambers, Third Floor, Township Hall, Kennedy Drive, at 3:00 PM, Prevailing Time, at which time they will be publicly opened and read.

I, Evelyn Rosario, 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 15, 2014

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<tr>
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<th>Mayor Petracco</th>
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<td>Absent/Excused</td>
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</table>
Resolution

Introduced by: Commissioner Mauro G. Tucci  Date: July 15, 2014
Seconded by: Commissioner Thomas J. Evans  No. 171-14

BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley in the County of Essex, NJ that the Township Clerk is hereby authorized to advertise for SEALED BIDS for the PRUNING OF TOWNSHIP TREES THROUGHOUT THE TOWN.

Bids to be received on Wednesday, August 6, 2014, in the Commission Chambers, Township Hall, at 3:00 p.m. (prevailing time) at which time they will be publicly opened and read.

I, Evelyn Rosario, 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

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</table>
BOARD OF COMMISSIONERS
TOWNSHIP OF NUTLEY, NEW JERSEY

Resolution

Introduced by: Commissioner Thomas J. Evans

Seconded by: Commissioner Mauro G. Tucci

Date: July 15, 2014

WHEREAS, there exists a need to acquire services for the support and maintenance of the Township’s Website and related technology services as a non-fair and open contract pursuant to the provisions of N.J.S.A. 19:44A-20.4 or 20.5, as appropriate; and

WHEREAS, it has been determined and certified in writing that the value of these services will exceed $17,500.00 for the calendar year 2014; and

WHEREAS, the anticipated term of this contract is for twelve (12) months, from January 1, 2014 through December 31, 2014; and

WHEREAS, N.J.S.A. 40A:11-5 (jj)dd 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 GovDelivery, Inc. has patented computer software currently being used in connection with the website and provides other technology services; and

WHEREAS, GovDelivery, Inc. has submitted a proposal to provide these services for $24,000.00 annually; and

WHEREAS, GovDelivery, Inc. has completed and submitted a Business Entity Disclosure Certification which certifies that said corporation has not made any reportable contributions to a political or candidate committee in the Township of Nutley in the previous one (1) year and that the Contract will prohibit them from making reportable contributions through the term of the Contract; and

WHEREAS, funds are available from the following budget accounts totaling $24,000.00 for the calendar year 2014 and have been certified by the Chief Financial Officer; said certification being attached hereto: 4-01-220-209...$4,000.00; 4-01-308-209...$4,000.00; 4-01-314-209...$4,000.00; 4-01-408-209...$4,000.00; 4-01-506-209...$4,000.00;

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

1. The Mayor and Township Clerk are here authorized and directed to enter into a contract with GovDelivery, Inc. 408 St. Peter Street, Suite 600, St. Paul, MN 55102, as described herein.

2. The Business Entity Disclosure Certification and Determination of Value shall be placed on file with this resolution.

3. Notice of this action shall be printed once in the Nutley Sun in accordance with the Local Public Contracts Law.

Evelyn Rosario
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 15, 2014

Record of Vote

<table>
<thead>
<tr>
<th>Commissioner Rogers</th>
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</table>
BE IT RESOLVED, by the Board of Commissioners of the Township of Nutley, in the County of Essex, State of New Jersey, that the Treasurer be and she is hereby authorized to refund overpayment of the property taxes in the amount of $15,752.09 for said years due to successful tax court judgments.

<table>
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<th>Block &amp; Lot</th>
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<tr>
<td>3100 40</td>
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<tr>
<td>4402 7</td>
<td>474 Franklin Ave.</td>
<td>$5,655.10-2011</td>
</tr>
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</table>

Evelyn Rosario, 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 15, 2014.

<table>
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<tr>
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Resolutions

WHEREAS, the Township was notified of a complaint No: 2014-53 filed with State of New Jersey Government Records Council (GRC) 101 South Broad Street, PO Box 819, Trenton, New Jersey 08625-0819 filed by Ms. Penny Landry;

WHEREAS, the Township of Nutley and Ms. Landry were able to enter into a mediation process to address and solve the matter to both parties satisfaction; and

WHEREAS, as condition of the settlement, the Township agreed to pay legal fees for PashmanStein, 21 Main Street, Suite 100, Hackensack, New Jersey 07601, counsel to Ms. Landry, in the amount of $1,000.00.

NOW, THEREFORE BE IT RESOLVED, by the Board of Commissioners, Township of Nutley that PashmanStein, 21 Main Street, Suite 100, Hackensack New Jersey 07601 be paid a total amount of $1000.00 in full consideration of their services with respect to GRC Compliant No; 2014-53.

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

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Resolution

Introduced by: Commissioner Joseph P. Scarpelli          Date: July 15, 2014
Seconded by: Commission Steven Rogers              No. 162-14

WHEREAS, Bids for the 2014 Various Crack Sealing were received and opened on Wednesday, May 28, 2014; and

WHEREAS, Cifelli & Son General Contracting, Inc., was the low bidder; and

WHEREAS, Resolution 127-14 incorrectly stated the address as Cifelli & Son General Contracting, Inc., 4 Coppola Street, Nutley, NJ, 07110; and

WHEREAS, the corrected address is Cifelli & Son General Contracting, Inc., 81 Franklin Avenue, Nutley, NJ, 07110;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that Resolution 127-14 be amended with the correct address for Cifelli & Son Contracting, Inc., as reflected above.

I, Evelyn Rosario, Township Clerk of the Township of Nutley, Essex County, NJ, do hereby certify that foregoing is a true copy of a resolution adopted by the Board of Commissioners at a regular meeting held July 15, 2014.

<table>
<thead>
<tr>
<th>Record of Vote</th>
<th>Commissioner Rogers</th>
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<th>Commissioner Scarpelli</th>
<th>Mayor Petracco</th>
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Resolution

Introducted by: Commissioner Joseph P. Scarpelli  
Seconded by: Commissioner Steven Rogers  
Date: July 15, 2014  
No. 167-14

WHEREAS, Bids for Park Avenue Improvement Project Section 1 for paving of street, sidewalk and curb replacement were received and opened on July 9, 2014; and

WHEREAS, AJM Contractors, Inc., 300 Kuller Road, Clifton, NJ 07011 was the low bidder; and

WHEREAS, the Base Bid for the Park Avenue Improvement Project Section 1 is in the amount of $282,719.00, Alternate Bid #1 in the amount of $22,680.00 for a total bid amount of $305,399.00; and

WHEREAS, funds are available from Capital Ordinance #3213A in the amount of $370.89, Capital Ordinance #3242E in the amount of $20,900.00 and Capital Ordinance #3243A in the amount of $47,128.11 from monies received via a grant from New Jersey Department of Transportation (NJDOT) Local Aid Municipal Grant and Ordinance #3292 in amount of $237,000.00 and have been certified by the Chief Financial Officer, said certification being attached to this resolution;

NOW, THEREFORE BE IT RESOLVED by the Board of Commissioners of the Township of Nutley, County of Essex, State of New Jersey, that a contract be awarded to AJM Contractors, Inc., not to exceed $305,399.00 and that the Mayor and Township Clerk are hereby authorized to enter into and sign said contract for the Township of Nutley.

I, Evelyn Rosario, 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 15, 2014.
WHEREAS, raffle applications have been received from the following organizations; and

<table>
<thead>
<tr>
<th>Organization</th>
<th>License Type</th>
<th>License No.</th>
<th>Date</th>
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<tbody>
<tr>
<td>Nutley Music Boosters Association</td>
<td>On-Premise Merchandise</td>
<td>50-14</td>
<td>September 20, 2014</td>
</tr>
<tr>
<td>Nutley Music Boosters Association</td>
<td>On-Premise 50/50 Cash Raffle</td>
<td>51-14</td>
<td>September 20, 2014</td>
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</table>

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.

[Signature]

Evelyn Rosario

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

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July 15, 2014
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 the following Plenary Retail Consumption License & Retail Consumption License with Broad Package Privilege be granted to the following licensees effective July 1, 2014 through June 30, 2015.

BE IT RESOLVED, that the State of New Jersey, Department of Treasury, Division of Taxation has provided Tax Clearance Certificates for each establishment listed below for this renewal period.

BE IT FURTHER RESOLVED, the establishment located at 227-229 Centre Street "Nutley Pub Associates, LLC T/A Nutley Pub Associates has been inspected by the Board of Health, Fire Department, Code Enforcement Department and the Police Department of the Township of Nutley and is in satisfactory condition.

<table>
<thead>
<tr>
<th>Establishment</th>
<th>Address</th>
<th>License Type</th>
<th>License Number</th>
<th>Amount</th>
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</thead>
<tbody>
<tr>
<td>Nutley Pub Associates, LLC T/A</td>
<td>227-229 Centre Street</td>
<td>Retail Consumption</td>
<td>0716-33-024-005</td>
<td>$1,719.36</td>
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<tr>
<td>Nutley Pub Associates</td>
<td></td>
<td>Retail Consumption with Broad Package Privilege</td>
<td>0716-32-020-010</td>
<td>$1,719.36</td>
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<tr>
<td>CARRINO DIMAGGIO LLC</td>
<td>POCKET LICENSE (INACTIVE)</td>
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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 licenses for the licensing period of July 1, 2014 through June 30, 2015.

I, Evelyn Rosario, 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.

Record of Vote

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WHEREAS, an application has been filed for a person-to-person Transfer of Plenary Retail Consumption License Number 0716-33-011-006, heretofore issued to Papillion LLC T/A The Game Sports Bar and Grill for premises located at 350 Passiac Avenue, Nutley, New Jersey 07110; and

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

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

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

NOW, THEREFORE BE IT RESOLVED, that the Township of Nutley Governing Body does hereby approve, effective Wednesday, July 16, 2014, the transfer of the aforesaid Plenary Retail Consumption License to "Huddle Sports Bar and Grill, LLC T/A Huddle Sports Bar and Grill, LLC" and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: "This license, subject to all its terms and conditions, is hereby transferred to "Huddle Sports Bar and Grill, LLC T/A Huddle Sports Bar and Grill, LLC" effective Wednesday, July 16, 2014."

I, Evelyn Rosario, 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 15, 2014.

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BOARD OF COMMISSIONERS  
TOWNSHIP OF NUTLEY, NEW JERSEY  
Resolution  

Introduced by: Mayor Alphonse Petracco                  Date: July 15, 2014  
Seconded by: Commissioner Mauro G. Tucci               No. 166-14  

WHEREAS, an application has been filed for a person-to-person Transfer of Club License Number 0716-31-035-001, heretofore issued to Stuart E. Edgar Post No. 493 Veteran of Foreign Wars T/A VFW Holding Co. of Nutley for premises located at 271 Washington Avenue, Nutley, New Jersey 07110; and  

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

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

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

NOW, THEREFORE BE IT RESOLVED, that the Township of Nutley Governing Body does hereby approve, effective Wednesday, July 16, 2014, the transfer of the aforesaid Club License to “VFW Holding Company of Nutley T/A VFW Holding Company of Nutley” and does hereby direct the Municipal Clerk to endorse the license certificate to the new ownership as follows: “This license, subject to all its terms and conditions, is hereby transferred to “VFW Holding Company of Nutley T/A VFW Holding Company of Nutley” effective Wednesday, July 16, 2014.”  

I, Evelyn Rosario, 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 15, 2014.
Signature Page/Board of Commissioners
Meeting Minutes, July 15, 2014

ATTEST:

Evelyn Rosario, RMC
Municipal Clerk
(Meeting Minutes Approved at the
September 2, 2014 Board of
Commissioners Meeting)

Commissioner Steven Rogers

Commissioner Mauro G. Tucci

Commissioner Thomas J. Evans

Commissioner Joseph P. Scarpelli

Mayor Alphonse Petracco